

OAKLAND UNIVERSITY

ADMINISTRATIVE POLICIES AND PROCEDURES

470 RELEASE OF STUDENT EDUCATIONAL RECORDS

SUBJECT: RELEASE OF STUDENT EDUCATIONAL RECORDS

NUMBER: 470

AUTHORIZING BODY: SENIOR VICE PRESIDENT STUDENT AFFAIRS
AND CHIEF DIVERSITY OFFICER

RESPONSIBLE OFFICE: DEAN OF STUDENTS OFFICE

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RATIONALE: To ensure compliance with federal law regarding the privacy of Student records and the obligations of the institution, primarily in the areas of release of the records and the access provided to these records.

This policy describes how the University complies with FERPA, and is intended to be interpreted consistently with FERPA and its implementing regulations, as they may be amended from time to time.

POLICY: Oakland University ("University") faculty and staff must comply with:

The Family Educational Rights and Privacy Act of 1974 (collectively, "FERPA") which requires educational institutions to maintain Student Education Records as confidential, except with the Student's written consent or under certain prescribed circumstances. FERPA also allows Students to have access to and request correction of their Education Records.

SCOPE AND APPLICABILITY: All University employees who handle Student records are subject to this policy. Faculty and staff who require assistance in interpreting this policy should contact the Dean of Students.

DEFINITIONS:

- **Directory Information:** Directory information means the following information about a Student: name, University email address, degrees, honors and awards received, including without limitation scholarships and eligibility for inclusion in honor societies; degrees applied for; major field of study; enrollment status; dates of attendance; class code; most recent educational agency or institution attended; School of Medicine residency match results; participation in officially recognized activities and sports; weight and height of members of athletic teams; photographic or electronic images; and date and place of birth.

Directory information also includes a student's home address, and telephone number; provided, however, that such information will only be disclosed to third parties if (i) the student has not opted out of directory information; (ii) the University has entered into a written contract ("Contract") with the third party that expressly requires the disclosure of a student's home address and telephone number; (iii) the Contract conforms to applicable law and the legal standards and requirements of the University's Vice President for Legal Affairs and General Counsel; and (iv) the Contract has been signed by the University's President or one of the University's Vice Presidents.

- **Education Record:** "Educational Record" means records that are directly related to a Student and maintained by the University or its agent. The term Education Record does not include:
 - a. Records created by a University employee or agent that are in the sole possession of the maker, used solely as a personal memory aid, and are only used as a temporary substitute for the maker;
 - b. Records created and maintained by the University's Police Department for law enforcement purposes;
 - c. Employment records unrelated to the Student's status as a Student;
 - d. Student medical and counseling records created, maintained or used solely to provide the Student treatment, and disclosed only to the individuals providing treatment. (While a Student may not inspect his or her medical records, those records may be reviewed by a physician or other appropriate health professional of the Student's choice, at the Student's sole expense.);
 - e. Records created or received by the University after an individual is no longer a Student in attendance and that are not directly related to the individual's attendance as a Student;
 - f. Student thesis and dissertations; or

- g. Grades on peer-graded papers before they are collected and recorded by a teacher or professor.

Personally Identifiable Information: Personally Identifiable Information means information that would make a Student's identity easily traceable, including the Student's name; name of Student's parents and other family members; address of Student or Student's family; a personal identifier such as a social security number or Student number; and personal characteristics or any other information that would make the Student's identity easily traceable.

School Official: A School Official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including but not limited to law enforcement unit personnel and health staff); a contractor, consultant, volunteer or other party to whom the University has outsourced institutional services or functions (including without limitation attorneys, auditors, collection agents and interns) provided that the outside party (i) performs an institutional function for which the University would otherwise use employees, (ii) is under the direct control of the University with respect to use and maintenance of Education Records, and (iii) is subject to FERPA's requirements governing use and re-disclosure of Personally Identifiable Information from Education Records; a member of the Board of Trustees; or a Student or person serving on an official University committee, including but not limited to a disciplinary or grievance committee, or assisting another School Official in performing his or her professional responsibilities.

Student: Except as otherwise provided in FERPA, "Student" means an individual who is or has been in attendance at the University and regarding whom the University maintains Education Records. The period during which an individual is working in a work-study program is considered attendance at the University.

PROCEDURES:

A. Disclosure of Personally Identifiable Information in Education Record

1. **Disclosure With Student Consent.** A Student may consent in writing to disclosure of Personally Identifiable Information from his or her Education Record. The Student's written consent must be signed, dated and state what records are to be disclosed, to whom and for what purpose. The Student may also request a copy of the records disclosed pursuant to his or her consent. The Student may retract the consent in writing at any time, although retraction will not affect disclosures already made by the University consistent with the consent.

2. **Disclosure Without Student Consent.** The University may disclose Personally Identifiable Information from an Education Record without the Student's written consent as follows:
- a. To a School Official with legitimate education interest. A School Official has a legitimate education interest if the School Official needs to review an Education Record in order to fulfill his or her professional responsibilities.
 - b. To officials of another school, school system or institution of postsecondary education where the Student seeks or intends to enroll, where the Student is enrolled or where the Student receives services, so long as the disclosure is provided for purposes related to the Student's enrollment or transfer. Disclosures under this subsection are handled by either the Dean of Students or the Registrar's office. Faculty and staff receiving requests to disclose such information should refer the requestor to either one of the aforementioned offices.
 - c. To authorized representatives of the United States Comptroller General, Attorney General (for law enforcement purposes only), and Secretary of Education, and state and local educational authorities in connection with the audit and evaluation of federal or state supported education programs, or in connection with the enforcement of federal legal requirements that relate to such programs.
 - d. In connection with a Student's application for or receipt of financial aid, as necessary for such purposes as determining eligibility, amount, conditions of aid, and enforcement of terms and conditions of aid.
 - e. To state and local officials who are authorized by statute to access a Student's Education Record to ensure the juvenile justice system effectively serves the Student.
 - f. To organizations conducting studies for, or on behalf of, the University to develop, validate or administer predictive tests; administer Student aid programs; or improve instruction; provided, however, that (i) the study is conducted in a manner that does not permit personal identification of parents and Students by individuals other than representatives of the organization that have legitimate interests in the information; (ii) the information is destroyed when no longer needed for the purposes for which the study was conducted; and (iii) the University enters into a written agreement with the organization that satisfies the purpose, scope, and duration of the study or studies and the information to be disclosed and requires the organization to use Personally Identifiable Information from Education Records only to meet the purpose or purposes of the study as stated in the written agreement; conduct the study in a manner that does not permit personal identification of parents and Students by

anyone other than representatives of the organization with legitimate interests; and destroy or return to the University all Personally Identifiable Information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

- g. To accrediting organizations to carry out their accrediting functions.
- h. To comply with a judicial order or lawfully issued subpoena.
- i. In the case of health or safety emergencies, the University may release information from Education Records to appropriate parties, including parents of an eligible Student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the Student or other individuals.
- j. In response to a request for Directory Information, unless the Student has requested in writing, consistent with paragraph A.3. below, that such information be maintained as confidential.
- k. When a Student is alleged to have committed a crime of violence or non-forcible sexual offense and goes through a University disciplinary proceeding as a result, the final result of the proceeding, including the sanction imposed, if any, will be disclosed to the alleged victim. Further, the Student's name, violation committed and sanctions imposed may be disclosed to third parties if the Student is found to have committed a crime of violence or non-forcible sexual assault that violates the University's rules or policies with respect to such crime or offense.
- l. To parents or legal guardians of a Student, information regarding any violation of federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if the Student is under the age of 21 and the University has determined that the Student has committed a disciplinary violation with respect to such use or possession. The Dean of Students Office will make an individual determination about the release of information based on the severity of the offense. For minor offenses, parents will generally not be notified. In cases of habitual offense or serious offenses involving alcohol or controlled substances, the parents or guardian will be sent written notification, provided they have the proper address and contact information on file with the University. In more serious cases, the parents or guardian may be personally contacted.
- m. Requests from the Attorney General of the United States (or designee not lower than an Assistant Attorney General) in response to an ex parte court order in connection with an investigation or prosecution of offense listed in

or an act of domestic or international terrorism as defined or described in 18 U.S.C. §2331 and 2332b(g)(5)(B).

- n. Information concerning sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §14071, and information was provided to the University under 42 U.S.C. §14071 and applicable to Federal guidelines.
 - o. To a parent of an eligible Student if the disclosure meets the requirements of FERPA.
 - p. Education Records or information from Education Records after the removal of all Personally Identifiable Information provided that the University has made a reasonable determination that a Student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.
 - q. De-identified Student level data from Education Records for the purpose of education research along with a record code attached to each record that may allow the recipient to match information received from the same source; provided, however, that (i) the University does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a Student based on a record code; (ii) the record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain Personally Identifiable Information about a Student; and (iii) the record code is not based on a Student's social security number or other personal information.
 - r. As otherwise permitted or required by law.
3. **Disclosure of Directory Information.** Directory Information (as defined above) may appear in public documents and may be disclosed to any person or entity without Student consent unless the Student submits a completed Request for Nondisclosure of Directory Information Form to the Office of the Registrar. This form is also available from the Registrar and may be submitted at any time during the academic year. The University will fulfill a valid request made while a Student is in attendance even after the Student has left the University. The Student may rescind the request at any time by submitting a new Request for Nondisclosure of Directory Information Form to the Office of the Registrar.

Students should carefully consider their options. The University receives inquiries for Directory Information from friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing

agencies, government agencies, the media and others. If a Student elects not to allow disclosure of Directory Information, the University cannot share information with those individuals, unless otherwise permitted by FERPA.

B. Inspection, Review and Correction of Education Record.

1. **Records Available for Inspection.** Students have the right to inspect and review their Education Records, except for their parents' financial records; confidential letters and statements of recommendation placed in the Education Record before January 1, 1975; confidential letters and statements of recommendation placed in the Education Record after January 1, 1975, for which a Student has waived his or her their right of access consistent with paragraph B.2., below; and information in the Education Record about other Students.
2. **Waiver of Right to See Recommendations.** A Student may waive his or her right to see confidential letters and statements of recommendation in the Education Record, although the Student may still request the names of persons who made those recommendations. The waiver must be signed and in writing, and a Student may not be required to sign such a waiver as a condition of receiving University benefits or services. A Student may revoke his or her waiver in writing with respect to any actions that occur after revocation.
3. **The Inspection Process.** A Student may request inspection of his or her Education Record by submitting a written, dated request to the University office(s) that maintains the portion of the Education Record the Student wishes to see. Examples of offices that maintain Education Records include the University's colleges and schools (including their placement and advising offices), the Office of Graduate Study, the Office of the Registrar (transcripts), the Office of Admissions, Dean of Students (disciplinary and academic misconduct records), Office of Student Financial Services (financial aid and Student employment records), and the Athletic Department (intercollegiate sports). The Dean of Students is available to assist Students in identifying the appropriate office(s) to which their request should be made. When an inspection request is received, the office to which it is submitted will make the Education Record available to the Student within forty-five (45) days. Upon reasonable request, the office that maintains the Education Record will provide an explanation and interpretation of the Education Record.
4. **Requesting an Amendment to an Education Record.** A Student who believes that information in his or her Education Record is inaccurate, misleading or violates his or her privacy rights may request the Education Record be amended by submitting a written, dated and signed request to the office that maintains the record. If the University agrees with the request, the Education Record will be amended. If the University does not agree with the request,

the Student will be offered the opportunity to have a hearing on the matter, which the Student may accept by submitting a written request to the Dean of Students. The Student will be given reasonable notice of the date, time and place of the hearing, which will be conducted by the Dean of Students unless the Dean of Students has a direct interest in the outcome of the hearing, in which case the Senior Vice President Student Affairs and Chief Diversity Officer will appoint a hearing officer. The Student will have the opportunity to present relevant evidence and may be assisted or represented at the hearing by an individual(s) of the Student's choosing, at the Student's expense, including an attorney. The Student will be notified of the hearing officer's decision within a reasonable period after the hearing. The decision will be in writing, based solely on the evidence presented at the hearing, and include a summary of the evidence and basis for the decision. If the decision is in favor of the Student, the Education Record will be amended. If the decision is not in favor of the Student, the hearing officer will inform the Student of his or her right to place a statement in the Education Record commenting on the contested information or stating why s/he disagrees with the hearing officer's decision. The statement will be maintained in the Education Record for as long as the contested information is maintained and disclosed whenever the contested information is disclosed.

Note: If a Student wishes to challenge a grade or believes a grade has been inaccurately recorded, the Student must use the applicable college or school grade appeal procedure.

C. Complaints, Concerns or Suggestions.

A Student who believes the University is not complying with FERPA or this Policy, or has concerns or questions about this Policy, is encouraged to contact the Dean of Students. The Dean of Students will promptly review the matter. The Student also has the right to file a complaint with the United States Department of Education concerning alleged failures by the University to comply with the requirements of FERPA by contacting the Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

D. Miscellaneous

1. Ownership of Education Records. Education Records are the University's property.
2. Copies. The University may charge a Student for a copy of records from his or her Education Record(s). The cost per copy is the same as the per copy cost established for FOIA requests. Official copies of academic records or transcripts will not be released for Students who have a delinquent financial obligation or a financial hold at the University.

3. **Record of Requests and Disclosures.** University offices that maintain Education Records must keep a record of requests for access to and disclosures of Personally Identifiable Information from each Student's Education Record maintained by that office. The record of requests and disclosures will not include requests or disclosures
 - a. from/to the Student;
 - b. from/to a School Official with a legitimate educational interest;
 - c. pursuant to a Student's written consent;
 - d. for Directory Information; and
 - e. pursuant to a federal grand jury or law enforcement subpoena where the issuing court or agency has ordered that the existence of the subpoena not be disclosed. The record must include the name and legitimate interest of the requestor or person who received Education Record(s). The Student may review this record.

4. **Verification.** The University reserves the right to verify the accuracy of any information contained in what purports to be an official University document or is provided to a third party.

RELATED POLICIES AND FORMS:

- FERPA Consent to Release Form

APPENDIX:

- Family Educational Rights and Privacy Act (FERPA)
- OU FERPA Guide
- OU Student Handbook