



## ETHICS AND RECORDS POLICY

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### **NUMBER/TITLE:** ER606, FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

**Covered Individuals:** Current and Former Students

**Covered Locations:** All locations

**Effective Date:** 03/22/2023

**Strategic Plan:** SP 2.4

**HLC:** Criterion 2

**Consultations:** Vice President for Academic and Student Affairs, Deans, Registrar

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### **POLICY STATEMENT**

We maintain the privacy of student education records in its possession except for those situations in which the law or consent of the student permits disclosure according to FERPA legislation.

### **PURPOSE**

To educate the campus community on what information is protected by FERPA, how students may access or request to amend their existing education records, and designate Directory Information, which is information UIU may disclose unless the student has explicitly requested that it not do so.

### **DEFINITIONS**

*Attendance:* in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom and during which an individual is working under a work-study program.

*Directory Information:* a subset of Education Record, Directory Information is information which may be released without a student's consent. This information includes student name, local and home address, University and other email addresses, local and cellular telephone numbers, photographs, dates of enrollment, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, weight and height of members of athletic teams, date and place of birth, major field of study, academic classification, and academic advisor's name.

*Disclosure:* to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

*Educational agency or Institution:* any public or private agency or institution that provides education services or instruction, or both to students.

*Educational Record:* any record directly related to a student and maintained by the University or a party acting for the University, including a student's admissions, disciplinary, academic, financial, cooperative education, and placement files. Education Records do not include records of instructional, administrative, and educational personnel which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute; records of Campus Police that were created by Campus Police for the purposes of law enforcement; student health records; employment records; or alumni

records containing only information about an individual after they are no longer a student at the University.

*Family Rights and Privacy Act of 1974 (FERPA)*: also known as the Buckley Amendment; a federal law designated to help protect the privacy of Education Records.

*Personally Identifiable Information*: includes but is not limited to the student's name; the name of student's parents or other family members; the address of the student or family; a personal identifier (i.e., social security number or student i.d.); personal characteristics that would make the student's identification easily traceable; or other information that would make the student's identity easily traceable.

*Record*: any information recorded in any way (i.e., handwritten documents, print, computer media, video or audiotape; film, and/or microfiche).

*School Official*: a person employed by UIU in an administrative, supervisory, academic or research, support staff position; a person or company with whom UIU has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another School Official in performing his or her tasks.

*Student*: for purposes of this policy, an individual who is currently or was formerly enrolled at UIU. Individuals who merely audit classes are not Students for purposes of FERPA or this Policy.

## **POLICY IMPLEMENTATION**

Under the Family Educational Rights and Privacy Act of 1974 (FERPA), students have the right to inspect and review most education records maintained about them by UIU and, in many cases, decide if a third person can obtain information from them. However, four categories of information are public (or directory information) unless a student asks that some or all of that information be withheld. It is the policy of the University to comply fully and fairly with the provisions of the Act, Federal Regulations, and this policy.

### **1. Student's Access to Records**

No one inside or outside the University shall have access to, nor will the contents of students' education records be disclosed without the written consent of the students except as provided by the Act and Regulations. Exceptions in the Act and Regulations include but are not limited to the following:

- School officials with legitimate educational interest;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- Within a juvenile justice system, state and local authorities are pursuant to specific State law.

### **2. Students' Right of Access to Review Their Records**

The right to inspect and review the student's education records within 45 days of the day the University receives a request to access. Students should submit to the University Registrar or

other appropriate official written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

A student has the right to inspect and review all education records about him or her except:

- Parents' financial records,
- Confidential letters and statements of recommendation placed in the records before January 1, 1975,
- Confidential letters and statements of recommendation for admission, employment, or honorary recognition placed in the records after January 1, 1975, which students have waived the right to inspect and review.

### 3. Records Excluded from the Definition of Education or Student Records

The following categories of records are not included in the term "education records" or "student records" under the Act:

- Records relating to an individual employed by the University that are made and maintained in the ordinary course of business relate exclusively to the individual's capacity as an employee and are not available for use for any other purpose. However, records relating to an individual in attendance at the University who are employed because of his or her status as a student are education records.
- Records created or received by the University after the person is no longer a student in attendance and not directly related to the person's attendance as a student.
- Records kept in the sole possession of the maker of the records are used only as a personal memory aid and are not accessible or revealed to anyone else except a temporary substitute for the maker of the records.
- Records on a student who is 18 years of age or older, or attending a postsecondary institution that is: made or maintained by a physician or other recognized professional acting in that capacity; made, maintained, or used only in connection with the treatment of the student; and disclosed only to individuals providing the treatment.
- Records that are grades on peer-graded papers before they are collected and recorded by the teacher.

### 4. Release Policies and Procedures, University Employee and Agents

Records may be released under the following circumstances: through the written consent of the student to the University Registrar; in compliance with a subpoena; by submission of evidence by the parent that the student is declared as a dependent on the parent's most recent Federal Income Tax Form. The Institution is not required to disclose information from the student's educational record to the parents of a dependent student. The University may, however, exercise its discretion to do so.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility.

5. Directory or Public Information Categories

At its discretion, UIU may provide Directory Information in accordance with the provisions of the Act. Students may request to have Directory Information withheld by notifying the Registrar in writing using the “Request to Prevent Disclosure of Directory Information” form within one week after the first day of the session. Requests to withhold Directory Information are valid for one year. After one year, the nondisclosure request expires. The University will honor a request to opt-out of disclosing directory information even after the student is no longer enrolled unless the student rescinds the opt-out request.

The University recognizes that parents have no inherent right to inspect a student’s educational record. FERPA rights begin the first day of the first session in which a student validates a registration.

The “Request to Prevent Disclosure of Directory Information” form can be accessed from the Registrar’s Office. The form must be filed with the Registrar’s Office to be valid.

6. The Solomon Amendment

Solomon Amendment is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 and older who have not filed any FERPA restrictions. Institutions are required to release data in the list of “student recruiting information,” which may not match the categories UIU has identified as “Directory Information” categories under FERPA. Information will not be released under the Solomon Amendment on students who submitted a request through the Registrar’s Office to opt out of Directory Information. Student recruitment information may include: name, address, telephone, age and date of birth, place of birth, level of education, major, degrees awarded, and the school where the student was most recently enrolled.

7. Disclosure of Educational Records

University offices will maintain a record of disclosures and requests for disclosure of personally identifiable information from a student’s record except when the request for disclosure is directory information, pursuant to the student’s consent, or is to a school official described in this policy. It is the policy of the University to permit the student to inspect this record of disclosures and requests for disclosure pertaining to his or her records. All disclosures (except for disclosures to the student or disclosures of directory information) shall be made on the condition that the information shall not be further disclosed without the student’s consent. Failure to comply with this policy is subject to disciplinary action in accordance with the applicable handbook.

8. Requests for Amendments to Educational Records

The right to request the amendment of the student’s education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate, misleading, or in violation of the student’s rights of privacy. They should write the University Registrar, clearly identify the part of the record they want to be changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding

the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

9. Waiver of Rights Not Required

It is the policy of the University that students not be required to waive their rights under the Act before receiving University services or benefits.

10. Assistance with Problems or Questions about Compliance

If a parent or student has questions about the provisions of the Act, he or she may contact the Office of the Registrar. If a student believes that the University has not complied with the Act, he or she should direct comments concerning this to the Office of the Registrar. If a student believes that the University has not complied with the Act, written complaints may be filed with the Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The address of the office is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington D.C. 20202-8520

The Registrar shall either solve the issue or refer it to the appropriate University body for resolution.

**CUSTODIAN**

University Registrar

**RELATED DOCUMENTS, FORMS, AND POLICIES**

Request to Prevent Disclosure of Directory Information

More information regarding FERPA and related student rights is available at

<http://www.ed.gov/policy/gen/guid/fpc/ferpa/index.html>

**HISTORY**

New/Revision Number	Date PC Approved	Revision Change
ER-606	03/22/2023	New Policy