

Procedures Regarding Student Records in Compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA)

Student Educational Records

The University maintains student educational records primarily to serve educational and necessary administrative purposes. In accordance with student rights as set forth in the Family Educational Rights and Privacy Act of 1974 (FERPA), any person who is or has been in attendance with this University and for whom educational records or personally identifiable information has been maintained, shall be accorded the following rights:

- a. To inspect and to review his/her educational records within forty-five (45) days of submitting a written request to the authorized custodian or specific records in question.
- b. To be provided a list of the types of educational records maintained by the University, their location, and the title of the officials responsible for those records.
- c. To obtain a copy of educational records for which they may be charged reproduction and mailing costs. (These charges do not usually apply to official transcripts.)
- d. To receive a copy, if requested, of all records supporting enrollment or transfer to another school and to have an opportunity for an administrative hearing to challenge the content of those records.
- e. To request amendments to their educational records to ensure accuracy and compliance with private rights, and to have an opportunity for an administrative hearing to challenge the content of the record on the same grounds, and if necessary to insert a written statement or explanation regarding the information in question.
- f. To receive an appropriate response from the Dean of Students or an authorized custodian of his/her records with regard to a reasonable request for explanation and interpretations of those records and with regard to the University's policies and procedures regarding the implementation of FERPA.
- g. To be notified, upon request, of the identity of anyone providing confidential letters and statements as requested, regarding admission, applications for employment or the receipt of an honor or honorary recognition.
- h. To inspect the record of disclosure maintained with his/ her educational record.

- i. To inspect and review only those part of his/her educational record that relate to him/her and to be informed only of such specific information.
- j. To file any complaint with regard to the possible abridgement of his/her rights defined by FERPA with the Family Policy Compliance Office, U.S. Dept. of Education, 400 Maryland Ave SW, Washington, D.C., 20202.

Directory Information

- a. The following items included in a student's educational record are considered "directory information" and may be released without authorization of the student involved: name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, the most recent educational agency or institution attended, weight, height, and position of members on athletic team, credit hour load and class level.
- b. With the exception of directories including student names, addresses, and telephone numbers made publicly available, University officials will exercise discretion in releasing directory information. Whenever possible, requests for such information should be submitted in writing.
- c. A student may request that any or all items included in directory information not be released without his/her prior consent by submitting a written request to the Registrar on or before the 7th day of any academic semester or summer session. Such requests shall apply only to subsequent actions by the University.

Records not Available to Students

Certain materials, information, or records which are maintained on students are not included within the definition of "educational records" and are not open to inspection by students. These items include:

- a. Financial records and statements of their parents or any information contained therein.
- b. Confidential letters and confidential statements of recommendation that were placed in the education records of the student prior to January 1, 1975, provided that those letters and statements are used only for the purposes for which they were specifically intended.
- c. Confidential letters of recommendation and confidential statements of recommendation that were placed in the education records of the student prior to January 1, 1975, provided that those letters and statements are used solely for the

purposes for which they were specifically intended, provided that the student has waived his/her right to inspect and review those recommendation as follows:

1. Respecting admission to an educational institution.
 2. Respecting application for employment.
 3. Respecting the receipt of an honor or honorary recognition.
- d. Records or subjective evaluations made by instructional, supervisory, or administrative personnel and maintained specifically in private files for their own use and are not revealed to others.
 - e. Records that are made and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity and are used only in providing treatment to the student, and are available only to persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional at the request of the student involved.
 - f. Records containing information such as that included in alumni questionnaires that pertain to an individual after he/she is no longer a student at the University.
 - g. Records created and maintained on individuals in their capacity as University employees and are not available for any other purpose.

Disclosure without Student Consent

A student's educational record or other personally identifiable information (other than directory information) may not be disclosed without that student's prior consent except for the following instances:

- a. To University officials, including faculty, administrators and support staff, when they demonstrate to a custodian of those records their legitimate educational interest relating to student or University educational objectives.
- b. To officials of other educational institutions in which the student seeks or intends to enroll provided the student may obtain upon request a copy of those records so transferred and an opportunity to challenge that action.
- c. In connection with determining eligibility, amounts, and conditions, or enforcing terms of financial aid for which the student has applied or that which he or she has received.

- d. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
- e. To comply with a judicial order or lawfully issued subpoena, provided the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance with that requirement.
- f. To appropriate persons in the event of health or safety emergencies if knowledge of such information would be useful in protecting the health or safety of that student or other individual.
- g. To law enforcement agencies or to certain other governmental and educational authorities or agencies as defined within the Act.

Record of Disclosure

Custodians of educational records will maintain as part of those records a record indicating all disclosures and requests for disclosures of personally identifiable information, the requesting party, and the reason for the request. This record shall be accessible to the student in question. This policy does not apply as regards disclosure of directory information, disclosures pursuant to the written request of the student, or disclosures to the parent of a dependent student.

Restrictions on Disclosure

When information from an educational record is properly disclosed, the recipient of that information will be advised that the information obtained is to be used only as intended in the request and is not to be disclosed to any other parties (except as in the case of authorized members of a recipient institution, agency, or organization), without the prior written consent of the student.

Amendment of Records and Right to Hearing

- a. A student may challenge information maintained in his/her education records that he/she believes to be misleading, inaccurate, or in violation of privacy rights or any other rights by submitting a written statement to the custodian of the record, describing the item and requesting a correction or deletion. If the custodian agrees with the student's request, the subject records will be amended. If the matter cannot be resolved by the custodian, the student may refer the request to the Dean of Students for a formal hearing and adjudication.
- b. Requests for a formal hearing must be submitted in writing to the Dean of Students who, within a reasonable period of time following receipt of such

requests, will advise students of the date, place, and time of the hearing. Such a request must include a specific description of the item in question, the specific correction or deletion the student requests and a statement of the grounds for the request.

- c. Hearings will be conducted by a University official appointed by the Provost and Vice President of Academic Affairs for each case. Students will be afforded appropriate provisions of due process including the right to present evidence relevant to the issues raised, the right to be assisted or represented by individual of his/her own choice at his/her own expense, including an attorney, and the right to a record of the decision in writing presented within a reasonable time after the conclusion for the hearing. This record shall include a summary of the evidence presented and the reasons for the decision.
- d. If the hearing officer finds the record in question to be inaccurate as alleged, that record will be amended and the student will be informed of the change. If the decision of the hearing officers is not in accord with the student's appeal, the student will be invited to place a statement in the educational record setting forth any reason for disagreement with the decision of the hearing officer. This statement will be maintained as a permanent part of the educational record and will accompany any disclosure of the information that was challenged.

Retention of Records

Student educational records are retained by the University only as long as is necessary to serve the administrative functioning of the University, to meet legal requirements, or to serve the student's educational interest. Educational records are screened periodically to eliminate materials no longer required to be maintained. Academic records are retained by the Registrar and alumni files are retained by the Alumni Office as permanent records. Institutional research information and placement records are retained by the Alumni Office as permanent records. Institutional research information and placement records are retained for an indefinite period. The student's primary academic record, maintained by the Registrar, is normally screened to eliminate non-essential items when that file is transferred to an inactive status at the graduation of the student, or when it is determined that the student will not return to the University.

Special Guidelines Relating to Disclosure of Information

- a. Class schedules published by the University are for official use only and will not be released to unauthorized personnel within or outside the University. In the event a current student must be located in an emergency situation, the Office of the Dean of Students will assume responsibility for attempting to reach that student to convey the information.

- b. Students' grades are considered confidential information and are reported only to the respective students unless release is otherwise authorized or requested within provisions of the Act.
- c. University employees will refuse to answer questions about a student posed by external agencies or persons if those questions are personal judgments, normally a subjective opinion, unless the employee, to whom the question was directed, has been specifically named by the student, who is the subject of the question, as a personal reference for this purpose.
- d. Under normal circumstances, students will be permitted to inspect and review their educational records only in the presence of the custodian of the records.