

Responsible Executives: Provost and Vice President for Academic Affairs and Vice President for Student Affairs

Responsible Offices: Vice Provost for Academic Operations

Responsible Offices: Vice Provost for Academic Operations and Dean of Students

Effective Date: August XX, 2020 Last Revised: Not Applicable

INSPECTION, REVIEW, AND AMENDMENT OF STUDENT RECORDS

POLICY SUMMARY

Pursuant to the Family Educational Rights and Privacy Act ("FERPA") and this policy, Northern Arizona University provides its Students with the opportunity to inspect and review their Education Records. Additionally, Students may challenge and seek to amend their Educational Records on the grounds that information contained therein is inaccurate, misleading, or in violation of the Student's privacy rights. Students also have the right to prevent the unauthorized disclosure of information contained in their Educational Records. This policy does not address grade or evaluation disputes or grievances, which instead must be pursued in accordance with the University's academic appeal policies.

REASON FOR THIS POLICY

The University must implement and comport with certain statutory mandates regarding Student rights to inspect, review, correct, and to prevent the unauthorized disclosure of their Educational Records.

ENTITIES AFFECTED BY THIS POLICY

All units that compile, manage, or administer Educational Records

Who Should Know This Policy

- All employees who compile, manage, or administer Educational Records
- All Students

DEFINITIONS

<u>Directory Information</u>: in accordance with the *Data Classification and Handling* policy, for purposes of this policy, a Student's Directory Information includes, and is limited to, the following:

- name, major, officially recognized sports/activities participation
- enrollment status
- degrees and awards received
- dates of attendance, most recent previous colleges/institutions
- weight and height of athletic team members
- address (local and permanent), telephone number, email address

Educational Records: for purposes of this policy, the term, Educational Records, will have the meaning established under 20 USC § 1232g(a)(4). Accordingly, as used herein, Educational Records refers to and includes those records, files, documents, and other materials which i) contain information directly related to a Student; and ii) are maintained by the University or any agent acting for the University. Educational Records do not, however, include i) personnel or employment records; ii) law enforcement records maintained by the NAU Police Department; or iii) health care records.

<u>Student</u>: for purposes of this policy, any individual who is or has be in attendance at the University, or any other individual for whom the University maintains Education Records.

POLICY

A. Right to Inspect and Review

- Upon application to the Office of the Registrar or the Office of the Dean of Students, as appropriate, a Student will have the right to inspect and review their Educational Records, subject to the limitations outlined in Section B.
- 2. The University will respond effectively and in a timely manner to reasonable requests for explanations or interpretations of the content of Educational Records. If circumstances effectively prevent the Student from exercising the right to inspect and review the Student's Education Records, the University will:
 - a. At the Student's expense (not to exceed the University's actual cost), provide a copy of the Educational Record content requested; or
 - b. Make other workable arrangements for the Student to inspect and review the requested records.

B. Limitations

- 1. If a requested portion of an Education Record contains information regarding more than one Student, the requesting Student may only inspect, review, seek to amend, or be informed of information specific to that Student. Additionally, Educational Records made available for inspection and review by a Student will not include any of the following:
 - a. Financial records, including parental financial information;
 - b. Confidential letters or statements of recommendation placed in Educational Records prior to January 1, 1975, provided that the letters and statements were solicited with a written assurance of confidentiality, or sent and retained with a documented understanding of confidentiality, and are used only for the purpose for which they were specifically intended;
 - c. Confidential letters or statements of recommendation placed in Educational Records on or after January 1, 1975 regarding admission, an application for employment, or the receipt of an honor or honorary recognition, provided that the Student has waived their right in writing to inspect and review those letters or statements of recommendation.
- 2. A Student or person applying for admission may waive their right in writing to inspect and review the confidential letters or statements of recommendation described above, except that the waiver may apply to confidential letters and statements only if i) the applicant or Student is, upon request, notified of the names of all individuals providing the letters or statements; and ii) such letters or statements are used solely for the purpose for which they were originally intended. Such waivers are not required as a condition of admission to or receipt of any other service or benefit from the University and may be revoked in writing at any time with respect to actions occurring after the revocation.

C. Right to Amend

- 1. If a Student believes their Educational Records contain information that is inaccurate, misleading, or in violation of their rights to privacy, the Student will have the right to challenge the objectional content.
- 2. When such circumstances arise, the University encourages the Student and the University official(s) most directly responsible for the portion of the Educational Record at issue to first attempt to resolve the matter informally through reasoned discourse. To begin, the Student should write to the appropriate official to clearly identify the part of their Educational Record they believe should be amended and to explain why they believe the record is inaccurate, misleading, or in violation of their rights to privacy.

- 3. When receiving such requests, the University official(s) most directly responsible for the disputed information will review the Student's submission and notify the Student in writing of their decision and its supporting rationale within a reasonable timeframe, not to exceed thirty (30) calendar days.
- 4. A Student who is dissatisfied with the University official's decision in response to their request to address situations involving Educational Record information the Student believes to be inaccurate, misleading, or in violation of their rights to privacy will have the right to request a hearing to resolve the matter as outlined in the Educational Record Hearing Procedures that accompany this policy.
- 5. When the University decides that the challenged information contained in an Educational Record is inaccurate, misleading, or otherwise in violation of a Student's privacy rights, the Provost or the Vice President for Student Affairs, as appropriate, will direct the relevant office or official to i) amend the Educational Record accordingly; and ii) will inform the Student of the decision in writing and provide a copy (at University expense) of the amended portion of the Educational Record.
- 6. When the University decides that information contained in an Educational Record challenged by a Student is not inaccurate, misleading, or otherwise in violation of the Student's privacy rights, the Provost or the Vice President for Student Affairs, as appropriate, will i) inform the Student of the decision; and ii) will inform the Student of their right to place a statement in their Educational Record commenting on the contested information and/or stating the reasons why the Student disagrees with the University's decision. The University will maintain the Student's statement with the contested part of the Educational Record and disclose the Student's statement whenever it discloses the portion of the record to which the statement relates.

D. Disclosure

- 1. The University will not disclose to any third party personally identifiable information from a Student's Educational Records (other than Directory Information, unless its disclosure has been restricted in writing by the Student) without the Student's written consent, other than to the following persons or entities or in the described circumstances:
 - a. University officials who have a legitimate education interest or need for the information;
 - b. Other educational institutions in which the Student seeks to enroll, is enrolled, or from which the Student seeks to or receives services:
 - c. Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education and Welfare, the U.S. Commissioner of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, and State of Arizona educational authorities;
 - d. In connection with a Student's application for, or receipt of, financial aid, provided that such disclosure is necessary to determine eligibility, amount, conditions, or enforcement of financial aid terms or conditions:
 - e. When required by and in accordance with applicable federal or state law or regulation or valid judicial order, or lawfully issued subpoena, upon the condition that the University makes a reasonable effort to notify the Student of the order or subpoena in advance of the University's compliance therewith;
 - f. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student financial aid programs, and improving instruction, if i) such studies are conducted in a manner that will not permit the personal identification of students or their parents by persons other than representatives of such organizations; and ii) such information will be destroyed when no longer needed for the purpose for which it is collected;

- g. Accrediting organizations for the purpose of carrying out accrediting functions;
- h. Parents of a dependent Student, as defined in Section 152 of the Internal Revenue Code, provided that the Student's dependent status is first affirmed by the parents in affidavit form; or
- i. Authorized agents, vendors, or contractors of the University who have agreed in writing to abide by the provisions of FERPA regarding covered Student data.
- 2. The University will not release to any third party personally identifiable information from a Student's Educational Records unless the receiving party commits in advance in writing that it will not disclose the information provided absent the Student's written consent.
- 3. The University will maintain records of, in each Student's Educational Record, all parties other than those specified above who have requested or obtained disclosure of information from the Student's Educational Record which will indicate the specific legitimate educational interest that each party has in obtaining the information. Such record shall be available only to the eligible Student, to the University official(s) responsible for the custody of such records, and to persons or organizations authorized to audit the University's systems of recordkeeping.
- 4. A Student may request the disclosure of information from their Educational Records by submitting a signed and dated written application to the Office of the Registrar or the Office of the Dean of Students, as appropriate. The application must i) clearly specify the type of information to be disclosed; ii) state the purpose of the disclosure; and iii) identify the party to whom the disclosure may be made. The University will comply with valid requests to release Student Educational Records within a reasonable period, not to exceed thirty (30) calendar days from the date of the Student's request.
- 5. The University may release information from Educational Records to appropriate parties in connection with an emergency when knowledge of such information is necessary to protect the health or safety of a Student or other individuals. The factors to be considered when the University determines whether to release information from a Student's Educational Records under this section include:
 - a. The seriousness of the threat to the health or safety of the Student or other individuals;
 - b. The need for the information to meet the emergency;
 - c. Whether the persons to whom the information is disclosed are appropriately positions to effectively meet the emergency; and
 - d. The extent to which time is of the essence in dealing with the emergency.

E. Directory Information

Students may restrict the Directory Information the University makes public by accessing their LOUIE account and navigating from the main menu to self service> student center> FERPA restrictions.

F. Health Care Records

- 1. While the University is not required to grant Student access to health care records, a Student may request that their health care records maintained by the University be reviewed by a third-party physician or other appropriate professional of the Student's choice.
- 2. As used herein, "health care records" are those records maintained by a physician, psychiatrist, psychologist, counselor, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity that are i) made, maintained, or used only in connection with treatment of the Student; and ii) disclosed only to health care professionals providing the treatment. As used here, "treatment" does not include remedial educational activities or activities that are part of the University's program of instruction.

G. Annual Notification

The University will provide notification to Students of their rights pursuant to the Family Educational Rights and Privacy Act via the annual publication of the *Student Handbook*.

H. Public Records Requests

Pursuant to Arizona's public records law (§ 39-121 et seq.), the University may be required to provide information under its control to a third party. Confidential Student information protected by FERPA or other applicable law that protect Student privacy will not be disclosed in response to a public records request.

I. Complaints

A Student may file a written complaint with the U.S. Department of Education Student Privacy Policy Office regarding an alleged violation of FERPA by the University. The address is:

Student Privacy Policy Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-5920 800-872-5327

J. Construction

In the event of a conflict or inconsistency between this policy and any applicable law or regulation, the law or regulation will prevail.

RESPONSIBILITIES

<u>Educational Record Administrators</u>: respond to requests to inspect and amend a Student's Educational Records as directed by an Educational Record hearing panel in accordance with this policy.

PROCEDURES

Educational Record Hearing Procedures

RELATED INFORMATION

Forms or Tools

Application to Inspect and Review Educational Records

Request to Amend Educational Record

Cross-References

Student Conduct Records

Student Handbook

Sources

Family Educational Rights and Privacy Act

Family Educational Rights and Privacy Federal Regulations

APPENDIX*

Northern Arizona University FERPA Website

U.S. Department of Education Student Privacy Website

U.S. Department of Education Parents' Guide to the Family Educational Rights and Privacy Act

*Disclaimer: all documents, links, or other materials included in this policy's appendix are provided solely for the user's convenience and are not part of official University policy.

