

LAWRENCE UNIVERSITY
ACCESS TO EDUCATION RECORDS BY FACULTY AND STAFF
AN INTRODUCTION TO FERPA AND UNIVERSITY POLICY

The use of computerized record-keeping systems at Lawrence University is increasing at a fast pace. We anticipate that the distribution of electronic data will replace most paper documents and will provide more extensive information about students to faculty and staff. It is important that each employee with access to student record information of any type understand his or her legal responsibilities under federal law and employment obligations under university policies. The same principles of confidentiality that apply to paper records also apply to electronic data.

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 helps protect the privacy of student education records. The Act provides for the right to inspect and review education records, the right to seek to amend those records, and the right to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

Who is protected under FERPA?

Students who are currently or formerly enrolled, regardless of their age or status in regard to parental dependency are protected under FERPA. Students who have applied but have not attended any institution and deceased students do not come under FERPA guidelines.

What are education records?

With certain exceptions, an education record is any record (1) from which a student can be personally identified and (2) maintained by the university. A student has right of access to these records. Education records include any records in whatever medium (handwritten, print, electronic media, web, etc.) that are in the possession of any school official. This includes transcripts or other records obtained from a school at which the student was previously enrolled.

What is not included in an education record?

Education records do not include:

- (1) sole possession records or private notes held by school officials that are not accessible or released to other personnel;
- (2) law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement units;
- (3) records relating to individuals who are employed by the institution (unless contingent upon attendance);
- (4) records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment; and
- (5) records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e., alumni records.

A student does not have the right to review financial information pertaining to his or her parents.

What is directory information?

Directory information may be disclosed under FERPA subject to university policies and requests for non-disclosure by the student. Directory information includes: 1) name, address, telephone number, dates of attendance, class, enrollment status; 2) previous institutions attended, academic program and field(s) of study, awards, honors, degree(s) conferred (including dates); 3) past and present participation in officially recognized sports and activities, physical factors (such as height and weight of athletes), date and place of birth; 4) e-mail address; 5) photographs or other visual images; and 6) senior experience titles. Enrolled students may ask Lawrence to withhold disclosure of any of the above categories of information by completing a non-disclosure form, available in the registrar's office. The computer records of individuals who have requested non-disclosure of directory information will be marked with a confidential indicator flag that will display on general lookup computer screens. The flag should also be used

in reporting. Requests for non-disclosure of directory information do not prevent the information from being used by school officials who have a need to know.

What rights does FERPA afford students with respect to their education records?

The right to inspect and review the student's education records within 45 days of the day the university receives a request for access. A student should submit a written request identifying the record(s) to be inspected to the registrar, dean, head of the academic department, or other appropriate official. The school 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 school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA. The student should write to the university official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If Lawrence University decides not to amend the record as requested by the student, the student will be notified of the decision and advised 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.

The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. A student must give consent in writing before Lawrence University can release any personally identifiable information from the student's education records, except to the extent that FERPA allows disclosure without consent.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with requirements of FERPA.

Students receive information about their rights under FERPA at the beginning of all term registration periods. This information is posted at http://www.lawrence.edu/mw/FERPA_STUDENT_NOTIFICATION_WEB.pdf and includes contact information for the Family Compliance Office and a link to the actual regulations.

Who may have access to student information?

- (1) The student and any outside party who has the student's written authorization may have access to the student's education records.
- (2) Lawrence University school officials with a legitimate educational interest in a student's education record. A "school official" is a trustee, officer, or person employed in or appointed to a Lawrence University administrative, supervisory, academic or research, support staff, or volunteer position; a person or company with whom Lawrence University has contracted (such as an attorney, auditor, collection agent, consultant or investigator); or a student serving on an official university committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A legitimate educational interest exists if the information requested is relevant and necessary for a school official to perform appropriate tasks or to make a judgment within the scope of the official's assigned responsibilities. The task or judgment must a) be related to the student's education, b) be related to the discipline of a student, c) provide a service or benefit relating to the student, such as health care, counseling, financial aid, recommendations, or selection for awards, prizes, or membership in honorary societies, or d) be required to conduct institutional research to support the educational mission of the university. Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to another party.
- (3) The parents of a dependent student (as defined by the Internal Revenue Code) may have access to student information without the student's consent after supplying the Registrar with a certified copy of their most recent federal tax return showing the student's dependent status.

- (4) In addition to 2 and 3 above the contents of student education records may be released without the student's consent to specific individuals or entities, or under specific circumstances as outlined in the legislation and subsequent amendments. There are certain stipulations that apply in many of these circumstances and individuals seeking more information should contact the Registrar.

What records must be kept when disclosing information from education records without the student's consent? Institutions who release education record information without the student's consent (as described in 3 and 4 above) are required to keep a record of the release (to whom, for what purpose, and what items were released) for as long as the education records disclosed are retained.

In addition to FERPA, what Lawrence University policies and procedures apply to student information? FERPA provides a minimum set of guidelines for the use and dissemination of information about students. It does not prohibit institutions of higher education from affording students additional rights. The following outlines general principles and operating procedures at Lawrence University for dealing with information about students.

General Handling of Student Information

Employees at Lawrence University are expected to exercise due diligence with respect to student education record material. Record information such as grades, test results, academic transcripts, ID numbers, class schedule, or other information not defined as directory information should never be made publicly accessible. When materials containing such information are no longer needed, they should be properly destroyed and not, for example, left in recycling bins. Individuals with access to information from education records may not convey that information to others unless authorized to do so.

The Campus Directory

Lawrence provides members of the campus community with a directory of students, faculty and staff on the university's website. Name and e-mail address are available to the general public, but obtaining address and other information requires login to the secured website. Detailed information is provided for the express use of members of the Lawrence community and may not be used for solicitation or promotional purposes in any form. A student's local address should never be released to an outside caller. Requests to locate a student in an emergency should be directed to the Dean of Students. Students may request exclusion from the public directory by contacting the registrar's office.

The Student's Location

A student's class schedule is not directory information and must be handled within FERPA guidelines. Individuals requesting such information in order to contact the student should be directed to the on-line directory, or in the case of an emergency should be referred to the Dean of Students. Please see Campus Directory above.

Transcripts, Verification of Enrollment and Degrees Awarded, and Other Academic Record Releases

Requests for transcripts, verification of degrees, and other academic record information should be referred to the Registrar's Office. Full degree and program information may require reference to paper permanent academic records and there are other constraints on releasing information under certain circumstances.

Subpoenas or Other Court Orders for Release of Information

Individuals who receive a subpoena for education records should immediately contact the Provost or Vice President for Finance and Administration. A subpoena is a court order with a deadline and a response is required even if the request cannot be fulfilled. The university counsel will need to determine if it qualifies as "lawfully" issued.

Computer Accounts and Electronic Access to Student Information

Employees with access to education record information through computer accounts are expected to follow protocols designed to secure that access. Passwords should be changed on a regular schedule and individuals should be attentive to logging off the system when work has been completed. Passwords should never be released to another individual, nor should an individual be logged on to another person's account in order to accomplish some task. Staff employing student or temporary help should contact Information Technology Services about setting up appropriate accounts.

Deceased Students

Privacy rights under FERPA cease upon the death of the student. Requests for information made immediately upon the death of a student should be referred to the Dean of Students or the Director of Communications. In general, information from education records is only released to the executor of the deceased's estate, unless the individual has been dead for 25 or more years.

Arrangements With Persons Or Organizations To Act As Official Agents Of The Institution

Under certain circumstances Lawrence may arrange to have an external agent perform a function or service normally conducted by the University. Such an agent (an example is the National Student Clearinghouse) must operate within FERPA guidelines and may not release any personally identifiable information about the student to a third party. Such an agent is also obligated to return or destroy student information when the function performed is completed.

What about recommendations?

Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information obtained from an education record is included in the letter (grades, GPA, etc.) the writer is required to obtain a signed release which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made. As part of the student's education record the student has the right to read the recommendation unless he or she has waived that right of access.

What about inquiries from parents?

Lawrence University does not automatically send information about academic progress or disciplinary actions to parents or guardians. It is the student's responsibility to communicate such matters to family members, and others, as needed. Parents do, however, contact faculty, advisors, and various administrative offices with concerns about their children. Questions about university procedures, policies, and services can be addressed directly as long as student-specific information is not released. Calls from parents for information may be referred to the Dean of Student Academic Services, the Dean of Students, the Registrar, or other administrative areas as appropriate. In accordance with the university mission to foster mature and responsible behavior, students are encouraged to address communication issues as they arise and to recognize their obligations to those providing financial and other support.

The Dean of Student Academic Services sends a letter detailing FERPA and access to education records to all parents of new students. Information from education records may be disclosed to parents only with the written consent of the student, verification of the student's dependent status under the IRS Code of 1986, or a legally issued subpoena. FERPA does not require disclosure to parents when a student's dependent status is verified. A record of any disclosure must be kept with the records released for as long as those records are retained.

Need more information?

Additional information about FERPA may be obtained from the Registrar (x6578), from AACRAO (<http://www.aacrao.com>), and from the Family Policy Compliance Office (<http://www.ed.gov/offices/OM/ferpa>)

This document was adapted from information provided in the *2001 FERPA Guide* published by the American Association of Collegiate Registrars and Admissions Officers and from the Lawrence University annual notification to students of their rights under FERPA.

r. August 2017