



# University Policy: Policy on Confidentiality of Student Records

**Policy Category:** Student Policies

**Subject:** Protecting the content of student education records

**Office Responsible for Review of this Policy:** Office of Provost

**Procedures:**

**Related University Policies:** Family Educational Rights and Privacy Act (FERPA)

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## I. SCOPE

This policy serves to notify students of their rights regarding their education records in accordance with the Family Educational Rights and Privacy Act (“FERPA”) and provides the University’s faculty, staff, and other community members guidance for the maintenance of, access to and release of such education records.

Each record-keeping office should establish and maintain procedures to handle student education records consistent with this policy.

## II. POLICY STATEMENT

This policy provides a general framework for the University’s compliance with FERPA. This policy does not cover all aspects and exceptions under FERPA and other laws. Unless specifically provided in the policy, the University does not intend to offer more protection than provided by FERPA.

Any ambiguities in this document shall be resolved in favor of a meaning that permits the University to comply with relevant laws and consistent with University policies.

## III. DEFINITIONS

***Student:*** means any individual who is attending or has attended American University and for whom the University maintains education records.

***Education Records or Student Education Records:*** means any records, with certain exceptions, noted below, that are: 1) directly related to a student; and 2) maintained by the University or its agents. Student education records can include academic and non-academic records. Examples of academic and non-academic student education records include without limitation: Academic Records: Permanent record of academic performance (e.g.,

transcript, including supporting documents) maintained by the Office of the University Registrar, the WCL Registrar, academic advisor, dean's office, and Provost's Office; files of academic progress maintained by the individual school/college academic office and Provost's Office; admission files of students; Career Center files; and Non-Academic Records: Files related to Financial Aid, Housing and Dining Programs, International Student and Scholar Services, Student Accounts, and the Library; student discipline files; employment files of students who are employed because of their student status (e.g. work-study, graduate assistantship/fellowship). Specifically excluded from the definition of student education records are:

- A. Medical and mental health information, which is created, maintained, or used by a physician, psychiatrist, psychologist, or other recognized professional in connection with treatment of the student and disclosed only to individuals providing the treatment. Such records are strictly confidential and not accessible except as provided by applicable law;
- B. Sole possession records or private notes maintained by individual faculty and instructional, supervisory, or administrative personnel for their own use and which are not accessible or released to anyone except a substitute;
- C. Records created and maintained by Public Safety solely for law enforcement purposes;
- D. Employment records of students which are made and maintained in the normal course of business, relate exclusively to their employment, and are not available for use for any other purpose;
- E. Alumni records, which contain only information about former students after they are no longer students at the University.

***Directory Information:*** includes a student's name, telephone numbers, addresses, e-mail addresses, month and day of birth, dates of attendance at the University, participation in officially recognized University activities, height and weight of members of athletic teams, photographs, and similar information. FERPA considers directory information as generally not harmful or an invasion of privacy if disclosed. Directory information cannot include student identification numbers, Social Security numbers, citizenship, gender, race, religious preference, grades, and GPA.

***University Official:*** includes faculty, staff, member of the board of trustees, third-parties acting on behalf of the University, and individuals, including students, serving on University committees.

#### **IV. POLICY**

Student education records are confidential and may only be released with consent of the student or as otherwise permitted by law. Students at American University have the following rights regarding their education records: 1) to have access to their education records, 2) to consent to release a record to a third party, 3) to request nondisclosure of directory information, 4) to seek amendment of information in an education record which the student demonstrates is inaccurate, 5) to be notified of their privacy rights, and 6) to file complaints with the Family Policy Compliance Office of the U.S. Department of Education concerning alleged failures by American University to comply with FERPA.

The University does not maintain education records in one central office. Education records are maintained in the various departments, schools, or colleges. A student should contact the Office of the University Registrar, or, for law students, The Washington College of Law (WCL) Registrar, for guidance in determining which unit(s) a student should contact about an education record.

#### Student Access to Student Education Records

- A. Each student may inspect his or her education record, subject to reasonable time, place, and manner restrictions. A student must submit a written request to review an education record. The request will be granted as soon as possible, but not later than forty-five (45) days from the date of the receipt of the request. At the time of inspection, the student must present identification and must inspect the records in the presence of a designated university official. In lieu of inspection and at the request of the student, the University may provide a copy of the requested education record. The student may be charged for the actual costs of copying the records;
- B. The University reserves the right to deny requests for copies of records if there is an administrative restriction on the individual's student account (e.g., financial obligation, disciplinary stop).

#### Student Education Records Not Accessible to the Student

A student may not access the following education records:

- A. Financial information submitted by parents;
- B. Confidential letters of recommendation for which a student has waived the right of access provided that the recommendations are used only for their intended purpose (i.e., admission, employment, or consideration for any honor). However, the student may know the names of all people making recommendations; and
- C. Confidential letters of recommendation placed in a record before January 1, 1975, if the letters were used only for the intended purposes.

#### Disclosures of Student Education Records

- A. Disclosure of Directory Information
  1. At its discretion, the University may release directory information unless the student has instructed the University to restrict this information.
  2. The University does not provide student directory information to third party vendors except in limited circumstances when disclosure of specific directory information is necessary to provide a University-related service. Appropriate University offices will review contracts that involve the use or disclosure of directory information for compliance with this policy and FERPA.
  3. Students who object to the disclosure of directory information must notify in writing the Office of the University Registrar or, for law students, the WCL Registrar and should be filed within thirty (30) days following registration each semester at the University. The request for nondisclosure may be rescinded by written notification to the Office of the Registrar or WCL Registrar. The University is committed to offering students effective choices concerning disclosure of directory information entrusted to the University.
- B. University Official Access to Education Records

1. University officials are determined to have legitimate educational interest if the information requested is necessary for that official to perform a task that is related to their assigned job functions or related to their performance of a contract with the University. The determination as to whether a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis.

C. Third-Party Access to Education Records

1. The University may disclose student education records with the prior written consent of the student. A student may authorize access to third parties to review the student's education record by completing a written and dated authorization form which specifies the information to be released, the reasons for the release, and to whom the information is to be released.
2. The University may disclose information in the following circumstances without the prior written consent of the student:
  - a. To comply with a judicial order or lawfully issued subpoena. Unless otherwise directed by the order or subpoena, the University will make a reasonable effort to notify the student in writing of the order or subpoena in advance of compliance;
  - b. To the parents of a dependent student, as defined in the Internal Revenue Code. The parent must sign, and provide the University, a written statement confirming that the student is a dependent; the statement must be accompanied by a copy of the parent's most current tax return which reports the student as a dependent;
  - c. To persons or organizations providing the student financial aid, or who determine financial decisions concerning eligibility, amount conditions, and enforcement or terms of the financial aid;
  - d. To organizations or individuals conducting studies for educational agencies to 1) develop, validate, or administer predictive tests, 2) administer student aid programs; or 3) improve instruction. Disclosure under this paragraph shall only be made if the study is conducted in a manner that does not permit personal identification of students by individuals other than representatives of the organization and that personally identifiable data will be destroyed when no longer needed for the purpose for which it was collected;
  - e. To authorized representatives of the Comptroller General of the United States; Secretary of Education; or state and local educational authorities to audit or evaluate federal or state supported education programs, or for the enforcement of or compliance with legal requirements of those programs. Disclosure under this paragraph shall only be made if information is protected in a manner that does not permit personal identification of students by individuals other than the specified officials and that personally identifiable data will be destroyed when no longer needed for the purpose for which it is collected;
  - f. To accrediting organizations for purposes related to accreditation of the University;
  - g. To appropriate parties in a health or safety emergency;

- h. To victims of crimes of violence or non-forcible sex offenses concerning the results of disciplinary proceedings about those incidents;
- i. To appropriate parties as permitted by the University's Parental Notification of Disciplinary Violations Involving the Use or Possession of Alcohol or a Controlled Substance; and
- j. To appropriate parties in other circumstances as required by law. Education records will only be disclosed to third parties if they are advised not to re-disclose the information to others without the prior written consent of the student or as permitted by law.

### Monitoring and Use of Student Education Records

Each University office must maintain a list of all individuals or organizations who have obtained access to a student's record. The list must indicate the legitimate interest that each person or organization has in obtaining the information. This "record access" is part of the student's education record.

- A. A record of access is not necessary for disclosures:
  - 1. to the student;
  - 2. pursuant to a written authorization from the student;
  - 3. to University officials;
  - 4. of directory information; and
  - 5. in response to a subpoena or court order specifying that the existence and/or contents of such documents may not be revealed.

### Student's Right to Challenge Information in the Student Education Record

- A. Informal Resolution
  - 1. If a student demonstrates that the student's education record is inaccurate, misleading or otherwise in violation of the student's privacy rights, the student may request in writing that the record be changed. The request should be made directly to the custodian of the record. Any disagreement should be resolved informally, if possible and within a reasonable time period.
- B. Formal Hearing
  - 1. If the request is denied, the student may file a written appeal within thirty (30) days to the University Registrar or, for law students, the WCL Registrar. The Registrar will appoint a hearing committee to review the complaint. The committee will provide the student a full and fair opportunity to present evidence. The student may be assisted or represented by one or more individuals of the student's choice, including an attorney. After the committee completes the proceeding and makes findings, it will render a written decision and forward it to the relevant parties for implementation.
- C. Explanatory Statement
  - 1. Students dissatisfied with the results of a hearing, may place an explanatory statement in the relevant education record commenting upon the information in dispute, and/or setting forth any reason for disagreement with the institutional decision not to correct or amend the record. Such a statement will become part of the student education record.

### Inactivity of Student Education Records

After five years since the student has graduated or was last registered at the University, the University generally destroys student education records. Exceptions include but are not limited to: 1) permanent records of academic performance, including supporting documents, 2) such financial records as are necessary so long as there exists a financial obligation to the University, and 3) disciplinary records that involve a permanent notation to the student's record.

### Policy Oversight

- A. The University Registrar and the WCL Registrar (for policy matters related to the law school) are responsible for:
  1. Overseeing implementation of this policy;
  2. Collaborating with Information Technology on development and implementation of technological support;
  3. Interpreting the policy;
  4. Resolving disputes, and responding to questions as they arise;
  5. Updating the policy as needed and recommending revisions to the Provost; and
  6. Overseeing the education of the community on this policy.
  7. Ensuring that students are notified of their FERPA rights annually by publication of such rights in the Student Handbook, in catalogs, course schedules, and other appropriate venues.

## **V. EFFECTIVE DATE(S)**

This Policy is effective May 6, 2015.

## **VI. SIGNATURE, TITLE AND DATE OF APPROVAL**

This policy needs to be signed by the appropriate officer (listed below) before it is considered approved.

**This document was approved and signed by**

**Scott Bass**  
**Provost**

**on May 6, 2015**