

**Austin Peay State
University**

FERPA, Confidentiality, and Privacy of Student Records

POLICIES

Issued:

Responsible Provost and Vice President for Academic

Official: Affairs

Responsible Office: Office of the Registrar

Policy Statement

It is the policy of Austin Peay State University to protect the confidentiality of personally identifiable educational records of students and former students.

Purpose

The purpose of this policy is the establishment of policy to protect the confidentiality and privacy of student records at Austin Peay State University in accordance with the Family Educational Rights and Privacy Act ("FERPA"), also known as the "Buckley Amendment."

Each school official (as defined herein) is individually responsible for complying with this policy and "Privacy Rights of Parents and Students" from 34 CFR Subtitle A Part 99" and "Confidential Records" from T.C.A. Section 10-7-504. Violations shall subject the school official to appropriate disciplinary action. Appropriate references to this policy should be included in all faculty, staff, and student handbooks and in orientation sessions for new employees who work with or have access to student records.

Annually, Austin Peay State University students shall be informed of their rights under FERPA through at least one of the following: an email with the annual notification of rights, the APSU Student Handbook and Calendar, and the University website.

Contents

Definitions

- Directory Information
- Disclosure
- Education Records
- Legitimate Educational Interest

- Parent
- Record
- School Official
- Student

Procedures

- Educational Records
- Student Rights
- Disclosure of Records
- Record of Requests and Disclosures

Related Forms

- FERPA Student Release of Confidential Information Form

Definitions

The following definitions shall apply to this policy. For definitions not included below consult 34 CFR Subtitle A Part 99.3

Directory Information

This means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy. It includes the following information relating to a student: the student's name, address, telephone number, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information also includes the following information that may only be provided to requesters for a legitimate educational purpose or in relation to an APSU activity: email addresses (campus and personal) and University ID Number (A#).

Disclosure

This means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

Education Records

This means those records that are directly related to a student and are maintained by the University or by a party acting for the University (see 34 CFR Subtitle A Part 99.3 for exceptions). Generally, education records do not include: (1) personal notes not accessible or revealed to others; (2) records maintained by law enforcement personnel solely for law enforcement purposes; (3) employment records (except those of student employees); (4)

medical, psychological, and psychiatric records (these are accessible by the student's physician); or (5) records created or received after an individual is no longer a student in attendance that are not directly related to the individual's attendance as a student.

Legitimate Educational Interest

This is defined as specific student information that is needed by a school official to fulfill his/her responsibilities to the University and/or to better serve the student's needs.

Parent

This means a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.

Record

This means any information or data recorded in any medium, including, but not limited to, handwriting, print, digital format, tapes, film, microfilm, and microfiche.

School Official

A school 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 or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the APSU Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Student

This means any individual who is or has attended the University and regarding whom education records are maintained.

Procedures

Educational Records

A. Records Maintained by the University

The following types of educational records are maintained, both physically and electronically, by Austin Peay State University at the location(s) and under the supervision of the individual(s) as indicated below:

Undergraduate admission application plus all supporting documents (including but not limited to high school transcripts, transfer transcripts, admission test scores, assessment test scores, etc.), registration records including: course enrollment, grades, names of instructors and

advisors, etc. Records are maintained by the Office of Admissions and the Office of the Registrar, located in the O'Malley Family Welcome Center and the Ellington Student Services Building, respectively. The Assistant Provost for Enrollment Management oversees all of the documents required for student admission to Austin Peay State University, while the Assistant Provost & University Registrar oversees all documents that compile the record of a current or formerly enrolled student at Austin Peay State University.

All documents pertaining to graduate student admission (including but not limited to: student application, undergraduate transcripts, admission test scores, letters of recommendation, etc.) are maintained by the College of Graduate Studies, located in McReynolds Building. The Dean of the College of Graduate Studies has direct oversight for these records.

Permanent record of all undergraduate and graduate students which includes grade reports and transcripts (permanent academic records) are maintained by the Office of the Registrar, located in the Ellington Student Services Building. The Assistant Provost & University Registrar is the point of contact for these records.

Student-athlete eligibility records. Records are maintained by the Athletic Department, located in the Dunn Center. The Compliance Coordinator is the point of contact for these records.

Student Financial Aid records including, but not limited to, income support documents, loan/grant/scholarship award documents, certification and verification documents, student payroll records, etc. Records are maintained by the Office of Student Financial Aid and Scholarship and Veterans Education Benefits Office, located in the Ellington Student Services Building. The Executive Director of Financial Aid and the Director of Veterans Education Benefits Office are the points of contact for these records.

Veteran certification documentation. Records are maintained by the Veterans Education Benefits Office, located in the Ellington Student Services Building. The Executive Director of the Student Financial Aid and

Director of Veterans Education and Benefits Office are the points of contact for these records.

All computer records. Records are maintained by the Information Technology Department, located at 529 N 2nd St. The Associate Vice President and Chief Information Officer is the point of contact for these records.

Student accounts receivable records and NDSL records. Records are maintained by Student Account Services, located in the Ellington Building. The Director of Student Account Services is the point of contact for these records.

Counseling records and special test results. Records are maintained by Student Counseling Services, located in the Ard Building. The Director of Counseling and Health Services is the point of contact for these records.

Student placement credential files including letters of recommendation. Records are maintained by the Office of Admissions, Office of the Registrar, and Testing Center, located in the Ellington Student Services Building and the Marks Building. The College of Graduate Studies is located in the McReynolds Building. The Director of Admissions, Registrar, and Dean of the College of Graduate Studies are the points of contact for these records.

Student disciplinary files. Records are maintained by Student Affairs, located in the Morgan University Center. The Director of Community Care and Standards is the point of contact for these records.

Student medical/health records. Records are maintained by Boyd Health Services, located in the Ard Building. The Director of Counseling and Health Services is the point of contact for these records.

Assessment test scores and supporting documents. Records are maintained by the Office of Admissions, Office of the Registrar, and Testing Services, located in the Ellington Student Services Building and the Marks Building. The Assistant Provost for Enrollment Management and the and Assistant Provost & University Registrar are the points of contact for these records.

Academic department or program required tests and/or certification records, academic advisement records. Records are maintained by the respective academic departments, located across campus. The chairperson for the respective departments is the point of contact for these records.

Incident reports and miscellaneous reports of on-campus crime and discipline code violations. Records are maintained by the Public Safety Department, located in the Shasteen Building. The Chief of Police is the point of contact for these records.

Student class attendance records, class assignments and requirements information, and academic advisement records. Records are maintained by the respective instructors or advisors, located across campus. The individual instructor or advisor is the point of contact for these records.

Student grievances against academic and non-academic personnel. Records are maintained by the Office of Institutional Culture located in the Browning Building. The Chief of Institutional Culture and Title IX Coordinator is the point of contact for these records.

Affirmative Action information. Records are maintained by the Office of Institutional Culture, located in the Browning Building. The Chief of Institutional Culture and Title IX Coordinator is the point of contact for these records.

Academic advising information and mid-term grade reports. Records are maintained by the respective advisors located across campus and the Office of the Registrar, located in the Ellington Student Services Building. The individual advisor and the Registrar are the points of contact for these records.

Student Rights

A. Rights Statement

1. A student's record may not be disclosed to the parent or to anyone else, except as defined in this policy, without prior consent.
2. Prior consent for disclosure of a student's record to the parent is not required if the student is considered a

dependent as defined by Section 152 of the Internal Revenue Code of 1954. A dependent is defined as an individual who receives half of his/her support for the calendar year from the taxpayer (parent). Such a request from a parent for disclosure should follow the University's FERPA release process.

B. Right to Access

1. Except as provided herein, a student has the right to inspect, review and obtain a copy of his/her education records. The following procedures shall apply:
 - a. A student desiring to inspect, review, and obtain a copy of specific education record(s) shall contact the office and administrator maintaining the desired records.
 - b. The administrator or his/her designee shall attempt to reply and comply with the student's request within five (5) class days but no later than forty-five (45) days.
2. A student's right to access, inspect, review and/or obtain a copy of his/her education records is subject to the following exceptions:
 - a. For records pertaining to more than one student, a student may view only the portion of the record pertaining to himself/herself and may not view the portion pertaining to the other student(s).
 - b. A student may not have access to financial records and statements of his/her parents or any information contained therein.
 - c. Students may not have access to confidential letters and confidential statements of recommendation which were placed in the student's records prior to January 1, 1975; provided that:
 - (1) The letters and statements were solicited with a written assurance of confidentiality or were sent and retained with a documented understanding of confidentiality, and

- (2) The letters and statements are used only for the purposes for which they were specifically intended.
- d. Students may not have access to confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975 which are either:
 1. Respecting admission to an educational institution;
 2. Respecting an application for employment; or
 3. Respecting the receipt of an honor or honorary recognition; provided that the student has waived his/her right to inspect and review the letters/statements in a signed written waiver. A separate waiver must be provided for each category of letters/statements. The waiver may be revoked at any time; however, the revocation will not affect the student's rights as to letters previously provided under the waiver. The institution may not require such a waiver of students as a condition or prerequisite to eligibility for a program or service. The letters or statements provided under the waiver may be used only for the purpose designated on the waiver, and the student must be notified of the receipt by the institution of all letters/statements provided under the waiver.

C. Right to Request Amendment

A student may request that an amendment be made to his/her record if he/she feels it is inaccurate, misleading or in violation of his/her privacy rights. The procedures for requesting an amendment shall be as follows:

1. The student shall contact the administrator or his/her designee in charge of the specific record with a written request.
2. The administrator or his/her designee shall meet with the student and review the request.

3. A decision as to whether or not to grant the request shall be made within five (5) class days.
4. The student has a right to appeal the decision provided he/she does so in writing within five (5) class days of the decision. An appeal should be addressed to the senior administrator with overall supervisory responsibility for the specific record.
5. The senior administrator shall respond within five (5) class days by setting up a meeting with the student to review his/her request. A decision, once made, shall be delivered to the student in writing.
6. Should the student desire to appeal the senior administrator's decision, a written notification must be sent to the President requesting a hearing. The President shall appoint a senior administrator, other administrator, or faculty member not having a direct interest in the outcome to hear the case.
7. The procedures and rights to be used prior to and during a requested hearing are as follows:
 - a. The student shall receive written notice of the time and place of the hearing at least three (3) class days in advance. A justified delay may be granted.
 - b. Reasonable attempts should be made to hold the hearing within (5) five class days from receipt of the request.
 - c. The student has the right to present evidence in support of his/her appeal.
 - d. The student has the right to be accompanied by an adviser of the student's choice, but such participation shall be limited to advising the student.
 - e. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.

- f. The student has a right to be informed in writing of the final decision. Notification shall take place within five (5) class days after the conclusion of the hearing.
8. If, as a result of the hearing, the request to amend is denied, the student has the right to place a statement in the file commenting on the information in the file and setting forth any reasons for disagreeing with the information and/or decision. The statement must be maintained with the record, and a copy provided to anyone to whom the record is provided.
9. The hearing procedures and amendment procedures outlined above shall not be used by the student to contest the underlying action taken by the University which has been recorded in the student's record but shall be limited to the issues of whether the record is inaccurate or misleading in recording the underlying action or whether the University's placement of the information in the student's record is in violation of the student's privacy rights.

D. Right to File a Complaint

If a student feels that one or more violations of the Family Educational and Privacy Rights Act has occurred, he/she may report these complaints to the Vice President for Student Affairs or the University President. Also, complaints of violations by the University may be filed with the U.S. Department of Education at Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

Disclosure of Records

The University shall not permit access to, or the release of, any information in the education record of a student that is personally identifiable, other than directory information, without the written consent of the student. Disclosure without consent of such records shall be permitted only under one of the exceptions described below.

A. Directory Information

1. Except as provided herein, the University may disclose directory information consistent with this policy to any person requesting such information without the consent of the student.

2. The University provides each student the opportunity to refuse to allow disclosure of any designated directory information. The student will be given this opportunity at the beginning of each academic term. Should a student decide not to allow disclosure, a "Confidentiality Flag" to prevent the release of information will be placed in the SIS record. The "Confidentiality Flag" will remain intact, until such time that written notification is given to the Office of the Registrar to remove it.

B. Disclosure in Bona Fide Emergency

Disclosure of student records is permitted if necessary to protect the student against threat to his/her safety or health. Such disclosure may be made only in the case of immediate bona fide emergency such that consent cannot be obtained. Such disclosure shall be limited to only necessary information and to those persons in a position to render assistance in the emergency situation.

C. Disclosure within the Institution

Those school officials with a legitimate educational interest in the record may have access to a student's records. Disclosure shall be limited to such information as necessary to fulfill these responsibilities. This access includes, but is not limited to, electronic and physical student records.

D. Disclosure with Consent

The University may disclose confidential information with the assigned written consent of the student. The consent form (FERPA: Student Release of Confidential Information Form) must be dated and must specifically identify the particular records to be disclosed, the purpose of the disclosure and the persons to whom such disclosure is to be made. A copy of the consent must be maintained with the student's record to which it pertains. If information is disclosed pursuant to a consent, a record of the disclosure should also be maintained and a copy provided to the student upon request. Information disclosed pursuant to a consent shall be accompanied by a statement that the information is provided to the named recipient on the condition that it be used for the purpose designated in the consent (specify purpose). Unless the consent form

specifies that the information may be disclosed further, the statement attached to the disclosed information should also include a warning against further disclosure by the recipient. A sample statement is as follows:

"The education records/information attached have been released by Austin Peay State University with the written consent of the student as provided for under the Family Educational Rights and Privacy Act. This disclosure may only be used by you and shall not be released by you to any other person without the written consent of the student."

E. Disclosure Pursuant to a Subpoena

The University must disclose confidential student records pursuant to a lawfully issued subpoena or judicial order. Upon receipt of such a subpoena or judicial order, the University shall examine the subpoena or order to verify that it has been executed by an officer of the court or other authorized official. (The Office of Legal Affairs may be contacted for assistance in verification.) Prior to disclosure, the University must use reasonable efforts to notify the student of the receipt of the subpoena or order and of the University's intent to comply. If the institution is unable to contact the student prior to the disclosure, it must do so as soon thereafter as is feasible. Oral notification should be followed by a written confirmation, a copy of which shall be maintained along with a copy of the subpoena and record of the disclosure with the student's record.

F. Student Recruitment Information

The following information may be released to military recruiters pursuant to the Solomon Amendment, 10 U.S.C. § 983, a federal law that allows military recruiters to access some addresses, biographical, and academic program information on students age 17 and older. APSU may release data included in the list of student recruitment information even if it is not included on our listing of directory information.

Student Recruitment Information includes:

1. Address;

2. Telephone listing (not defined as directory at APSU);
3. APSU email address;
4. Age;
5. Place of birth;
6. Level of education or class standing;
7. Most recent educational institution attended; and
8. Academic major.

G. Other Exceptions for Disclosure without Prior Consent

Federal regulations (see 34 CFR Subtitle A Part 99.1-99.67) provide for disclosure upon certain other limited circumstances. Disclosure pursuant to these exceptions shall not be made unless specifically approved by the University Registrar or his/her designee.

Record of Requests and Disclosures

The University shall retain copies of requests for disclosure and a record of the information disclosed. A copy of the request for disclosure of items will be retained with the student records for all disclosures made, except those for directory information, disclosures made pursuant to consent, and disclosures to other school officials. The record of disclosures may be inspected by the student, the officials responsible for the records and by persons responsible for auditing the records.

Related Forms

FERPA Student Release of Confidential Information Instructions

<https://www.apsu.edu/registrar/resources/FERPAStudentInstructions.pdf>

Revision Dates

APSU Policy 1:020 – Rev.:
APSU Policy 1:020 – Rev.: September 17, 2021
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APSU Policy 1:020 – Rev.: August 6, 1992
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Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file
