The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 is a federal law that states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students must be made available. The law provides that the institution will maintain the confidentiality of student education records.

The University accords all the rights under the law to students who are declared “independent.” No one outside the institution shall have access to, nor will the institution disclose any information from, students’ education records without the written consent of students, except to personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students with financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. All these exceptions are permitted under the act.

The University also will, upon request, disclose any information to parents of students who are “dependent” as defined by the Internal Revenue Code of 1954, Section 152. Within the University community, only those members, individually or collectively, with legitimate educational interest are allowed access to student education records. These members include personnel in the Registrar’s Office, Admissions, Student Affairs, the Athletic Department, Financial Aid, Safety and Security, the library, and academic personnel within the limitations of their need to know.

Upon request, the University discloses educational records without consent to officials of another school in which a student seeks or intends to enroll.

At its discretion, the University may provide directory information in accordance with the provisions of the Act to include student name, address, telephone number, photograph, e-mail address, date and place of birth, major field of study, dates of attendance, enrollment status, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Students may elect to have directory information withheld by notifying the registrar in writing within five days after the first day of class for the fall semester.

Requests for non-disclosure will be honored by the institution for only one academic year; therefore, authorization to withhold directory information must be filed annually, during the first week of the fall semester, in the Registrar’s Office. Authorization to withhold directory information filed in the student’s senior year will remain upon graduation unless the student notifies the Registrar’s Office in writing to release the hold.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they find the decisions of the hearing panels unacceptable. The registrar at the University has been designated to coordinate the inspection and review procedures for student education records, which include admissions, personnel, academic and financial files, and academic and placement records. Students wishing to review their education records must make written requests to the registrar listing the item or items of interest. Only records covered by the act will be made available within 45 days of the request. Students may have
copies made of their records with certain exceptions (e.g., a copy of the academic record for which a financial “hold” exists or a transcript of an original or source document that exists elsewhere). These copies would be made at the students’ expense at 10 cents for each sheet. Education records do not include instructional, administrative and educational personnel records, which are in the sole possession of their makers and are not accessible or revealed to any individual, resources of the University police, student health records, employment records or alumni records. Health records, however, may be reviewed by physicians of the student’s choosing.

Students may not inspect or review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the University will permit access only to that part of the record that pertains to the inquiring student. The University is not required to permit students to inspect or review confidential letters or recommendations placed in their files prior to Jan. 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

Students who believe that their education records contain information that is inaccurate or misleading or is otherwise in violation of their privacy or other rights may discuss their objections informally with the registrar’s office. If the decisions are in agreement with the students’ requests, the appropriate records will be amended. If not, the students will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the Registrar’s Office of their right to a formal hearing. Student requests for a formal hearing must be made in writing to the provost, who, within a reasonable period of time after receiving such requests, will inform students of the date, place and time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the students’ expense. The hearing panels that will adjudicate such challenges will be the provost and representatives of student affairs.

Decisions of the hearing panels will be final, will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panels, if the decisions are in favor of the students. If the decisions are unsatisfactory to the students, the students may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be placed in the education records, maintained as part of the students’ records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges are unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the president of the University. Further, students who believe that their rights have been abridged may file complaints with the Family Educational Rights and Privacy Act Office, U.S. Department of Education, 600 Independence Ave. SW, Washington, DC 20202-4605, concerning the alleged failures of the University to comply with the Act.

Revisions and clarifications will be published as experience with the law and the University’s policy warrant.