

**3359-11-08 Policies and procedure for student records.**

(A) Introduction.

- (1) The purpose of the policy outlined in this document is to implement and comply with the provisions of the family educational rights and privacy act ("FERPA"). The university of Akron is committed to this policy.
- (2) In case any student believes that the university is violating "FERPA", the student has a right to file a complaint with the U. S. department of education. The address for a student to file a complaint is set forth in the annual notification published by the university via electronic mail.

(B) Definitions.

- (1) For purposes of this policy, the university uses the following definitions of terms.
  - (a) Student. An individual who is receiving or who has received instruction in an on or off campus program, including an activity which is evaluated toward a grade such as a work/study program, an academic internship, a student teaching assignment, or a student exchange program. The term does not apply to an individual prior or subsequent to that individual's period of attendance at the university such as a candidate for admission, an alumnus, or a post-graduate intern in another institution.
  - (b) Education records. Any record (in handwriting, print, tape, film or maintained on any other medium) maintained by the university, an employee of the university, or an agent of the university which is directly related to a student, except:
    - (i) A personal record kept by a university staff person or agent which meets the following test:
      - (a) It was made as personal memory aid.
      - (b) It is in the sole possession of the person who made it.
      - (c) The information contained in it has never been revealed or made available to any other person.
    - (ii) An employment record used only in relation to an individual's employment by the university. However, the records related to a student's employment are education records when:
      - (a) The position in which the student is employed depends upon his or her status as a student.

- (b) The student receives a grade or credit based upon his or her performance as an employee.
  - (iii) Records connected with an individual's application for admission to the university prior to his or her actual attendance as an enrolled student. This includes records connected with an application for admission to one of the colleges within the university prior to the individual's actual enrollment and attendance in that college.
  - (iv) Records which relate to an individual as an alumnus after the individual no longer attends or participates in an education activity for which the university awards a grade or credit.
  - (v) Records maintained by the university police department used only for law enforcement purposes which shall only be disclosed as required by law. No university official or employee, other than persons involved with the university police department, shall have access to those law enforcement records.
  - (vi) Records maintained by the university health services department used only for the provision of medical or psychiatric treatment. In order to maintain these records separate from education records, the university will enforce the following conditions: No person other than the physicians, psychiatrists, psychologists or other recognized medical professionals providing treatment will have access to information contained in the medical system records. However, such records may be disclosed to other persons to meet a health and safety emergency as described in the family educational rights and privacy act.
- (2) Personal identifier. Any data or information that relates a record to an individual. This includes the individual's name, the name of the individual's parents or other family members, the individual's address, the individual's social security number, any other number or symbol which identifies the individual, a list of the individual's personal characteristics, or any other information which would make the individual's identity known and can be used to label a record as the individual's.
- (C) Annual notification.
- (1) The university will publish via electronic mail provided to each student, a notice to students of their rights under the family educational rights and privacy act and under this policy. Since a student's education record will be used repeatedly by university officials and others to make important decisions affecting the student's academic program and future career, the student must assume a personal responsibility to make sure that his or her education record is complete and accurate.

- (2) This provision is intended to inform each student at the university about the university's procedures to advise each student of his or her rights to:
  - (a) Inspect and review his or her education records.
  - (b) Exercise control (with some limitations) over disclosures of information contained in his or her education records.
  - (c) Seek to correct his or her education records, in a hearing if necessary, when he or she believes his or her records are inaccurate, misleading or in violation of the privacy or other rights of students.
  - (d) Report any violations of "FERPA" to the family educational rights and privacy act office at the department of education.
  - (e) In all instances, be informed about his or her "FERPA" rights.
- (3) The university has placed the responsibility for administration of this policy with the university registrar, designated as the "FERPA" coordinator. This person is responsible for the administration of this policy and students who have problems or questions related to this policy should contact the "FERPA" coordinator for help.
- (4) The university may disclose information from a student's records only with the written consent of the student, except:
  - (a) To university officials who have a legitimate educational interest in the records. A university official is:
    - (i) A person employed by the university in an administrative, supervisory, academic or research or support staff position.
    - (ii) A person appointed or elected to the board of trustees.
    - (iii) A person employed by or under contract to the university to perform a special task, such as the attorney or auditor.
  - (b) A university official has a legitimate educational interest if the official is:
    - (i) Performing a task that is specified in his or her position description or by a contract agreement.
    - (ii) Performing a task related to the student's education.
    - (iii) Performing a task related to the discipline of the student.
    - (iv) Providing a service or benefit relating to the student or student's family, such

as health care, counseling, job placement or financial aid.

- (c) To officials of another school, upon written request by the student, in which a student seeks or intends to enroll.
- (d) To officials of the U.S. department of education, the comptroller general, and state and local educational authorities, in connection with certain state or federally supported education programs.
- (e) In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount or condition of the financial aid, or to enforce the terms and conditions of the aid.
- (f) If required by any Ohio law requiring disclosure that was adopted before November 19, 1974.
- (g) To organizations conducting certain studies for or on behalf of the university.
- (h) To accrediting organizations to carry out their functions.
- (i) To parents of an eligible student who claim the student as a dependent for income tax purposes. Parents will be required to provide documentation of this relationship. Such documentation includes, but is not limited to, a sworn affidavit stating the relevant facts and a copy of tax returns from the year(s) in question. This information should be provided to the "FERPA" coordinator.
- (j) To comply with a judicial order or a lawfully issued subpoena.
- (k) To appropriate parties in a health or safety emergency.
- (l) Directory information so designated by the university.
- (m) The result of any disciplinary proceeding conducted by the university against an alleged perpetrator of a crime of violence to the alleged victim of the crime upon request.
- (n) Location of educational records.

Type	Location	Custodian
admission records (undergraduate)	"Simmons" hall	director, undergraduate admissions

(graduate)	polsky building	dean, graduate studies
academic records	"Simmons" hall	university registrar
health records	health services student recreation & wellness center	director, health services
financial aid records	"Simmons" hall	director, student financial aid
career services records	center for career management student union	director of center for career management
progress records	dean's office at each college or department, faculty office at each college or department	dean of the college or chair of department, faculty at each college or department
disciplinary records	"Simmons" hall	assistant dean, student life
occasional records (student education records not listed in the type of system above)	"FERPA" coordinator "Simmons" hall	university registrar
admission/academic records (law)	C. Blake McDowell law	dean, school of law
admission/academic records (Wayne college)	Wayne college	dean, Wayne college

(D) Procedure to inspect education records.

- (1) The university encourages students to inspect and review their education records at least once during each academic year, or, if the student has a special need, more frequently. Students who wish to inspect and review their education records should submit a written request to the "FERPA" coordinator. The request should identify, as accurately as possible, the specific records the student wishes to inspect and review. It may identify records according to the types listed in this policy under locations of education records section or as records under the custodianship of specific university officials identified by title. Records listed in this policy as occasional records should be identified in terms which will make it possible for the "FERPA" coordinator to locate them and make those records available to the student for inspection and review.
- (2) If it is mutually convenient, the "FERPA" coordinator will allow the student to inspect the record at once. If the student cannot inspect the records immediately, the "FERPA" coordinator will discuss with the student the possible arrangements for the inspection. This discussion will deal with such items as place, times, records security, whether the inspection must be at a single location or arranged at several locations, and whether the student will need a resource person to explain certain

records.

- (3) The "FERPA" coordinator will make the needed arrangements and advise the student when and where the records will be available. The procedure will be completed as promptly as possible; but, in all cases the student will be permitted to inspect the record within forty-five calendar days after the "FERPA" coordinator receives the student's request.
  - (4) When a record contains personally identifiable information about more than one student, a student may inspect only that information that relates to him or her.
  - (5) The university reserves the right to refuse to permit a student to inspect and review the following education records:
    - (a) The financial statement of the student's parents.
    - (b) Statements and records of recommendation prepared by university officials or submitted with the student's application for admission which were placed in the student's records before January 1, 1975, or which the student has waived his or her right of access in writing. Except that, if the above mentioned statement's letters have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them.
    - (c) Those records which are excluded from the definition of education records under policy.
- (E) Fees for copies of records.
- (1) The university will charge five cents per page for the reproduction and mailing of education records made available to the student, with mailing charges being additional. Such copies will not be signed or certified by the university in any way.
  - (2) The university reserves the right to deny transcripts or copies of records not required by "FERPA" in any of the following situations:
    - (a) The student has an unpaid financial obligation to the university.
    - (b) There is an unresolved disciplinary action pending against the student.
    - (c) While there is unresolved litigation between the student and the university.
  - (3) The university will furnish, at no cost, copies of records involved in a request to change them when the university asks the student to make a written request for the change.

(F) Directory information.

- (1) The university proposes to designate the personally identifiable information contained in a student's education record listed below as directory information in order that the university may, at its discretion, disclose the information without a student's further prior written consent.
  - (a) The student's name.
  - (b) The student's telephone number and local address.
  - (c) The student's major field of study.
  - (d) The student's extracurricular participation.
  - (e) The student's achievement and academic awards or honors.
  - (f) The weight and height of members of athletic teams.
  - (g) The student's photograph.
  - (h) Years of attendance and terms enrolled.
- (2) Early in the fall semester, the university will publish via electronic mail the items which it proposes to designate as directory information.
- (3) After the students have been notified by the announcement via electronic mail, the student will be able to change online or submit the appropriate form to the office of the university registrar for any or all of the items they do not wish designated as directory information about themselves. If students request a change in their list of designated directory information, this change shall only be effective from the date they submit their signed request or online changes.
- (4) When a student's refusal to permit the university to designate an item of information as directory information about the student is made, a "FERPA" restriction will notify the appropriate custodians of records of the student's action. No further disclosures of those items of information about the student will be disclosed without the student's prior written consent except to parties who have legal access to student records without legal consent.

(G) Records of request for access to and disclosures made from education records.

- (1) All requests for disclosures of information contained in a student's education record or for access to the record (made by persons other than university officials or the student) or those requests accompanied by the student's prior written consent will be submitted to the "FERPA" coordinator. The "FERPA" coordinator will approve or disapprove all such requests for access and disclosures and, except for requests for

directory information, will maintain in his or her office a record of these actions. This record will be the university's record of request and disclosures from education records as required by the code of federal regulations promulgated under "FERPA."

- (2) This record of request for and disclosures made from education records will be available only through the "FERPA" coordinator or the record custodians, the student or through federal, state or local officials for the purposes of auditing or enforcing the conditions for federally supported educational programs.
  - (3) The record will include at a minimum
    - (a) The name of the person or agency that made the request
    - (b) The interest the person or agency had in the information
    - (c) The date the person or agency made the request
    - (d) Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.
  - (4) The university shall maintain this record of disclosure as long as it maintains the education record.
- (H) Procedures for correction of education record.
- (1) The university encourages students to periodically inspect and review their education records to make certain the records correctly reflect their academic progress and other achievements. The university will permit students to challenge the content of their education records to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students.
  - (2) For the purpose of outlining the procedures to seek to correct education records, the term incorrect will be used to describe a record that is inaccurate, misleading or in violation of the privacy or other rights of students. Also, in this section, the term requestor will be used to describe a student or former student who is asking the university to correct a record.
  - (3) If a student or former student discovers an incorrect item in his or her education record, the student should informally discuss the problem with the record custodian. If the custodian finds the record is incorrect because of an obvious error, and it is a simple matter to correct to the satisfaction of the requestor, the custodian may make the change.
  - (4) If the custodian cannot change the record to the requestor's satisfaction or the record does not appear to be obviously incorrect, the custodian will:



- (a) Provide the requestor a copy of the questioned record at no cost.
  - (b) Ask the requestor to initiate and provide the custodian a written request for the change.
- (5) The written request should at least identify the item the requestor believes is incorrect and state whether it:
- (a) Is inaccurate and why.
  - (b) Is misleading and why.
  - (c) Violates the privacy or other rights of the student and why.
- (6) The requestor must date and sign the request.
- (7) The record custodian will then add material to support his or her refusal to change the record pursuant to the request and send it to the "FERPA" coordinator. The "FERPA" coordinator will examine the request, discuss it with appropriate university officials, the university's general counsel and other persons who might have an interest in the questioned item. At the conclusion of the investigation, the "FERPA" coordinator will summarize his or her findings, make a recommendation for the university's action, and deliver the request, the custodian's statement, the summary of findings, and the recommendation of the "FERPA" coordinator to the university's president or its designee.
- (8) The university president or its designee will then instruct the "FERPA" coordinator whether the record should or should not be changed in accord with the request. If the decision is to change the record, the "FERPA" coordinator will advise the custodian to make the change. The custodian will then advise the requestor in writing when the record has been changed and invite the requestor to inspect the corrected record.
- (9) If the university's decision is that the record is correct and should not be changed, the "FERPA" coordinator will prepare and send the requestor a letter stating the decision. The letter will also provide the requestor with:
- (a) The university's decision not to change the record.
  - (b) A copy of the summary of the evidence as forwarded to the "FERPA" coordinator and a written statement of the reasons for the university's decision.
  - ~~(b)~~-(c) Advice that he or she may place in the record his or her explanatory statement giving any reasons he or she may have for disagreeing with the university's decision and the basis for his or her belief that the record is incorrect.

~~(e)~~(d) Notice that he or she may request a hearing.

- (10) The "FERPA" coordinator will report to the university president or its designee if the requestor asks for a hearing and recommends a hearing officer, time and place. The president or its designee will formally appoint a hearing officer and advise the "FERPA" coordinator of the appointment. The "FERPA" coordinator will then arrange for the place, set a time for the hearing, and notify the requestor of the arrangements.
- (11) At the hearing, the requestor will be allowed a full and fair opportunity to present evidence and testimony to support his or her belief that the challenged material in his or her education record is inaccurate, misleading or in violation of the privacy or other rights of students. The university reserves the right to challenge evidence and cross-examine witnesses, and it will allow the requestor to challenge evidence it presents and cross-examine witnesses called in the hearing.
- (12) Within two weeks after the hearing, the hearing officer will prepare a summary of the evidence presented at the hearing and make a recommendation, based solely on evidence presented at the hearing, concerning the request to change the record. The hearing officer will present the summary of the evidence and a recommendation to the university president or its designee.
- (13) The university president or its designee will advise the "FERPA" coordinator of the university's decision and provide the coordinator with a copy of the summary of the evidence presented at the hearing.
- (14) If the university's decision is that it should change the student's record, the "FERPA" coordinator will advise the record custodian to make the change. The coordinator will then advise the requestor in writing outlining the exact changes which the custodian will make.
- (15) If the university decides that it will not change the record, the "FERPA" coordinator will provide a written notice to the requestor. That notice will include:
  - (a) The university's decision not to change the record.
  - (b) A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the university's decision.
  - (c) Advice to the requestor that he or she may place in the record his or her explanatory statement giving any reasons he or she may have for disagreeing with the university's decision and the basis for his or her belief that the record is incorrect.

- (16) When the university received an explanatory statement from a requestor after a hearing, it will maintain the statement as part of the student's education record as long as it maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

(I) Availability of Policies.

A copy of this policy will be available for student review in the office of general counsel of the university. Free copies will be made available to students upon request to the "FERPA" coordinator.

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