



Policy AC053: Family Educational Rights and Privacy

Recommended for Approval by:

A handwritten signature in black ink, appearing to read "James Fisher".

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Approved by:

A handwritten signature in black ink, appearing to read "Jon Anderson".

Jon Anderson, Ph.D.
President

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A. Intent

To describe Pennsylvania Western University's responsibility for the confidentiality and disclosure of graduate and undergraduate student records in accordance with the Family Education Rights and Privacy Act of 1974 (Public Law 93-380), as amended.

B. Definition(s)

FERPA: The Family Education Rights and Privacy Act of 1974; the basis for the university's policies on confidentiality and disclosure of student records.

Education Records: Records that are directly related to a student and that are maintained by the University. These records include but are not limited to grades, transcripts, class lists, student course schedules, student financial information, and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail.

Legitimate Educational Interest: The need to review an education record in order for a University official to fulfill their professional responsibilities on behalf of the University, such as performing an administrative task outlined in the official's duties, performing a supervisory or instructional task directly related to the student's education, or providing a service or benefit relating to the student.

Student: Any individual who is or who has been in attendance at PennWest and

regarding whom PennWest maintains education records.

Academic Term: The time (term or semester) during which the university holds classes.

University Officials: The collective group of academic and student affairs administrative officers of the University

C. Policy

1. Official student records are established and maintained in a number of administrative offices as needed to fulfill a variety of legitimate educational interests. In assuming responsibility for the reasonable protection of these student records, the university recognizes its obligation to comply with the Family Education Rights and Privacy Act of 1974.

All records kept concerning students, including those records originating at other colleges or universities and required for admission, are the property of PennWest.

The substantive judgment of a faculty member or administrator about a student's work, as expressed in grades and/or written evaluations, is not within the purview of this policy statement. Such challenges by students may be made through the regular administrative channels already in existence for such purposes.

Directory Information Regarding Students

FERPA permits the University to disclose certain information, known as "directory information," without written consent of the student, unless the student has notified the University in writing that the student does not want their information disclosed. The following information, considered "directory information," is classified as public and may be released without the prior consent of a student:

- a student's name and address (both local and permanent)
- telephone number
- university e-mail address
- major field of study
- dates of attendance
- enrollment status
- date of graduation
- degrees received
- honors and awards received
- most recent educational institution attended
- participation in student activities (including athletics)
- height and weight (for athletic teams)
- photograph
- class standing (e.g., freshmen, sophomore)

The University reserves the right to classify other information as public and available for

release without the prior consent of a student. These changes may be made to university policies or procedures to reflect best practices, or to comply with changes in state or federal laws, mandates, or regulations. A reasonable effort will be made to notify students of any such changes.

The University does not make directory information generally available to the public. The University limits its release of such information for official university purposes, such as (a) identifying athletic team members; (b) publishing names of scholarship recipients, graduation lists and Dean's Lists; (c) issuing academic awards; (d) verifying enrollment or degree status; and (e) providing such information to organizations that are officially affiliated with PennWest or with whom the University has a contractual relationship. See 34 C.F.R. §99.37(d).

Current students have the opportunity to withhold disclosure of all categories of directory information under FERPA. To withhold disclosure, students should submit notice in writing to the Office of the Registrar.

Students requesting that "directory information" not be disclosed will have this information withheld indefinitely after leaving the university. Students are cautioned that making this request may have an adverse impact on future information requests from employers or other organizations. Requests for the addition or removal of a confidentiality hold must be done in writing to the Office of the Registrar.

Disclosure of Information to Third Parties

In most circumstances, the University will not disclose a student's education records to external third parties requesting to inspect these records without a student's written consent. Exceptions to this general principle include, but are not limited to:

- Information concerning a student if properly subpoenaed pursuant to a judicial proceeding.
 - All necessary academic and/or financial records of students to the appropriate persons or agencies without a student's prior consent in connection with a student's application for, or receipt of, financial aid.
 - Disclosure to organizations conducting studies for, or on behalf of, educational agencies or institutions to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
 - Disclosure to accrediting organizations to carry out accrediting functions.
 - Disclosure in connection with a health or safety emergency, under the conditions described in § 99.36 of the FERPA.
 - Further limited disclosure of certain kinds of information may be required in special circumstances in compliance with the federal law previously cited
- Requesting Records to be Considered Confidential**

Students who wish to make their educational record confidential must contact the Office of the Registrar through the official email address assigned to them by PennWest.

When a student's records are made confidential, the University will not share/release information about the following:

- enrollment status
- academic standing
- information normally included in a commencement program
- a student's name and address (both local and permanent)
- telephone number
- university e-mail address
- major field of study
- dates of attendance
- date of graduation
- degrees received
- honors and awards received
- most recent educational institution attended
- participation in student activities (including athletics)
- height and weight (for athletic teams)
- photograph
- class standing (e.g., freshmen, sophomore)

A granted confidential records request does not supersede parental access to records when the student is claimed as a dependent on the parent's federal taxes.

Proxy Access and Ending of FERPA Authorizations

Students may configure and permit additional users to access their educational records through the PennWest student portal.

When a person is granted proxy access, the University is permitted to communicate with that person regarding items related to a student's education. Items not included in the proxy release require an additional authorization specific to those items. That authorization is available through the Office of the Registrar.

Proxy access to educational records ends when a student's account is deactivated after student graduation or for inactivity on the educational record (that is, five months after graduation or, if not graduated but not enrolled, 17 months for an undergraduate student and 26 months for a graduate/doctoral student).

If, after proxy access has ended, the former student needs to share academic information with a third party, they must submit to the Office of the Registrar a FERPA authorization form for a one-time use.

University Officials Responsible for Student Records

The following university officials are responsible for maintaining student records within their respective administrative areas in accordance with the policies of this statement and the relevant state and federal laws:

- University Registrar
- Provost and Vice President for Academic Affairs
- Vice President for Advancement
- Vice President for Finance and Administration
- Vice President for Institutional Effectiveness and Student Affairs

University officials in charge of student education records are responsible for the reasonable care and protection of such files in accordance with University policy. This includes the responsibility for the release of confidential information only to authorized persons.

A log sheet, indicating the inspection or release of a student's file, must be kept in the student's file.

Right of Access by Students and Limitations

The Family Education Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

- The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by Pennsylvania Western University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

However, the following are not subject to inspection by students:

- Confidential letters and statements of recommendation which were placed in the education records before January 1, 1975.
- Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if the student has waived his or her right to inspect and review those letters and statements and those letters and statements are related to the student's admission to an educational institution, application for employment or receipt of an honor or honorary recognition.
- Financial records of the parents of the student, or any information contained therein.
- Medical, psychiatric or similar records that are used solely in connection with

treatment. Such records can be reviewed by a physician or other appropriate professional of the student's choice.

D. Procedure(s)

Disclosure of Student Records

1. A student may request to inspect their own education record through submission of such a request to the PennWest registrar. After a request to inspect a record has been received, the request must be honored within a reasonable period of time, not to exceed 45 days.
2. Upon providing proper identification, the student may inspect their own official education record in the presence of the administrator in charge of those records.
3. Students may configure and permit additional users to access their educational records through the PennWest student Proxy access process.
4. Parents who claim students as dependents are permitted to review educational records of their dependent student upon review of federal tax returns from the most recent year.
5. Former PennWest students who wish to share or grant access to educational records must complete the Identity Verification Form found on the Office of the Registrar homepage.
6. In an instance where the student is incapacitated and where there is no authorization or clear identification of an authorized proxy, PennWest may take actions on a student's account it deems as being the most appropriate and beneficial to the student (for example, a student withdrawal from a term).

Challenging Student Record Contents

1. Students may challenge the accuracy and/or appropriateness of material contained in their files, with such a request made in writing to the PennWest registrar. Once such a challenge has been made in writing, it will be the responsibility of the university official in charge of the file to determine the validity of the challenge, if possible. The University official shall make a written response to the challenge of the student, specifying the action taken. Should a factual error be found in any materials, the University official is authorized to make the appropriate corrections.
2. If the student disagrees with the finding of the University official, the student may request a formal hearing to contest the decision, in writing, to the registrar. A hearing committee will be appointed, and the student will be notified of the date, time and place of their hearing. The student may present evidence relevant to the issues raised and may be assisted or represented by one or more individuals of their choice, including an attorney, at their own expense. Decisions of the hearing committee, which will be based solely on the evidence presented at the hearing, will be final. Following the hearing, the committee will provide their written decision and a summary of the hearing to the concerned parties. If the decision is in favor of the student, his or her education record will be amended accordingly. Students who are dissatisfied with the result of their hearing may place in their education record an explanatory statement commenting on the information that was under review. The explanatory statement will be maintained as part of the students' education record and will be released when the records in question are disclosed.

E. Related policies

AC044, Verification of Student Identity in Distance Education

IT009, User Account Retention

F. Contact Information

For additional information, please contact the Office of the Registrar, who is designated as the FERPA Compliance Officer.

G. Policy Review Schedule

All policies will be reviewed every two years or on an as needed basis if a change in BOG, PASSHE or Pennsylvania law would create the need for an immediate change.