

PACIFIC UNIVERSITY INSTITUTIONAL PROCEDURES REGARDING THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Pacific University, in accordance with the regulations of the Family Rights & Privacy Act, uses the following guidelines/procedures in handling Student Records:

A. **STUDENT ACCESS TO RECORDS.** Students are allowed access to all personally identifiable records in accordance with the Pacific University Policy of Privacy Rights of Students, hereinafter referred to as "The Policy"(Appendix 1). Students may be asked to provide identification, e.g. student body id card, drivers license etc. in order to ensure proper release of information. It is recommended that students be informed of this at the time they request the information. Important note: "access" does not necessarily mean "a copy" of a student record. In accordance with FERPA guidelines institutions must allow students the ability to view records, but are not required to provide a copy of such records, unless the denial of a copy results in denial of access. Such "holds" on records are defined within the Policy.

B. **SCHOOL OFFICIALS ACCESS TO/CUSTODY OF STUDENT RECORDS.** All school officials as defined in the Policy are expected to manage student records in their custody in accordance with all FERPA regulations (see Guidelines, Appendix 2). To receive access to student records school officials (including work study student personnel) must receive a copy of these procedures, a copy of the Policy, and remain current regarding any FERPA modifications. All school officials, including work study students requesting access to student records (including electronic student records) must adhere to the requirements stipulated within the Pacific University Network Access and Acceptable Use Policy (Appendix 3) and/or Pacific University Employee Statement of Understanding of the Family Educational Rights and Privacy Act (Appendix 4) as signified by their signature on the agreement (s). FERPA information sessions are required for all new full-time school officials having access to student records, and as a regular part of orientation programs for those school officials.

Any school official failing to provide necessary security of student records as stipulated may be denied further access to student records until adequate security can be guaranteed.

Proper custody of student records includes but is not limited to

1. Keeping all student records in a secure environment when the school official is not present.
2. Keeping student records inaccessible to third parties without student consent by:
 - a. not leaving student records on tables, desks or in other areas open to third parties
 - b. securing computer screens so that third parties do not have access to student information
 - c. posting student grades, satisfactory progress or other student records only as designated by these guidelines.

C. **RELEASE OF STUDENT INFORMATION TO PARTIES OTHER THAN THE STUDENT OR SCHOOL OFFICIALS.** Pacific University will not release student information without the written consent of the student unless specifically allowed according to FERPA regulations. All student requests for release of information must be in writing, dated, and must include:

1. Purpose of the release
2. Specific information to be released
3. Specific parties to whom the information is to be released
4. The student's signature

Telephone requests will not be honored unless they fall within the definition of "emergency" as allowed by FERPA regulations. FAX requests for release of information are allowed under FERPA regulations.

In most cases all requests for release of information will be routed to the Registrar's Office. Parties to whom personally identifiable information is released as a general rule, are not permitted to disclose the information to others without the written consent of the student, and must be informed of that restriction in writing at the time they receive the information. The official wording of this notification will be as follows:

"The attached information has been forwarded to you at the request of the student with the understanding that it will not be released to other parties. The Family Educational Rights and Privacy Act of 1974, as amended, prohibit release of this information without the student's written consent. Please return this material to us if you are unable to comply with this condition of release."

D. TELEPHONE REQUESTS FOR INFORMATION. Personally identifiable information may be released to the student via telephone only if the school official is certain that the party requesting the information is indeed the student. In order to insure record security, the school official must ask ALL of the following:

- a. Student's complete name while in attendance
- b. Student's Social Security Number
- c. Student's date of birth
- d. Student's dates of attendance at Pacific University.

If the school official receiving the request cannot verify this information, then verification from the Registrar's Office must be secured prior to release of information.

E. PUBLIC POSTING OF STUDENT GRADES. FERPA regulations clearly state that the public posting of grades either by the student's name, institutional student identification number, or social security number without the student's written permission is a violation. In order to post grades, an instructor must either obtain the student's uncoerced written permission to do so or by using code words or randomly assigned numbers that only the instructor and individual student know.

F. LETTERS OF RECOMMENDATION. Pacific University school officials are encouraged to support students in their efforts to attend graduate school, apply for scholarship programs, or seek professional employment. In order to submit letters of recommendation in accordance with FERPA regulations, school officials must request that students submit a "Consent For Release of Information"(Appendix 5) or its equivalent prior to providing student information to third parties. This consent for release shall be maintained by the appropriate school official in accordance with the maintenance guidelines.

G. RELEASE OF INFORMATION TO STUDENT RELATIVES, SIGNIFICANT OTHERS. Pacific University does not release personally identifiable information to student's relatives or significant others without written permission from the student unless specifically authorized by FERPA regulations. Parents of dependent students do not receive access to student's records solely on that basis without the student's written consent. The exception to this is account receivable information.

H. RELEASE OF DIRECTORY INFORMATION. Pacific University has defined the following categories as "Directory Information", that is, information not considered harmful or an invasion of privacy if disclosed: student name, permanent address, local address, temporary address, electronic mail address, telephone number, dates of attendance, degrees and awards received, participation in officially recognized activities and sports, weight and height of members of athletic teams, theses titles/topics, photograph, full-time/part-time status.

Pacific University has chosen not to release Directory Information, as defined in the Policy, to parties outside the University. Exceptions to this guideline include but are not limited to Deans Lists, Academic or Athletic Honors/Awards or programs, or information to hometown newspapers of students attending the university. Directory Information for use within the university is permitted in accordance with FERPA guidelines; however disclosure within the university does not constitute institutional authorization to transmit, share, or disclose any or all information received to a third party.

1. Offices receiving requests for directory information from outside the university should forward such requests to the Registrar's Office.
2. No lists of students will be given to parties outside the University.

3. Requests for directory lists by Pacific University individuals or groups should be addressed to the Registrars Office, and if approved, such information will be given the Pacific University employee responsible for the maintenance of the record.
4. Student directories may be distributed by the University Colleges/Schools; such directories will not include the student's phone number or address.

I. HOLDING OF DIRECTORY INFORMATION. In accordance with FERPA guidelines and University Policy, students may withhold the release of directory information. Such "holds" refer to all information regarding the student's attendance at Pacific University, and are binding for all information except that necessary for educational purposes released to school officials. All requests for directory holds must be in writing and submitted to the Registrar's Office, which is the sole office authorized to maintain directory holds. Although the initial request may be filed at any time, non-disclosure requests will be honored by Pacific University for no more than one academic year. Re-authorization to withhold Directory Information must be filed annually in the Registrar's Office within the first two weeks of fall semester. The Registrar's Office will place computer designations within the Student Information system on those students requesting directory holds; all school officials, prior to releasing directory information, must check either the student information system or contact the Registrar's Office to insure compliance with student requests for non-disclosure. The proper response to any third party request for such withheld information should be: "We are unable to provide that information". Any other response may reveal that the student is in attendance.

J. MAINTENANCE OF PERSONALLY IDENTIFIABLE RECORDS. Students Records will be maintained and disposed in accordance to the AACRAO guidelines for Retention of Records. All academic units maintaining student records will maintain those records for a period of one year following the student's last date of attendance, after which the student's records will be sent to the Registrar's Office and maintained in accordance with records guidelines. Student records maintained in the Student Health Center, Counseling Center, Dean of Students Office, Financial Aid Office, and Business Office shall be maintained and disposed in accordance with established guidelines.

PACIFIC UNIVERSITY POLICY OF PRIVACY RIGHTS OF STUDENTS

The Family Educational Rights and Privacy Act of 1974 is a Federal law which provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable. The Registrar at Pacific University has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admission, personal, academic, and financial files, and academic, cooperative education, and placement records. Student wishing to review their education records must make written requests to the Registrar listing the item or items of interest (written request will not be required for transcript review by student for personal use). Only records covered by the Act will be made available within forty-five days of the request. Students may have copies made of their records with certain exceptions, a copy of the academic record for which a financial "hold" exists or a transcript of an original or source document, which exists elsewhere). These copies may be made at the students' expense at the rate of \$.10 plus postage with the exception of academic transcripts, the fee for which is designated in the University Catalog. Pacific University will provide a copy of student records "if failure to do so would effectively prevent the parent or student from exercising the right to inspect and review the records." Authority: Vol. 20 U.S.C. 1232f(1)(1)(A); 34 CFR 99.10. Education records do not include records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute, records of the law enforcement unit, student health records, employment records or alumni records.

Students may not inspect and review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The institution is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

Pacific University accords all the rights under the law to students as defined by the Act. No one outside the institution shall have access to nor will the institution disclose any information from students' education records without the written consent of students except to personnel within the institution, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. All these exceptions are permitted under the Act. Pacific University does not release personally identifiable information to student's relatives or significant others without written permission from the student unless specifically authorized by FERPA regulations. Parents of dependent (dependent as defined within FERPA regulations) students do not receive access to student's records solely on that basis without the students written consent. The exception to this is account receivable information.

Within the Pacific community, only those members, individually or collectively, having legitimate educational interest are defined as "school officials" and allowed access to student education records within limitations of their need to know. These members include personnel in all academic and administrative offices of the University, academic personnel including students performing research on behalf of the university, outside parties acting on behalf of Pacific University including but not limited to the National Student Loan Clearinghouse, and other personnel as determined by the Registrar.

At its discretion the institution may provide Directory Information in accordance with the provisions of the Act. Directory Information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated Directory Information at Pacific University includes the following: student name, permanent address, local address, temporary address, electronic mail address, telephone number, dates of attendance, degrees and awards received, participation in officially recognized

activities and sports, weight and height of members of athletic teams, these titles/topics, photograph, full-time/part-time status.

Students may withhold Directory Information by notifying the Registrar in writing; please note that such withholding requests are binding for all information to all parties other than for educational purposes.

Students should consider all aspects of a Directory Hold prior to filing such a request.

Although the initial request may be filed at any time, requests for non-disclosure will be honored by the University for no more than one academic year. Re-authorization to withhold Directory Information must be filed annually in the Office of the Registrar within the first two weeks of the fall semester.

Records regarding academic progress and academic standing in the Deans or Director's Offices are protected by the Family Educational Rights and Privacy Act and will not be released without the written consent of the student. Faculty members, advisors, or University officials with a legitimate education interest may have access to these files under the "need to know" provisions of the Act. Records in the Dean of Students' Office, including disciplinary files, are protected by the Family Educational Rights and Privacy Act, and will not be released without the written consent of the student. Students may review their files in the Dean of Students' Office on request.

Student records in the Student Health Center and the Counseling Center are not educational records per se, but are considered confidential by professional standards. These records are not available to anyone but the student; however, may be review by physicians of the students' choosing. Students may review their health and/or counseling records on request, and with the consent of the Directors of the Health or Counseling Centers. Although parents do not have access to student's health or counseling records, in life threatening or potentially life threatening situations, parents will be notified at the discretion of the Dean of Students. Student records created by the Security Office, Pacific University's law enforcement unit, that are created by the Security Office for a law enforcement purpose and maintained by the Security Office are exempt from the definition of education records.

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the Office of the Registrar. If the decisions are in agreement with the students' requests, the appropriate records will be amended. If not, the students will be notified within a reasonable period of time that the records will not be amended; and they will be informed by the Office of the Registrar, of their right to a formal hearing. Student requests for a formal hearing must be made in writing to the Registrar who, within a reasonable period of time after receiving such requests, will inform students of the date, place, and the time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the students' expense. The hearing panel, which will adjudicate such challenges, will be the Provost, Dean of Students, Appropriate Academic Dean or Director, and the Registrar. (Note: any member of the panel with a direct interest in the outcome will be excluded. As in accordance with 20 U.S.C. 1232f(a)(2); Sect. 99.22).

Decisions of the hearing panels will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panels, if the decisions are in favor of the student. If the decisions are unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be placed in the education records, maintained as part of the students' records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair, or not in keeping with the provisions of the Act may request in writing, assistance from the President of the institution. Further, students who believe that their rights have been abridged, may file complaints with The Family Educational Rights and Privacy Act Office (FERPA), Department of Health, Education, and Welfare, Washington, D.C. 20201, concerning the alleged failures of Pacific University to comply with the Act.

Revisions and clarifications will be published as experience with the law and institution's policy warrants.