



SUBJECT: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

- I. **PURPOSE:** To implement the Family Educational Rights and Privacy Act at Southern Utah University.
- II. **POLICY:** The rights accorded under this act, for higher education purposes, apply only to the student and not to the parents, without regard to whether the student is an adult or a minor. Parents may gain access to a student's education records only upon presentation of written permission granted by the student.¹
- A. **Release of Student Records Without Student Consent.** Personally identifiable educational records or files, or personal information contained therein relating to a student, will not be released by Southern Utah University (hereinafter referred to as "the university") to any individual, agency, or organization without the written consent of the student, except:
1. Upon receipt of a written request describing the legitimate educational or other interest of the person seeking the information and assuring that the recipient will not permit any third party to have access to the information without the written consent of the student, educational records and files may be made available to:
 - a. Officials of other educational institutions in which the student seeks or intends to enroll;
 - b. Authorized representatives of the federal or the state government to the extent necessary for audit and evaluation of federally supported education programs or for compliance with federal legal requirements relating to such programs, and subject to the limitation that personally identifiable data shall not be disclosed except to the extent specifically authorized by federal law; and
 - c. Authorized agencies or persons exercising responsibilities in connection with the student's application for or receipt of financial aid.
 2. Any written request for access to student records by a person identified in paragraph A shall be kept permanently in the file of the student.
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¹The university may, at its own option although the act does not require such disclosure, elect to disclose educational information to the parents of a student who is a dependent as defined in section 152 of the Internal Revenue Code of 1954.

3. University officials and faculty members who have a legitimate educational interest for consulting student education records may have access to them after receiving approval from the custodian of the records.
4. Institutional counselors/advisors may disclose confidential information without the consent of a student as mandated by law or where permitted by law for a valid purpose such as to protect the student or others from harm.

B. Education Records Definition.

"Education records"

1. Means those records, files, documents, and other materials which:
 - a. Are directly related to a student, and
 - b. Are maintained by the university or by a party acting for the university.
2. The term does not include:
 - a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - (i) Are in the sole possession of the maker thereof, and
 - (ii) Are not accessible or revealed to any other individual except a substitute.
 - b. Records of the law enforcement unit of the university which are:
 - (i) Maintained apart from the records described in paragraph A of this definition;
 - (ii) Maintained solely for law enforcement purposes, and



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- (iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided, that education records maintained by the university are not disclosed to the personnel of the law enforcement unit.
 - c. Records relating to an individual who is employed by the university which:
 - (i) Are made and maintained in the normal course of business;
 - (ii) Relate exclusively to the individual in that individual's capacity as an employee, and
 - (iii) Are not available for any other purpose.
 - d. Records relating to an eligible student which are:
 - (i) Created or maintained by a physician, psychiatrist, psychologist, or any other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;
 - (ii) Created, maintained, or used only in connection with the provision or treatment to the student, and
 - (iii) Not disclosed to anyone other than the individuals providing the treatment; provided, that the records can be personally reviewed by a physician of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the university.
 - e. Records of the university which contain only information relating to a person after that person was no longer a student at the university. An example would be information collected by the university pertaining to the accomplishments of its alumni.
- C. **Limitation On Right To Inspect.** The University is not required by the Act to permit a student to inspect and review the following records:



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1. Financial records and statements of parents or any information contained therein;
 2. Confidential letters and confidential statements of recommendation which were placed in the education records of a student prior to January 1, 1975; provided, that:
 - a. The letters and statements were solicited with a written assurance of confidentiality, or sent and retained with a documented understanding of confidentiality, and
 - b. The letters and statements are used only for the purposes for which they were specifically intended;
 3. Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975:
 - a. Respecting admission to an educational institution;
 - b. Respecting an application for employment, or
 - c. Respecting the receipt of an honor or honorary recognition; provided that the student has waived his or her right to inspect and review those letters and statements of recommendation.
 4. If the education records of a student contain information on more than one student, the student may inspect and review or be informed of only the specific information which pertains to that student.
- D. Directory Information. The university considers the following personally identifiable, student information to be directory information and may elect to disclose it without further notice:

Name

Local Address

Home Address

Telephone Numbers



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Parent's Name, Address and Phone Number

Class Rank

Courses of Study, Degrees and Certificates Awarded

Honors, Awards, Activities and Affiliations

Enrolled students who do not wish directory information relating to themselves to be disclosed must so state in a written communication which outlines specifically which categories of information they do not wish to be disclosed. This statement must be delivered to the office of the Vice President for Student Services before 5:00 p.m. on the second Monday following registration for the fall term, in which case the student who objects to the disclosure of directory information must follow the same procedure, within the same time frame, for the first term for which he/she does enroll.

- E. Student Access and Inspection of Records. The university has established the following procedures for the granting of a student's request for access to his/her records:
1. A student desiring access to his/her records should submit a formal request for access to the Vice President for Student Services or to the custodian of the records in question. The request must be in writing, signed by the student and must be personally delivered to the Office of the Vice President for Student Services or to the custodian of the records in question by the student making the request. The student must present satisfactory personal identification to provide assurance that unauthorized persons do not obtain access to student records.
 2. Within ten days after receiving a written request for access to student records, the Office of the Vice President for Student Services or the custodian of the records in question will ascertain the existence, location, and status of the records for which access is sought, and will notify the student of the time and place at which the records will be made available for his/her inspection. The time shall not be more than 30 days after the date upon which the request was received.
 3. Prior to the time at which the student is permitted to examine the records, the Vice President for Student Services, or his/her designee, may review the contents of the files for which access is sought, and



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will remove therefrom any information or other material that appears to have been obtained under a promise of confidentiality, or which for any other reason is believed to be of a character that is inappropriate for inclusion in the official student records of the university. All such material removed from a student file shall be immediately delivered to the Office of the President of the University, together with a copy of the student's written request for access to his/her files, and memorandum briefly explaining the reasons for removing the transmitted documents from the student's files. The university President will place the transmitted documents in a special file in his/her office, marked confidential. Such removed documents shall thereafter not be considered part of the official records of the university, and shall not be considered available for inspection by the student, nor for use either within the university or by persons outside the university except as may be required by a lawful order of a court of competent jurisdiction.

4. Any confidential letters, evaluations, or other material in an official student file, for which a written statement signed by the student is also on file releasing and waiving his/her rights of access to and inspection of such records, need not be transmitted to the university President pursuant to paragraph 3, but may be removed temporarily from the student file before it is made available for inspection by the student. If any such records are withheld from the student pursuant to this paragraph, a written notation to that effect shall be made a part of the official file which is shown to the student.
 5. At the time and place appointed by the Vice President for Student Services or his/her designee, the student shall be permitted to examine his/her official records freely and without interference by university personnel, except that the Vice President for Student Services, or the custodian of the records in question, may require that the examination be conducted in the physical presence of a designated employee of the university. In the case of a student inspection of medical records or files, the inspection may be required to take place in the presence of a person qualified to interpret the records and files.
- F. Student Challenge to Content of Records. A student may challenge any entry in his/her education records upon grounds that it is inaccurately recorded, misleading, inappropriate, or otherwise in violation of his/her rights; however, the act does not allow a student to request a hearing to challenge the appropriateness of an assigned grade.



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1. A challenge must be submitted, in writing, to the Vice President for Student Services, or his/her designee, who shall promptly review the pertinent facts and seek to resolve the challenge by informal negotiation; in connection therewith, the Vice President for Student Services may, with the concurrence of the Provost, make appropriate changes in or deletions from the student's records.
 2. If the student is of the opinion that his/her challenge, relating to academic records, has not been disposed of in a satisfactory manner, he/she may request a formal hearing before the Academic Deans' Council. After a full hearing, the Council shall make its report and recommendations to the Provost, whose determination shall be final.
 3. If the challenge deals with non-academic records, the student may request a hearing before a committee of three persons, at least one of whom shall be a student, appointed by the Vice President for Student Services. After a full hearing, the committee shall make its report and recommendations to the Vice President for Student Services, whose determination shall be final.
- G. Southern Utah University Education Records. Southern Utah University maintains the following educational records, which are covered by the Act, in the locations designated:

Type of Record	Custodian	Location of Records
Records of Credit, Registration and Admissions	Registrar	Registrar's and Admissions Offices
Disciplinary and Probationary Proceedings	Vice President for Student Services	Vice President for Student Services
Housing Rules Violations	Director of Housing and Residence Life	Housing Office and/or Vice President for Student Services
Financial Aid	Director of Financial Aid	Financial Aid Office
Scholarship Awards	Director of Admissions	Admissions
Placement Records	Director of Placement	Placement Office
Health Records	Director of Health Services	Student Health Center
Interest and Aptitude Tests, Personality Inventory	Coordinator of Testing	Student Development and Testing Center
College of Education Entrance Examinations	Dean of College of Education	Office of Dean of College of Education
Graduation Worksheets	Registrar	Registrar's Office and/or



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		Departmental Chair
Departmental Progress Reports and Pre-Professional Evaluations	Department Chair	Offices of Department Chair

Education records will not be maintained by the university in all of the categories listed above for all students who enroll at Southern Utah University.

- H. Right to File a Complaint. Students who feel that the university has failed to comply with the Act are entitled to file a complaint with the Department of Education.
- I. Copies of Policy and Procedures. Copies of the Southern Utah University policy and procedures for compliance with the Family Education Rights and Privacy Act of 1974 will be kept on file in the Office of the Vice President for Student Services and may be obtained by students at that location. Notice of compliance with the Act and reference to the availability of the policy and procedures will also be published in the university catalog.

FORMER POLICY
DO NOT USE