

Shawnee State University

AREA: ACADEMIC AFFAIRS	POLICY NO.: 3.04
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SUBJECT: COLLECTION, MAINTENANCE, ACCESS TO, AND CHALLENGE OF STUDENT EDUCATION RECORDS	RECOMMENDED BY: APPROVED BY:

In the course of administering students' records, the University's collection, review and release of student education records shall be based upon the principle of confidentiality and the student's right to privacy. Administrative personnel with responsibility for maintaining student education records shall be primarily responsible for the administration of this policy.

- 1.0 Definition of Student
 - 1.1 A student is any individual currently or previously enrolled in any University academic offering. This shall not include applicants to any University program.

- 2.0 Definition of Student Education Records
 - 2.1 Student education records shall include records maintained by the University concerning a student including admissions, academic, financial and placement records and records maintained by a party acting for the University. These are files, records and documents which contain personally identifiable information about the student and are maintained by the University or its agents.
 - 2.2 Student education records shall not include:
 - 2.2.1 Records of instructional, staff and administrative personnel which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary replacement.
 - 2.2.2 Records maintained by campus security.
 - 2.2.3 Release of disciplinary records which do not reveal the identity of the perpetrator or the victim, either directly or indirectly, is not prohibited by this policy.

However, the results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime with respect to that crime may be disclosed to an alleged victim of any crime of violence, as that term is defined in Section 16 of title 18, United States Code.
 - 2.2.4 Records of a professional (*including but not limited to physician, psychiatrist or psychologist*) or recognized paraprofessional counselor working under the direction of a professional, created, maintained or used only in connection with the provision of treatment to the student, except that such records may be reviewed by an appropriate professional of the student's choice.
 - 2.2.5 The financial records of the student's parents.
 - 2.2.6 Confidential letters of recommendation placed in the records prior to January 1975.

- 2.2.7 Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.
- 2.2.8 Records of deceased students five years after their death.

3.0 Maintenance, Retention of, and Access to Records

- 3.1 Accessibility to student records shall be on a need to know basis and be limited to University officials who have a legitimate educational interest in the record.

A University official is:

- a person employed by the University in an administrative, supervisory, academic, or support staff position.
- a person serving as a Trustee of the university
- a person/agency employed by or under contract to perform a special task (i. e. auditor or attorney).

A legitimate educational interest is:

- performing a task that is specified in his or her position description or contract
- performing a task related to a student's education
- performing a task related to the discipline of a student

- 3.2 Such records shall be maintained only by university administrative personnel assigned responsibility for each of the types of records.
- 3.3 All persons granted access to such records shall be informed of the confidential nature of such information and their responsibilities as a result of such access through procedures established by the department.
- 3.4 Only qualified personnel responsible for maintaining the files shall be permitted to insert information in a file. The student or designee may initiate such insertion through procedures established by the department.
- 3.5 Each record keeping office shall establish and make available reasonable guidelines regarding the retention of records after the separation of the student from the University. Where legal statutes govern retention, such guidelines shall be in accordance with these statutes.
- 3.6 Records of Access, Requests, and Disclosures.
- 3.6.1 The University shall maintain a record of each request for access to, and disclosure from, an educational record.
- 3.6.1.1 The record of such requests/disclosure must be maintained as a part of the student's educational record.
- 3.6.1.2 The record must include the parties who have requested or received information from records.
- 3.6.1.3 The record must include the legitimate interest parties had in receiving information .

3.6.1.4 The record keeping requirement does not apply if the request is from, or the disclosure was made to:

the student a properly designated school official a party with written consent from the student a party seeking directory information a party with a law enforcement subpoena or court order which specifies that the existence or contents of the subpoena or court order not be disclosed.

3.6.2 When disclosing information from educational records to one of the parties listed under 3.0, the University will inform the receiver that the information may not be further disclosed, except as provided in this policy. All questions concerning further disclosure should be directed to the Registrar.

3.6.2.1 Exceptions -

- Disclosed to eligible student
- Directory information
- Court order or subpoena
- Receiving party releases data to others permitted access under 3.0

3.7 External Disclosure of Student Education Records

3.7.1 No one external to the University shall have access to, nor will the University disclose any information from such records without the written consent of the student except as noted below:

3.7.1.1 In connection with a student's application to or receipt of financial aid, as necessary to determine eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.

3.7.1.2 To parents or legal guardian of a student under age 18.

3.7.1.3 To government officials as required by statute, rule, or regulation.

3.7.1.4 To auditing organizations.

3.7.1.5 Pursuant to a court subpoena after a reasonable attempt to notify the student regarding the disclosure.

3.7.1.6 To organizations or individuals conducting studies for or on behalf of local and state educational agencies or institutions for the purpose of developing, validating, or administering student aid programs and improving instruction.

3.7.1.7 In any emergency to protect the health or safety of the student or other individual.

3.7.1.8 To an alleged victim of any crime of violence of the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime .

3.7.1.9 Designated "directory information" may be disclosed freely unless the student notifies the University in writing, not to release such information.

3.7.2 Consent to disclose Student Education Records

3.7.2.1 The student, age 18 or over, (*or the parent or legal guardian if under age 18*) may authorize the disclosure or release of the contents of his/her education records by:

Submission of a "**Consent to Release Records**" form available in the Office of the Registrar.

Submission of a personal letter containing the same information as listed on the "Consent to Release Records" form.

3.7.2.2 Consent to release records is valid on case-by-case basis only and authorizes the release of the entire contents of the education record. The disclosure of selected portions of the educational record is prohibited.

3.7.2.3 Directory information at the University normally shall include:

- 1) Student name
- 2) Local address and phone number
- 3) Major field of study
- 4) Class rank (*freshman, sophomore, etc.*)
- 5) Dates of attendance
- 6) Degree(s) and awards received
- 7) Participation in officially recognized activities and sports, including weights and heights of members of the athletic team.
- 8) The most recent previous educational agency or institution attended by the student.
- 9) Date and place of birth
- 10) E-mail address

3.8 Holds on Release of Student Education Records

3.8.1 Unsettled University financial obligations or pending disciplinary cases may result in a hold being placed on the release of records.

3.8.2 The department originating the hold shall inform the student in writing that it has initiated such action.

3.8.3 Copies of hold notices shall be maintained by the originating office or agency and shall serve as verification that written--notification has been provided to the student.

3.9 Other information from student education records may be obtained with a written student release and upon clearance by the responsible University administrator.

4.0 Annual Notification

Students will be notified of their **FERPA** rights annually in the Student Handbook or, additionally in other publications available to students.

4.1 Types, Locations, and Custodians of Educational Records.

Types

Location

Custodian

Admission Records	Office of the Registrar University Center	Registrar
Academic Records	Office of the Registrar University Center	Registrar
Financial Aid	Business Affairs Office Business Annex	Controller
Placement Records	Placement Office	Director of Placement
Disciplinary Records	Student Affairs Office University Center	Vice-President-Student Affairs
	General Counsel's Office Commons	General Counsel
Progress Records	Department Office at each Department	Chairperson or Faculty
Occasional Records (student records not included in the types)	The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review	The University staff who maintains such occasional systems records.

5.0 Inspection and Challenge of Student Education Records
Students attending Shawnee State University shall have the right to inspect and review their own education records and the right for a hearing to challenge the contents of those records. The Office of the Provost shall be responsible for administering the inspection and review procedures relating to student education records.

5.1 Inspection and Review of Student Education Records

- 5.1.1 A student shall request in writing the opportunity to inspect and review his/her records. (a form is available at the Office of the Registrar)
- 5.1.1.1. The request shall be directed to the Registrar. The request may then be channeled to the department in which the records are on file.
- 5.1.2 Such a request shall be granted within a reasonable period of time but no later than 45 calendar days following the request.
- 5.1.3 The right of inspection shall include access to a university official capable of providing any necessary explanation or interpretation of the data contained in the record. Records shall be inspected and reviewed by the student in the presence of the Registrar or his designee.
- 5.1.3.1. Records may not be changed or deleted during the process of inspection or review.
- 5.1.4.1 The student shall be advised of his/her right to challenge any portion of the record and the procedures to be followed to do so.

5.1.4 When education records contain information about more than one student, the University shall permit access only to that part of the record which pertains to the inquiring student.

5.1.5 Upon written request, a student may have copies made of his/her education records except that certified transcripts shall be available only if the outstanding obligations to the University are paid or excused. Copies of the records shall be made at the student's expense at prevailing rates established by the University.

5.2 Challenge of Student Education Records

5.2.1 Students who believe that their education records contain information that is inaccurate, misleading, or is otherwise in violation of their privacy or other rights may request in writing an opportunity to challenge the record's contents. (*A form is available at the Office of the Registrar*).

5.2.1.1 The request shall be made to the Office of The Provost. The Provost or his/her designee will appoint a hearing officer within three working days.

5.2.1.2 The request should include the following:

- 1) Identification in specific terms of the portion(s) of the record being challenged.
- 2) Statement of the reason(s) for challenging the portion(s) of the record so identified.
- 3) Statement of the remedy sought (i.e., *addition, alteration or deletion of specific information under challenge*).

5.2.1.3 The written challenge shall be maintained as part of the record on file in question until the hearing has been conducted.

5.2.2 The Hearing

5.2.2.1 General Provisions:

- 1) The hearing normally shall be granted within ten working days after the request has been received.
- 2) The hearing shall be limited to consideration of a specific portion or portions of the record being challenged.

5.2.2.2 The hearing officer shall conduct the hearing. He/She shall inform the student and the coordinator (*the person representing the record*) of the date, place, time of the meeting and the specific portion(s) of the record being challenged.

5.2.2.3 During the hearing, the student and the coordinator may present evidence and witnesses relevant to the issues raised.

- 1) The student shall have the right to be assisted by an advisor of his/her choice.
- 2) The burden of sustaining the challenge shall rest with the student .

5.2.2.4 The hearing officer shall provide the student with a written notification of the disposition of the challenge including the following:

- 1) Written statements summarizing the evidence.
- 2) The reasons for the disposition.
- 3) The action to be taken:
 - a) The record may stand.
 - b) The record may be corrected.
 - c) The record may be deleted.

5.3 Appellate Rights

5.3.1. A student may appeal the outcome of the challenge to the contents of their student education records.

5.3.2. A student may file a written appeal with the Provost within 15 calendar days after the hearing officer's notice of deposition is mailed to the student or hand delivered to them.

5.3.3. The Provost will act on the appeal 30 days after the appeal is filed.