

3356-8-04 Privacy and release of student education records: The Family education and Privacy Act (FERPA).

- (A) Policy statement. This policy governs the confidentiality of educational records and provides processes for students and parents to access their records.
- (B) Purpose. The Family Educational Rights and Privacy Act (“FERPA”) of 1974, as amended, sets forth requirements designed to protect the privacy of student educational records. The law governs access to records maintained by educational institutions and the release of information from those records. A notice is published annually in the “Student Right to Know” newspaper as well as in the “Bulletin” to explain regarding the rights of students with respect to records maintained by the university. ~~It also outlines and~~ the university’s procedures to comply with ~~the requirements of the act~~ these requirements are available on the university’s electronic catalog at <http://catalog.ysu.edu/undergraduate/general-information/academic-policies-procedures/student-records/> and on the registrar’s webpage at <http://cms.ysu.edu/administrative-offices/registrar/undergraduate-and-graduate-policies>.
- (C) Definitions.
- (1) “Education records” are those records, files, documents, and other materials which contain information directly related to a student and are maintained by any employee or agent of the university. The following categories of information are exempted and are not considered to be education records:
- (a) Records made by university personnel which are in the sole possession of the maker and are not accessible or revealed to any other person.
 - (b) Records maintained by the Youngstown state university police for law enforcement purposes.
 - (c) Medical and counseling records used solely for treatment. (Medical records may be personally reviewed by a physician of the student’s choice.)
 - (d) Records created or received after a student is no longer in

attendance, i.e., alumni records.

~~(e)~~ — Student employment records.

~~(f)~~(e) Grades or peer-graded papers before they are collected and recorded by a professor.

- (2) All records pertaining to students which are maintained by university offices are official university records and, as such, remain the property of the university. University employees are not permitted to access, utilize, share or copy student educational records for their personal use.
 - (3) Each university unit has an obligation to keep a record of requests and disclosures of student education records except when the request is from the student, a university official with a legitimate educational interest, someone requesting directory information, or related to a request with consent from the student. Students have the right to review this record of requests and disclosures of student record information.
- (D) Right to inspect and review. Students are granted the right to inspect and review all of their educational records except the following:
- (1) Financial records of parents.
 - (2) Confidential letters and statements of recommendation placed in education records prior to January 1, 1975.
 - (3) Confidential letters and statements of recommendations for admission, employment, or honorary recognition placed in education records after January 1, 1975 for which students have waived their right of access.
- (E) Waiver of rights of access. Students may waive their right of access to confidential letters and statements of recommendation. Even if the student signs a waiver upon request, the names of all persons making confidential recommendations will be made available. Employees or agents of the university may not require a student to waive his or her right of access for receipt of university benefits or services.

- (F) Procedures for inspection and review.
- (1) Requests to review one's own records must be made separately, in writing, to each office maintaining records. That office has forty-five days to respond to requests to review and inspect. However, arrangements will be made as expeditiously as possible.
 - (2) Information contained in education records will be fully explained and interpreted to students by university personnel assigned to and designated by the appropriate office.
 - (3) Students have the right to review only their own records. When a record contains information about more than one student, disclosure cannot include information regarding the other student(s).
- (G) Right to request amendment of information in records.
- (1) Students have a right to challenge the content of their education records if they consider the information contained therein to be inaccurate, misleading, or otherwise in violation of their privacy rights.
 - (2) This process includes an opportunity for amendment of the records or insertion of written explanations by the student into such records.
 - (3) The right to challenge grades does not apply under the Act unless the grade assigned was inaccurately recorded, under which condition the record will be corrected.
- (H) Procedures for hearing to challenge records.
- (1) Students challenging information in their records must submit in writing a request for a hearing to the office of the university registrar listing the specific information in question and the reasons for the challenge. If the responsible office denies the request for amendment, the university will notify the student, in writing, and advise of a right to a hearing.
 - (2) Hearings will be conducted by a university official who does not

have a direct interest in the outcome of the hearing.

- (3) Students shall be afforded a full and fair opportunity to present evidence relevant to the reasons for the challenge, as referenced in paragraph (G) of this rule.
 - (4) The hearing officer will render a decision in writing noting the reason and summarizing all evidence presented within a reasonable period of time after the challenge is filed.
 - (5) Should the hearing be in favor of the student, the record shall be amended accordingly. Should the request be denied, an appeal may be made in writing and submitted to the university registrar within ten days of the student's notification of the decision of the hearing officer. The appeal shall be heard by an appeals board of three disinterested senior university officials and a decision rendered in writing within a reasonable period of time.
 - (6) Should the appeal be in favor of the student, the record shall be amended accordingly. Should the request be denied, the student may choose to place a statement with the record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student's statement and notice of the board's decision as long as the student's record is maintained by the university.
- (I) Consent for release required. Consent must be obtained from students for the release of education records or information contained in education records, specifying what is to be released, the reasons for release and to whom, with a copy of the record sent to the student if he or she desires.
- (J) Release without consent.
- (1) The university reserves the right to verify the accuracy of any information contained in what purports to be an official university document (e.g., a transcript or diploma) or that is provided to a third party. In addition, degrees (any honors, majors, minors and specializations) are considered public information since they are conferred in a public ceremony.

- (2) The requirement for consent does not apply to the following:
- (a) Requests from faculty and staff of Youngstown state university who have a legitimate education interest on a need-to-know basis, including student employees or agents of the institution, if necessary to conduct official business. Legitimate educational interest includes performing a task related to the regular duties of the employee or agent, the student's education, the discipline of a student, a service or benefit for the student, maintaining safety and security of the campus, or performing any function of the university.
 - (b) Requests by officials of another institution where the student seeks to enroll or is already enrolled for purposes related to enrollment or transfer.
 - (c) Requests in compliance with a lawful subpoena or judicial order.
 - (d) Requests in connection with a student's application for or receipt of financial aid.
 - (e) Requests by state authorities and agencies specifically exempted from the prior consent requirements by the Act conducting studies on behalf of the university, if such studies do not permit the personal identification of students to any persons other than to representatives of such organizations and if the personal identification data is destroyed when no longer needed.
 - (f) Information submitted to accrediting organizations.
 - (g) Requests by parents of a dependent student when claimed by a parent on one's federal income tax return.
 - (h) In the case of a health or safety emergency, the university may release information from education records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

- (i) To authorized federal officials who have need to audit and evaluate federally-supported programs.
 - (j) The results of any disciplinary proceeding conducted by the university against an alleged perpetrator of a crime of violence or non-forcible sex offense to the alleged victim of that crime.
 - (k) Disclosure to a parent of an underage student in violation of university policy governing the use or possession of alcohol or drugs.
 - (l) Request for directory information, as referenced in paragraph (K) of this rule.
- (K) Directory information.
- (1) Youngstown state university, in accordance with the act, has designated the following information about students as public (directory) information:
 - (a) Name.
 - (b) Address (local, home, and email).
 - (c) Telephone (local and home).
 - (d) Program of study (including college of enrollment, major, and campus).
 - (e) Enrollment status (full-time, part-time, withdrawn).
 - (f) Dates of attendance and graduation.
 - (g) Degrees, honors, and awards received.
 - (h) Previous educational agencies or institutions attended.
 - (i) Participation in officially recognized activities and sports.

- (j) Weight and height of members of intercollegiate athletic teams.
- (2) Students have the right to have this directory information withheld from the public if they so desire. Each student who wants all directory information to be withheld shall so indicate by completing a "Student Privacy Hold Form," which can be obtained from the office of the university registrar. At least ten days should be allowed for processing of these requests. ~~This request must be made within the first seven calendar days of an academic semester.~~
- (3) Youngstown state university receives many inquiries for directory information from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media. Each student is advised to carefully consider the consequences of a decision to withhold directory information. The university, in all good faith, will not release directory information requested to be withheld, and any requests from persons or organizations outside the university will be refused unless the student provides written consent for the release.
- (4) The university publishes email student directory information on its website.
- (L) Complaints, concerns, or suggestions. Any student who has reason to believe that the university is not complying with the act or this policy should inform the office of the university registrar in writing. The university registrar shall promptly review all such allegations.

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CERTIFIED ELECTRONICALLY

Certification

09/29/2016

Date

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