

Antioch University

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March 2015

### 5.629 Student Records (FERPA) Policy

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# ANTIOCH UNIVERSITY

Type of Policy <input checked="" type="checkbox"/> <b>University</b> <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <i>Interim</i>		<b>Student Records (FERPA) Policy</b>  <b>Policy 5.629</b>	
<b>Academic Policies</b>		Effective date: February 13, 2015	
<b>Policy History:</b>	<b>Approved by:</b>	<b>Resolution #</b>	<b>Date:</b>
Approved	Chancellor	N/A	February 13, 2015
Revised (Non-substantive)	Office of University Counsel	N/A	May 19, 2017
<b>Responsible Office:</b>	<b>Responsible Administrator:</b>	<b>Contact information:</b>	<b>Applies to:</b>
Academic Affairs	Vice Chancellor	937-769-1890	All current and former students

## A. Introduction

Antioch University maintains education record files for each of its students. This information is used to document student enrollment, credit and degree awards, faculty evaluations, and other matters pertaining to the student’s achievement and progress in the University. Such files are necessary not only for accreditation of University programs, but also to provide documentary support for student learning. Thus, it is the joint responsibility of the University and the student to ensure that records are complete and accurate.

It is the policy of the University, in compliance with the Family Educational Rights and Privacy Act, as amended (“FERPA”) (20 U.S.C. § 1232g; 34 CFR Part 99), to afford certain rights and protections with respect to a student’s education record. Generally, in accordance with the policies and procedures herein and subject to certain exceptions, individuals who have attended or currently attend the University as a registered student have a right to inspect and review their education records; the right to seek amendment of those records if they believe them to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights; and the right to privacy with respect to those records. The following will serve as a comprehensive statement of University policy about student records.

## **B. Selected Definitions**

Reference 34 CFR 99.3

1. “Directory Information” means information contained in an Education Record of a student that would not generally be considered harmful or an invasion of the student’s privacy if disclosed. The University Directory Information includes the following information:

- Name
- Address
- Telephone listing
- Email address
- Photographs
- Date and place of birth
- Major field of study
- Grade level
- Enrollment status
- Dates of attendance
- Participation in officially recognized activities
- Degrees, honors, and awards received
- Most recent educational institution attended

2. “Education Records” are those records that are directly related to a student and maintained by the University or by a party acting for the University.

The following are expressly excluded from the definition of Education Records:

A. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Records of any law enforcement unit of the University.

C. Records relating to an employee of the University, maintained in the normal course of business, related to the employee in his/her capacity as an employee, and not available for use for any other purpose. (This exception does NOT include employment records of a student employed by the University in a work-study program).

D. Certain student medical records.

E. Records created or received by the University after the individual is no longer a student in attendance and not directly related to the individual’s attendance as a student.

F. Grades on peer-graded papers before they are collected and recorded by a teacher.

3. “Personally Identifiable Information” includes, but is not limited to:
  - A. The student’s name;
  - B. The name of the student’s parent or other family members;
  - C. The address of the student or student’s family;
  - D. A personal identifier, such as social security number, student number, or biometric record;
  - E. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
  - F. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  - G. Information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.
4. “Record” means information which is recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
5. “Student” means any individual who is or has been in attendance at the University and regarding whom the University maintains education records.

## **C. Types of Education Records**

### **1. Academic Records**

The University Registrars’ Offices serve as the repository for all official records of learning activities for students of the University. They are authorized to issue official transcripts of these activities on behalf of the University. The Registrars’ Offices of the University maintain the following types of academic records:

- A. Degree plans or other documents setting forth comprehensive student learning objectives.
- B. Reports, including narrative evaluations and any class lists reporting credit, which provide documentary support for the award of credit and degrees.
- C. Transcripts of learning activities.
- D. Correspondence relating to student records.

- E. Summary biographical data in compliance with federal and state reporting requirements.
- F. Reports of committee or administrative actions regarding student status.

## **2. Transcripts**

The transcript is a copy of that portion of a student's academic record which is prepared for release to persons or agencies at the request of the student or former student. It contains personal information about the student and reports the student's registration and academic performance at Antioch.

The Antioch transcript contains the name and address of Antioch University and the name and address of the Antioch campus at which the student enrolled. Some or all of the following information is included on the transcript:

- A. Personal information: Student's name, address, date of birth, and identification (partial social security) number.
- B. Basis of admission and/or previous degree: name of prior institution; last degree earned if applicable.
- C. Attendance and credits earned: Dates of attendance (date of entry and each term of registration); course identification (course number and title); amount of credit attempted and earned; identification of credit system (semester or quarter academic credit, or indication of cooperative credit); credit for prior learning; demonstrated competencies identified; or transfer credit identified.
- D. Academic suspension, if applicable.
- E. Effective withdrawal date, if applicable.
- F. Graduation date, degree conferred, and program or major, if applicable.
- G. Professional certification requirements met, if applicable.

Transcripts will not be released if the student has not met (or made satisfactory arrangements to meet) financial obligations to the institution. Transcripts may be withheld as required and in accordance with legal or disciplinary proceedings.

## **3. Other Student Records**

In addition, the Admissions Offices of the University maintain admissions data to ensure that admissions standards have been met and that students have been properly admitted. The Financial Aid Offices of the University maintain student and parental information relating to the application for and receipt of financial awards to students.

Further, other offices of the University may maintain student records that are covered under this policy. All offices of the University are expected to be in compliance with the conditions set forth here within.

#### **D. Retention of Student Records**

To meet institutional requirements as well as those of external agencies, the student records will be retained in accordance with the Records Management Policy (3.233) and its associated schedule.

#### **E. Right to Inspect and Review Education Records**

Reference 34 CFR 99.10 *et seq*

##### **1. General**

All current and former students of the University have the right to inspect and review their Education Records.

##### **2. Procedures**

- A. Requests to inspect and review records must be made in writing to the Office of the University Registrar at registrar.antioch.edu.
- B. The request must specifically identify the records sought for inspection.
- C. The Registrar will forward the student's request to the appropriate office(s) holding the requested records. These offices will contact the student to make arrangements for inspection.
- D. The request will be granted as soon as practicable, but in no event later than forty-five days after the request is received by the Registrar.
- E. The student will be provided with digital copies of the record or, if requested, the student may inspect the record in paper form in the presence of University administration.
- F. The student will be provided with printed copies of the records upon request at the student's own expense.
- G. The student has the right to a verbal response to a reasonable request for explanations or interpretations of the records.

### **3. Limitations**

The student may not review the following Education Records:

- A. Financial records of the student's parent(s);
- B. Confidential letters of recommendation placed in the education records of the student prior to January 1, 1975 as long as such letters are used for the purpose intended; and
- C. Confidential letters of recommendation related to the student's admission, application for employment, or receipt of an honor or honorary recognition, placed in the education records of the student after January 1, 1975, if the student has waived his/her right to inspect the same.

### **F. Right to Request Amendment of Education Records**

Reference 34 CFR 99.20 *et seq*

#### **1. General**

Students have the right to request correction of the recording of academic information when it doesn't conform to the academic decisions. If a student believes the Education Records relating to the student contain information that is inaccurate, misleading, or in violation of the student's privacy, he or she may ask the University to amend the record. However, appeals regarding the academic decision itself follow the process outlined in the Academic Appeal Policy (6.111).

#### **2. Procedure to Request Amendment**

##### **A. Informal Proceeding**

Students are encouraged to attempt to resolve any matters with respect to their Education Records directly with the University Registrar, who may refer the informal proceeding to another school official when appropriate.

##### **B. Formal Proceeding**

In the event that the student is not satisfied with the resolution of an informal proceeding, he or she may present a written request to amend the Education Record to the University Registrar. The request must identify the record challenged and include the reason(s) for the challenge. The Registrar will investigate and respond to the request in writing within a reasonable time period.

#### **3. Appeal Procedure**

In the event that the student is not satisfied with the decision of the Registrar, the student may appeal the decision to the Vice Chancellor for Academic Affairs (VCAA).

The VCAA will conduct a hearing within a reasonable time after receipt of the request from the student. The student will be provided with written notice of the date, time, and place of the hearing reasonably in advance. The student shall be afforded the opportunity to present evidence relevant to the issues raised in the request and may, at his/her own expense, be assisted or represented. The VCAA shall make a decision based solely on the evidence presented at the hearing and shall issue his/her decision in writing, including a summary of the evidence presented and the reasons for the decision. If the VCAA determines that the record contains inaccurate or misleading information or otherwise violates the student's privacy rights, the record shall be amended accordingly.

In the event that the VCAA determines that the record is not to be amended, the student has the right to place a statement in the record commenting on the contested information and stating why he/she disagrees with the decision of the University. Such statement shall be maintained with the contested part of the record as long as the record is maintained under the University's record retention policy, and the University shall disclose the statement whenever it discloses the portion of the record to which the statement relates.

## **G. Right to Privacy with respect to Education Records**

Reference 34 CFR 99.30 *et seq*

### **1. General**

A student has certain privacy rights with respect to his or her Education Record. Generally, the University will not disclose personally identifiable information contained in a student's Education Record to third parties without the student's written consent.

### **2. Consent**

Consent for disclosure of a student's personally identifiable information to third parties must be in writing signed by the student, contain a description of the records to be released, identify the parties to whom such records are to be released, state the purpose of the disclosure, and must be dated.

### **3. Directory Information**

The University may disclose the personally identifiable information contained within a student's Education Record which has been designated as Directory Information unless the student informs the University that any and all information so designated should not be released without the student's prior consent. A form to request a restricted release of Directory Information is available online and must be filed with the Office of the Registrar. Students are notified annually of their right to request non-release of directory information by the University Registrar. Such requests, once received, remain in force for the duration of the academic year, and must be renewed annually. Restrictions in force at the time a student leaves the University will remain active indefinitely until or unless rescinded by the former student.



#### **4. Internal Disclosures**

Disclosures may be made to University Officials who have a legitimate educational interest in the information.

A. A University Official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Governors; or a student serving on an official committee, such as a disciplinary or grievance committee. A University Official also may include a volunteer or contractor outside of the University who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of Personally Identifiable Information from Education Records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks.

B. Generally, a University Official will be considered to have a legitimate educational interest in any record he/she needs to review in order to fulfill his/her professional responsibilities for the University. It is within the University's discretion to determine what a legitimate educational interest is and whether the student's privacy interests outweigh such interest.

#### **5. Disclosures to Parties outside the University**

Under the following circumstances and/or to the following parties, the University may generally disclose personally identifiable information contained in a student's education records without the student's consent.

Information may be provided to the following offices or individuals:

- A. Officials of another institution to which the student seeks or intends to enroll or where the student is already enrolled; provided the disclosure is for purposes related to the student's enrollment or transfer.
- B. Government officials for purposes of audit or evaluation of federally or state funded programs or compliance.
- C. Appropriate parties in connection with financial aid to a student.
- D. State and local authorities within a juvenile justice system, pursuant to specific state law.
- E. Organizations conducting studies for the University.
- F. Accrediting organizations, to carry out their accrediting functions.

Information may be disclosed to parties outside the University under the following conditions:

- A. In compliance with a judicial order or lawfully issued subpoena.
- B. In connection with a health or safety emergency in order to protect the student or other individuals.
- C. The disclosure is to the student or to the student's parent if the student is a dependent of the parent for income tax purposes.
- D. The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. Such disclosures are limited to the final results of any disciplinary proceeding conducted by the University with respect to the alleged crime or offense.
- E. The disclosure is in connection with a disciplinary proceeding at the University.
- F. The disclosure is to the student's parent regarding the student's violation of any law or University policy governing the use or possession of alcohol or a controlled substance if the student is under age 21 and the student committed a disciplinary violation with respect to such use or possession.
- G. The disclosure concerns sex offenders or other individuals required to register under the Violent Crime Control and Law Enforcement Act and the information was provided to the University under applicable Federal guidelines.
- H. Any other disclosure permitted under Federal law.

**6. Limitations on Disclosures without Consent**

- A. In the event that personally identifiable information contained in a student's education record is sought pursuant to a lawfully issued subpoena or court order, the University will notify the student prior to the release of information unless prohibited by the subpoena or order.
- B. Any party outside the University seeking access to a student's education record must sign a written form indicating the information sought and the legitimate educational interest in the information. The form shall be retained with the student's record. Information will only be released to third parties on the condition that it will not be re-disclosed without written consent of the student. This paragraph does not apply to disclosures of information to the student, school officials, parties with written consent of the student, parties

seeking directory information, or parties seeking records in accordance with a subpoena or court order which prohibits the University from providing notice to the student.

## **H. Questions**

Any questions regarding the University's policy should be directed to the Antioch University Registrar. Additional information may be found at:  
<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

## **I. Complaints**

1. Complaints regarding violations of a student's rights under FERPA may be filed internally through the University's Compliance Hotline as noted below:

Phone: 1.866.606.4026.

Online: <https://antiochuniversity.alertline.com/>

2. Complaints regarding violations of a student's rights under FERPA may be filed externally with:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-5920  
Telephone: 202-260-3887  
Fax: 202-260-9001