Rev. Brian J. Stanley, O.P.
President
Providence College
549 River Avenue
Providence, Rhode Island 02918

MAR 7 2011

Dear Rev. Stanley:

This is in regard to a concern addressed to this Office by (b)(6) (Student), a student at Providence College (College) and president of the Student Conduct Advisory Organization at the College. The Student alleges that Providence College (College) has a practice of violating the Family Educational Rights and Privacy Act (FERPA) by disclosing information from student education records to third parties without the students' prior written consent. This Office administers FERPA which addresses issues that pertain to education records.

Specifically, the Student alleges that the College's Office of Student Conduct has a practice of holding internal conduct hearings for several students at one time. That is, if several students are cited for similar violations of College policies regarding conduct, the Office of Student Conduct may hold one hearing for all the students instead of holding an individual hearing for each student. According to the Student, a hearing official reads aloud the conduct violation for which a student has been cited at the beginning of the hearing. Afterwards, the student is permitted to make a statement and present evidence, and the hearing official may ask the student to respond orally to questions the hearing official may have. At the end of the hearing, the hearing official announces his or her ruling regarding the conduct violation for which the student was cited.

In the Student's letter to this Office, he states:

> . . . Although these students were being charged with the same violation, possession of alcohol, each charge resulted from individual instances where they received their charge. Again, these students all received write-ups or citations, but they did not necessarily occur simultaneously, and are therefore treated as individual cases. Accordingly, as these hearings with multiple students were held, many students were not aware that the person sitting next to him or her was cited or received a write-up. As a result, each student was able to ascertain each other's citation or write up in addition to the facts surrounding them, without having given any consent.
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> . . . it is important to note that on the morning of December 7, 2010, I communicated my concerns about the group hearings to (b)(6) [associate dean of the Office of Student Conduct], as well as several other PC administrators via e-mail . . . Although I

> highlighted the issue that these hearings were in violation of FERPA, the OSC continued to hold group hearings . . .

FERPA vests the rights it affords in the parents of minor students and in eligible students. The statute does not provide for these rights to be vested in a third party who has not suffered an alleged violation. Thus, we require that a parent or eligible student have "standing," i.e., have suffered an alleged violation in order to file a complaint under FERPA. We are not initiating an investigation into the Student's allegation because the Student does not have standing under FERPA.

However, in addition to conducting investigations of alleged violations of FERPA, this Office also provides educational agencies and institution with technical assistance to ensure they comply with or come into compliance with FERPA. This letter is intended as technical assistance to the College with regard to its alleged practice of holding group conduct hearings on individual student conduct.

FERPA is a Federal law that gives students the right to have access to their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. 20 U.S.C. § 1232g; 34 CFR Part 99. The FERPA regulations may be found at: www.ed.gov/policy/gen/guid/fpco/index.html.

The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR § 99.3 "Education records." A school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the student has provided written consent. 34 CFR § 99.30.

Based on the information provided by the Student, it appears that in the group, internal conduct hearings, the College is improperly disclosing for each student, at a minimum: the conduct violation for which the student has been cited and the hearing official's ruling regarding the alleged conduct violation. Also, it is very likely that the hearing official may be disclosing additional information from a student's education records during any oral questioning of the student by the hearing official.

The College should ensure that its internal conduct hearings are held in compliance with FERPA. If the College wants to continue to hold group conduct hearings, it may do so only with the prior written consent of each student involved in the hearing for disclosure of information from his or her education records to all the other students. Otherwise, the College should discontinue holding the group conduct hearings for students.

I hope the above information is helpful in explaining the requirements of FERPA as it relates to the issues raised by the Student. If you have any questions or concerns regarding this technical assistance, you may contact Mr. Ricky Norment of my staff at 202-260-3887.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office