

## 2-2.58

### STUDENT RECORDS POLICY (THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT)

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law governing access to student education records. FERPA stipulates conditions for release of information from education records and affords students the opportunity to review and seek revision of those records. Central Washington University (CWU) accords all the rights provided by the law, and reserves for itself the right to use and release student education records under the conditions specified by the law.

**(1) Education records**, as defined by FERPA, include admission, academic, financial aid, and placement records, and other information directly related to students, with the exception of records created by the university police for the purpose of law enforcement, student health records that are created and used solely in connection with the provision of health care, employment records that relate exclusively to individuals in their capacities as employees, and alumni or other post-attendance records. FERPA regulations apply only to records held for institutional use concerning students who enroll at the university; they do not govern records of applicants who are denied admission or who choose not to attend the university. Nor do they govern records kept by a university official that are the sole possession of the maker and are not normally revealed to anyone else except a temporary substitute (e.g., temporary reminder notes).

FERPA stipulates that institutions may not disclose personally identifiable information contained in education records without a student's written consent, except under conditions specified by FERPA. Information is considered personally identifiable if it contains a student's name or the name of family members, a student's local or family address, an identification number, or descriptions or data sufficient to identify an individual.

FERPA permits access to student education records for school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic, research, or other staff position (including those in law enforcement and health care); a person serving on the Board of Trustees; or an individual or organization with whom the university has contracted to serve as its agent or to provide services in support of its operations (examples include attorneys, auditors, collection agents, and the National Student Clearinghouse). Student employees, students serving on official committees, and students serving in other positions in which they assist a university employee in performing her or his official tasks are also considered school officials. A school official has a legitimate educational interest in a student education record if the official needs to review the record in order to fulfill her or his professional responsibilities or official tasks.

With certain exceptions allowed by the law and listed below, no persons outside the university shall have access to, nor will the institution disclose any information from, a student's education record without the written consent of the student. FERPA permits information to be released from education records without written consent of the student to the following officials and agencies:

1. Officials of other institutions to which students are applying to enroll
2. Persons or organizations providing financial aid
3. Individuals and organizations charged with oversight of the university, or of federal or state programs in which the university participates
4. Accrediting agencies
5. Parents of any student under the age of 21, regardless of the student's dependency status, in cases where the student has violated laws or university rules governing alcohol or controlled substances
6. Persons as directed by a judicial order or lawfully issued subpoena, provided the university makes a reasonable attempt to notify the student in advance of compliance (unless directed by judicial authorities not to disclose the existence of an order or subpoena)
7. Persons in an emergency to protect the health or safety of students or other persons

## 8. The Immigration and Naturalization Service under the terms and provisions of immigration law

With the exception of alcohol and drug violations, CWU does not release information from student education records to parents without the written consent of students.

FERPA permits the university to release information concerning violent crimes and non-forcible sex offenses (statutory rape or incest) committed by its students. Victims of an alleged violent crime or non-forcible sex offense may be informed of the final results of university disciplinary hearings concerning the allegation. When a student is an alleged perpetrator of a violent crime or a non-forcible sex offense and the university concludes with respect to that allegation that the student has violated university rules, the university may release to the public the name of the student, the offense committed, and the sanction the university imposes against the student.

FERPA further allows student education records to be released to individuals or organizations performing research on behalf of, or in cooperation with, the university. When education records are released for research purposes, FERPA requires the university and its research partners to implement procedures to safeguard their confidentiality. In addition, records released for research must be returned or destroyed when the research is completed, and research findings may not be presented in a manner that makes it possible to identify confidential data from an individual's education record. Central Washington University releases information from student education records to outside researchers only under the conditions specified by FERPA and only to those that agree in writing to safeguard the confidential information contained therein.

At its discretion, Central Washington University may publish or release **directory information** in accordance with the provisions of FERPA. Directory information includes student name, university and permanent home address and telephone number, e-mail address, a photograph, date of birth, dates of attendance, class, major fields of study, previous institutions attended, awards and honors (including honor roll), degrees conferred (including dates), participation in officially recognized sports and activities, and heights and weights of members of athletic teams. Students may withhold directory information by giving written notification to the office of the Vice President for Student Affairs and Enrollment Management within two weeks after the beginning of fall quarter. Requests for non-disclosure of directory information will be honored until graduation unless students submit a written request to have the block on their directory information removed. Students who wish to withhold directory information after they graduate, which would include their dates of attendance and degrees conferred, must submit another written request to the Vice President for Student Affairs and Enrollment Management. Forms for making requests to withhold directory information are available in the office of the Vice President for Student Affairs and Enrollment Management, Bouillon Hall, Room 204, at the Ellensburg Campus.

FERPA provides students with the right to inspect and review information contained in their education records, to challenge the content and accuracy of those records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they disagree with the decisions of the hearing panel. The Vice President for Student Affairs and Enrollment Management has been designated by Central Washington University to establish procedures by which students may review their education records.

Students wishing to review their education records should submit a written request, clearly specifying the records of interest, to the official responsible for maintaining those records. The office of the Vice President for Student Affairs and Enrollment Management will assist in identifying the appropriate official. The responsible official will then make arrangements for the student to inspect the records within forty-five days of the request, and will notify the student of the time and place of inspection. Students may have copies made of their records with certain exceptions (e.g., students may not have a copy of academic records for which a financial "hold" exists, or a transcript of an original or source document produced by another institution or by a person not employed by CWU). Copies will be made at the student's expense at prevailing rates, which are listed in the office of Registrar Services in Mitchell Hall at the Ellensburg campus.

Only records covered by FERPA, as delineated in the above paragraph defining "education records," will be made available for inspection. (However, students may have their health records reviewed by their

own physicians.) Furthermore, the university is permitted or required to withhold from students the following sorts of records: financial information submitted by their parents, confidential letters of recommendation to which students have waived their rights of inspection, and education records containing information about more than one student. In the latter case, the institution will permit access only to the parts of education records that pertain to the inquiring student. Nor is the university required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purpose for which they were collected.

Students who believe their education records contain information that is inaccurate, misleading, or held in violation of privacy rights or other rights, may ask the university to amend a record. In such cases, the student should write the university official responsible for the record, identify the parts of the record the student believes should be changed, and indicate the reasons it should be changed. If university officials agree with the student's request, the appropriate records will be amended. If the university decides not to amend the record as requested by the student, the student will be notified and advised of her or his 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. FERPA confers the right to challenge grades only in cases where the grade has been mis-recorded. However, CWU has other procedures for appealing grades.

Student requests for a formal hearing must be made in writing to the Vice President for Student Affairs and Enrollment Management, who, within a reasonable period of time after receiving such a request, will inform the student of the date, place, and the time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at their own expense. The hearing panels that adjudicate such challenges are appointed by the Vice President for Student Affairs and Enrollment Management. The decisions of the hearing panel will be based solely on the evidence presented at the hearing and are final. They will consist of written statements summarizing the evidence and the reasons for the decision, and will be delivered to all parties concerned. If the decision is in favor of the student, the education records will be corrected or amended in accordance with the decision of the hearing panel. If the decision remains not to amend the student's education record, the student has a right to insert a statement in her or his record commenting on the information therein. This statement will be maintained as a permanent part of the record and must be included when the record is disclosed to an authorized party.

Students who believe the adjudications of their challenges were unfair, or not in keeping with the provisions of FERPA, may request the assistance of the Office of the President of Central Washington University. Students who believe their FERPA rights have been violated may also file complaints with The Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-4605 (<http://www.ed.gov/offices/OM/fpco/>).

*[PAC: 1/15/03]*