

PROCEDURE TITLE:	STUDENT EDUCATION RECORDS: PRIVACY AND RELEASE
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RESPONSIBLE ADMINISTRATOR:	PROVOST
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## 1.0 BACKGROUND

- 1.1 The Family Educational Rights and Privacy Act of 1974 (FERPA or the Act), as amended, sets forth requirements designed to protect the privacy of student education records. The law governs access to records maintained by educational institutions and the release of information from those records.
- 1.2 A notice will be 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 Student: an individual who is currently or was formerly in attendance at the University, regardless of whether they are 18 years old or older, and regarding whom the University maintains education records. Applicants for admission and students accepted for admission do not fall within this definition unless and until they are enrolled in at least one University class.
- 2.2 School Official with a Legitimate Educational Interest ("school official"): a person employed by the University in an administrative, supervisory, academic, research or support position, including law enforcement and health and counseling personnel, to the extent the individual has a need to access an education record or information contained in it in order to perform their official University duties. School official also includes a person serving on the Board of Trustees, an individual serving on an official committee (e.g., disciplinary or grievance), and an employee assisting another school official, to the extent the individual needs the education record to perform such duties. This definition also includes a person or company with whom the University has contracted or outsourced University functions (e.g., attorney, auditor, licensor or provider of software services, other service provider, collection agent ("third party")) provided a) the third party agrees to limit disclosure of the education record within its office or organization on a need to know basis; b) the third party agrees not to redisclose the education record to any other party absent the student's written consent; and c) the third party provides reasonable assurance to the University that it will comply with all other requirements of FERPA.

A non-exhaustive list of examples of appropriate access for University officials:

- 2.2.1 The Registrar has access to student grades.
  - 2.2.2 The Dean of Students has access to disciplinary records.
  - 2.2.3 The Bursar has access to billing records.
  - 2.2.4 The Financial Aid Director has access to financial aid-related records.
- 2.3 Education Record. Those records, files, documents, and other materials which contain information directly related to a student, and that are maintained by any employee or agent of the University. The following categories of information are exempt and are not considered to be "education records":
- 2.3.1 Records made by University personnel that are in the sole possession of the maker and are not accessible or revealed to any other person.
  - 2.3.2 Records maintained by the Department of Public Safety for law enforcement purposes.
  - 2.3.3 Medical and counseling records used solely for treatment. Medical records may be personally reviewed by a physician or other appropriate professional of the student's choice, but the University is not required to provide the student access to such records.
  - 2.3.4 Employment records.
  - 2.3.5 Grades on peer-graded papers before they are collected and recorded by an instructor.
  - 2.3.6 Alumni records, however, records pertaining to an individual while enrolled as a student continue to be considered education records.
  - 2.3.7 Records of a deceased student.
- 2.4 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 Dean of Students will serve as hearing officer unless they have a direct conflict, in which case the appropriate Vice President will appoint a different hearing officer.
- 7.3 The grounds to challenge the content of the education record 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 review the complaint and the student's evidence, and render a decision in writing within a reasonable period of time after the challenge is filed, noting the reason and summarizing all evidence presented. Should the decision be in favor of the student, the record will be amended accordingly. The decision of the hearing officer is final. If, however, the hearing officer determines that the record is not inaccurate, misleading, or in violation of the student's FERPA rights, the student shall be given an opportunity to place a written statement in the record commenting on the contested record. Any such written comment will be maintained with the record for as long as the University has custody of it, and included with the record whenever it is disclosed.

## 8.0 RETENTION OF EDUCATION RECORDS

In accordance with the University's records retention policy and legal requirement 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

The University will only disclose a student's education records containing personally identifiable information to a third party when either that student has consented to their release under section 9.1, below, or one of the exceptions to consent applies.

### 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 upon the student's request. 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 education 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 and the University may disclose education records containing personally identifying information in the following situations:

- 9.2.1 Requests from School Officials with a Legitimate Educational Interest (see definition above).
  - 9.2.2 Requests in compliance with a lawful subpoena or judicial order, provided the University makes an effort to give the student reasonable notice in advance of compliance such that the student may object if they so desire.
  - 9.2.3 Requests in connection with a student's application for, or receipt of, financial aid.
  - 9.2.4 Requests from federal, state, and local 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 with legitimate interest in such information, and when 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, to appropriate persons, including parents, 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 Disclosures of the final results of the University's disciplinary proceeding to a victim of an alleged crime of violence or a non-forcible sex offense, whether the University concludes that a violation was committed or not.
  - 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 that 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 for and disclosures of their own 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 Home Address (hometown and state, but not street address)

11.1.3 University-assigned email address (but not personal email address)

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

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

11.1.6 Grade level (freshman, sophomore, etc.)

11.1.7 Dates of attendance, i.e., period of time when student attends University, but not specific daily records

11.1.8 Degrees, honors, and awards received

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.

## 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 (or Assistant Director) of Housing & Res Life

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

History

Effective: 03/11/11

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