

POLICY #11.3

SUBJECT: Family Educational Rights and Privacy Act

I. PURPOSE

The purpose of this Policy is to ensure compliance with the Family Educational Rights and Privacy Act (FERPA) at Southern Utah University.

II. REFERENCES

- A. [Family Educational Rights and Privacy Act \(FERPA\)](#) (20 U.S.C. § 1232g; 34 C.F.R. Part 99)
 - B. Southern Utah University [Policy 6.19 Grade Appeal](#)
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III. DEFINITIONS

- A. **Education Records:** Those records, files, documents, and other materials which are directly related to a student, and are maintained by the University or by a party acting for the University.

The term does not include:

1. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - a. Are in the sole possession of the maker thereof, and
 - b. Are not accessible or revealed to any other individual except a substitute.

2. Records of the law enforcement unit of the University which are:
 - a. Maintained apart from the records described in Section III.A. of this definition;
 - b. Maintained solely for law enforcement purposes; and
 - c. 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.
3. Records relating to an individual who is employed by the University which:
 - a. Are made and maintained in the normal course of business;
 - b. Relate exclusively to the individual in that individual's capacity as an employee, and
 - c. Are not available for any other purpose.
4. Records relating to an eligible student which are:
 - a. 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;
 - b. Created, maintained, or used only in connection with clinicians and specialists as outlined in Section III.A.4.a. who provide provisions and/or treatment for the student, and
 - c. Not disclosed to anyone other than the individuals providing the clinical/medical 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.

5. 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.

IV. POLICY

- 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. 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
 - b. Authorized agencies or persons exercising responsibilities in connection with the student's application for or receipt of financial aid.
 - c. A person or company with whom the University has contracted as its agent to provide a service

instead of using University employees or officials (such as an attorney, auditor, or enrollment verification service).

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.
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. Limitation on Right to Inspect. The University is not required by the Act to permit a student to inspect and review the following records:

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 their 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.
- C. Directory Information. The University considers the following personally identifiable, student information to be directory information and may elect to disclose it without further notice:
- 1.
 - 1. Name
 - 2. Local Address
 - 3. Permanent Address
 - 4. Telephone Numbers
 - 5. Class Rank (Freshman, Sophomore, Junior, Senior, Graduate)
 - 6. Courses of Study, Degrees and Certificates Awarded
 - 7. Honors, Awards, Activities and Affiliations
 - 8. Enrollment Status
 - 9. E-mail Address
 - 10. Student Image

Enrolled students who do not wish to have their directory information disclosed must make their request in writing and specifically identify the categories of information they do not want released. This statement must be delivered to the Registrar's Office at the time of enrollment or registration.

D. Student Access and Inspection of Records. The University has established the following procedures for the granting of a student's request for access to their records:

1. A student wanting access to their records should submit a formal request for access to the Office of the Registrar 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 Registrar 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 10 days after receiving a written request for access to student records, the Office of the Registrar 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 their inspection. The time shall not be more than 30 days after the date upon which the request was received.
3. 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 their rights of access to and inspection of such records, 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.
4. At the time and place appointed, the student shall be permitted to examine their official records freely and without interference by university personnel, except that the Registrar, 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.

- E. Student Challenge to Content of Records. A student may challenge any entry in their Education Records upon grounds that it is inaccurately recorded, misleading, inappropriate, or otherwise in violation of their rights; however, the act does not allow a student to request a hearing to challenge the appropriateness of an assigned grade. Grade appeals may be made in accordance with [Policy 6.19](#).

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 Affairs. After a full hearing, the committee shall make its report and recommendations to the Vice President for Student Affairs, whose determination shall be final.

- F. Southern Utah University Education Records. Southern Utah University maintains the following educational records, which are covered by the Act, in the locations designated:

Record Custodians and Locations

Type of Record	Custodian	Location of Records
Records of Credit, Registration, and Admissions	Registrar	Registrar's and Admissions Offices
Behavioral Disciplinary and Probationary Proceedings	Vice President for Student Affairs	Vice President for Student Affairs
Academic Disciplinary and Probationary Proceedings	Registrar	Registrar's Office
Housing Rules Violations	Director of Housing and Residence Life	Housing and Residence Life Office and/or Vice President for Student Affairs

Financial Aid	Director of Financial Aid and Scholarships	Financial Aid and Scholarship Office
Scholarship Awards	Director of Financial Aid and Scholarships	Financial Aid and Scholarship Office
Placement Records	Director of Career Services	Career Services
Health Records	Director of Student Health Services	Wellness Center
Interest and Aptitude Tests, Personality Inventory	Executive Director of the Student Success Center	Student Success Center
College of Education and Human Development Entrance Examinations	Dean of College of Education and Human Development	Office of Dean of College of Education and Human Development
Graduation Worksheets	Registrar	Registrar's Office
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.

G. 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 Family Policy Compliance Office.

H. 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 Registrar 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.

V. RELEVANT FORMS/LINKS

N/A

VI. QUESTIONS/RESPONSIBLE OFFICE

The responsible office for this Policy is the [Vice President for Student Affairs](#). For questions about this Policy, contact the [Office of the Registrar](#).

VII. POLICY ADOPTION AND AMENDMENT DATES

Date Approved: [1975](#)

Amended: May 2, 2008