

PROCEDURE TITLE:	STUDENT EDUCATION RECORDS: PRIVACY AND RELEASE
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RELATED POLICY:	3.04REV
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RESPONSIBLE ADMINISTRATOR(S):	REGISTRAR
EFFECTIVE DATE:	04/14/17
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APPROVED BY:	PRESIDENT

## 1.0 BACKGROUND

- 1.1 The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, sets forth requirements designed to protect the privacy of student educational records. The law governs access to records maintained by educational institutions and the release of information from those records.
- 1.2 A notice is delivered to students each semester via the MySSU official notification system to explain the rights of students with respect to records maintained by the University. It also outlines the University's procedures to comply with the requirements of the Act.
- 1.3 Copies of the Act, the Federal Regulations adopted pursuant to it, and this procedure are available for review in the Office of the Registrar, located in the Student Business Center.

## 2.0 DEFINITIONS

- 2.1 University Official (referred to in FERPA as “school official”). Faculty and staff of Shawnee State University who have a legitimate educational interest, including student employees or agents of the institution, if necessary to conduct official business, as authorized by the Registrar. Legitimate educational interest includes performing a task related to the regular duties of the employee or agent, the student's education, the discipline of a student, a service or benefit for the student, or maintaining the safety and security of the campus. Examples of appropriate access for University officials:

- 2.1.1 The Registrar has access to student grades.

- 2.1.2 The Dean of Students has access to disciplinary records.
  - 2.1.3 The Bursar has access to billing records.
  - 2.2 Education Record. Those records, files, documents, and other materials which contain information directly related to a student, and are maintained by any employee or agent of the University. The following categories of information are exempted and are not considered to be "education records":
    - 2.2.1 Records made by University personnel that are in the sole possession of the maker and are not accessible or revealed to any other person.
    - 2.2.2 Records maintained by the Department of Public Safety for law enforcement purposes.
    - 2.2.3 Medical and counseling records used solely for treatment. (Medical records may be personally reviewed by a physician of the student's choice.)
    - 2.2.4 Employment records.
    - 2.2.5 Alumni records. Records pertaining to an individual while enrolled as a student continue to be considered education records.
    - 2.2.6 Records of a deceased student.
  - 2.3 All records pertaining to students which are maintained by University offices are Official University records, and as such, remain the property of the University.
- 3.0 RIGHT TO INSPECT AND REVIEW
- 3.1 Students are granted the right to inspect and review all of their education records, except the following:
    - 3.1.1 Financial records of parents.
    - 3.1.2 Confidential letters and statements of recommendations placed in education records prior to January 1, 1975.

- 3.1.3 Confidential letters and statements of recommendations for admission, employment, or honorary recognition placed in education records after January 1, 1975, to which students have waived their right of access.

#### 4.0 WAIVER OF RIGHTS OF ACCESS

Students may waive their right of access to confidential letters and statements of recommendation. Such waiver may be requested as part of the application process to a University graduate program or selective undergraduate program. All waivers must be made in writing. Even if the student signs a waiver, upon request, the names of all persons making confidential recommendations will be made available. Employees or agents of the University may not require a student to waive his or her right of access for receipt of University benefits or services.

#### 5.0 INSPECTION AND REVIEW

- 5.1 Requests to review records should be made directly to the office that maintains such records. That office has 45 days to respond to requests to review and inspect. However, arrangements will be made as expeditiously as possible.
- 5.2 Information contained in education records will be fully explained and interpreted to students by University personnel assigned to, and designated by, the appropriate office.
- 5.3 Students have the right to review only their own records. When a record contains information about more than one student, disclosure cannot include information regarding the other student(s).

#### 6.0 RIGHT TO CHALLENGE INFORMATION IN RECORDS - INFORMAL PROCESS

- 6.1 Students who believe that their education records contain information that is inaccurate, misleading, or inappropriate may discuss their problems informally with the custodian of the record. If the discussions result in a decision in favor of the student's request, the record custodian will amend the record accordingly. If not, the custodian will inform the student within a reasonable period of time that the record will not be amended, and explain the student's right to a formal hearing.
- 6.2 The right to challenge grades does not apply under this policy and procedure unless the grade assigned was inaccurately recorded, under which condition the record will be corrected. Students who have a grievance concerning a grade should follow the Academic Concerns process.

## 7.0 FORMAL HEARING TO CHALLENGE RECORDS

- 7.1 If the records matter was not able to be informally resolved, Students may request a formal hearing by submitting a written request for a hearing to the Registrar listing the specific information in question and the reasons for the challenge. The Registrar will forward the hearing request to the Vice President of the office that is responsible for maintaining the record.
- 7.2 The appropriate Vice President will appoint a hearing officer to review the complaint but such person will not have direct responsibility for the disputed record.
- 7.3 The grounds to challenge the content of the education records is limited to whether the information is inaccurate, misleading or in violation of the privacy rights of the student. Students may present relevant evidence and may, at their own expense, bring someone to assist, including an attorney.
- 7.4 The hearing officer will render a decision, in writing, noting the reason and summarizing all evidence presented within a reasonable period of time after the challenge is filed. Should the decision be in favor of the student, the record will be amended accordingly. The decision of the hearing officer is final.

## 8.0 RETENTION OF EDUCATION RECORDS

In accordance with the University's records retention policy and legal statutes governing retention, each record keeping office will establish and make available reasonable guidelines regarding the retention of student records.

## 9.0 RELEASE OF STUDENT EDUCATION RECORDS

### 9.1 Consent for Release Required

A signed consent must be obtained from students for the release of information from education records, specifying what is to be released, the reasons for release, and to whom, with a copy of the record sent to the student if he or she desires. A consent form may be obtained from the Registrar's Office or by logging onto MySSU and choosing to grant a third party access to certain educational records. The student may revoke this access at any time by submitting a new form or logging onto MySSU and choosing to revoke access.

### 9.2 Release without Consent

The requirement for consent does not apply to the following:

- 9.2.1 Requests from University Officials (see definition above) on a "need to know" basis.
  - 9.2.2 Requests in compliance with a lawful subpoena or judicial order.
  - 9.2.3 Requests in connection with a student's application for, or receipt of, financial aid.
  - 9.2.4 Requests by State authorities and agencies specifically exempted from the prior consent requirements by the Act.
  - 9.2.5 Information provided to organizations conducting studies on behalf of the University, if such studies do not permit the personal identification of students to any persons other than to representatives of such organizations and if the personally identifiable data is destroyed when no longer needed.
  - 9.2.6 Information submitted to accrediting organizations.
  - 9.2.7 Requests by parents or legal guardians of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
  - 9.2.8 In the case of emergencies, the University may release information from education records to appropriate persons in connection with the emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
  - 9.2.9 To authorized federal officials who have need to audit and evaluate federally-supported programs.
  - 9.2.10 The results of any disciplinary proceeding conducted by the University against an alleged perpetrator of a crime of violence to the alleged victim of that crime.
  - 9.2.11 Requests for "directory information" (see below).
- 9.3 The University reserves the right to verify the accuracy of any information contained in what purports to be an official University document (e.g. a transcript or diploma) or is provided to a third party. In addition, degrees (any honors,

majors, minors and specializations) are considered public information since they are conferred in a public ceremony.

## 10.0 RECORD OF DISCLOSURES FROM EDUCATION RECORDS

Each University unit has an obligation to keep a record of requests and disclosures of student record information except when the request is from the student, a University official with a legitimate educational interest, someone requesting directory information, or related to a request with consent from the student. Students have the right to review this record of requests and disclosures of student record information.

## 11.0 DIRECTORY INFORMATION

11.1 Shawnee State University, in accordance with the Act, has designated the following information about students as public (directory) information:

11.1.1 Name

11.1.2 Address (local, home and university-assigned e-mail)

11.1.3 Telephone (local and home)

11.1.4 Program of Study (including college of enrollment, major and concentration)

11.1.5 Enrollment status (e.g. full-time, part-time, withdrawn)

11.1.6 Class rank (freshman, sophomore, etc.)

11.1.7 Dates of attendance

11.1.8 Degrees and honors awarded

11.1.9 Previous educational agencies or institutions attended

11.1.10 Participation in officially recognized activities and sports

11.1.11 Weight and height of members of intercollegiate athletic teams

11.2 The Registrar will issue a notice at least once a year to notify students of their right to have this directory information withheld from the public if they so desire.

Each student who wants all directory information to be withheld must so indicate by completing a Change of Information Form which can be obtained from the Office of the Registrar or by logging on to MySSU and choosing to opt out of directory information. At least 10 days should be allowed for processing of these requests.

- 11.3 The University receives many inquiries for "directory information" from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media. Each student is advised to carefully consider the consequences of a decision to withhold "directory information." The University, in good faith, will not release directory information requested to be withheld, and any requests from persons or organizations outside the University will be refused unless the student provides written consent for the release.

## 12.0 COMPLAINTS, CONCERNS OR SUGGESTIONS

Any student who has reason to believe that the University is not complying with the Act or this policy should inform the Registrar in writing. The Registrar will promptly review all such allegations.

## 13.0 TYPE, LOCATION AND CUSTODIAN OF STUDENT RECORDS

Shawnee State University does not maintain education records in one central office. Education records are maintained in the various academic departments and student services offices of the University. Questions regarding individual student records should be directed to the appropriate location, as listed below. If the record is not listed below, contact the Office of the Registrar to identify its location.

<b><u>RECORD TYPE</u></b>	<b><u>LOCATION</u></b>	<b><u>CUSTODIAN</u></b>
Admissions*	Office of Admission, University Center	Director
Athletics	Athletic Department, Rhodes Athletic Center	Director
Billing	Office of the Bursar, Student Business Center	Bursar
Disciplinary	Student Affairs, University Center	Dean of Students
Enrollment	Office of the Registrar, Student Business Center	Registrar
Financial Aid	Office of Financial Aid, Student Business Center	Director
Housing	Office of Residence Life, University Center	Director of Housing & Res Life

\*Currently enrolled and former students only. Applicants are not covered by FERPA.

History

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