

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

<p>Buckley Amendment - - Family Educational Rights & Privacy Act</p>	<p>4-008 STUDENT SERVICES September 2013</p>
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INTRODUCTION

The Family Educational Rights and Privacy Act of 1974, also known as FERPA or the Buckley Amendment, is a federal law administered by the Family Policy Compliance Office) in the U.S. Department of Education (Department) (20 U.S.C. § 1232g; 34 CFR Part 99) that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA also guarantees a student the right to inspect and review his or her educational record, and protects students and former students from the release of personally identifiable information.

DEFINITIONS

- 1.01 The term “Institution” shall refer to OSU Institute of Technology (OSUIT).
- 1.02 The term “student” means any individual who is or has been enrolled in any credit or non-credit course at the Institution. The term “student” does not include any person who has only completed the admissions process, regardless of acceptance or non-acceptance to the Institution.
- 1.03 The term “education records” include those records created or maintained by or on behalf of the Institution relating directly to a student or former student, but do not include the following:
 - A. Sole possession records. Records created and used only as personal memory aid, are not revealed to any other person, and that are not accessible.
 - B. Law enforcement records. Records created and maintained by Campus Police.
 - C. Medical records. Records created and/or maintained by the Institution’s physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment.
 - D. Employment records. Records created by Human Resources or other offices employing students (except those pertaining to students employed through the "College Work/Study Program" or as a result of their status as students) that are created and maintained in the normal course of business, relate exclusively to the

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

individual in his or her capacity as an employee, and are not available for use for any other purpose.

- E. Former student records. Records containing only information that relates to a person after that person has ceased to be enrolled as a student at the Institution and that does not relate to the person as an enrolled student at the university. An example would be information concerning the accomplishment of alumni.
- 1.04 The term “school official.” A school official generally includes professors, instructors, administrators, health staff, counselors, attorneys, clerical staff, trustees, members of committees and disciplinary boards, certain contractors, volunteers, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, parties to whom the Institution has outsourced institutional services or functions, or others as deemed appropriate by the Institution.
- 1.05 The term "directory information" is defined as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
- 1.06 The term “legitimate educational interest" is defined as an interest which results from the duties officially assigned to a school official and which are related to such a school official's responsibility for facilitating the student's development.

POLICY

- 2.01 The Institution shall inform students of their FERPA rights each year.
- 2.02 Current and former students and parents of students, where appropriate, have the right to review educational records maintained about the student by the institution, except for material to which the student has waived right to access or for material specifically determined to be confidential by law.
- 2.03 Information contained in educational records is confidential but may be reviewed by school officials who have a legitimate educational interest in the student without prior consent of the student. School officials may have legitimate educational interests both in students who are currently enrolled and in those no longer enrolled.
- 2.04 FERPA permits a school to disclose directory information without consent of the student if the school has given public notice of the types of information it has designated as directory information. A student may formally request that such information be kept confidential. Such requests for confidentiality of directory information remain in effect only for one year at a time (i.e., the request must be renewed each year and applies to all categories of directory information; students may not specify that only some of the items be kept confidential).
- 2.05 A student may request to the Registrar to view his or her educational records. Upon receipt of such request, the Institution must comply within 45 days.

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

- 2.06 A student may request to the Registrar to obtain copies of his or her educational records. Upon receipt of such request, the Institution must comply within 45 days unless the student has an outstanding obligation to the Institution. The Institution reserves the right to suspend distributing copies to the student until the student has removed any outstanding obligation to the Institution. The Institution reserves the right to charge for costs incurred to provide this service as long as the charge imposed would not effectively prevent the student from exercising the right to inspect and review the student's education records (99.11).
- 2.07 Records may be requested by any party according to Oklahoma's Open Records Law or other off-campus parties for information from educational records. Such requests shall be handled through the Executive Vice President's Office. A record of non-routine disclosure of personally identifiable information (i.e., disclosure to persons other than school officials who have a legitimate educational interest in the student) shall be maintained in each student's file, and such a record may be reviewed by the student.
- 2.08 A student may challenge the content of his or her education record if such records are believed to be inaccurate, misleading, or in violation of the privacy or other rights of the student.
- 2.09 The Institution may release directory-type information of students, at least 17 years of age who are registered for at least one credit, upon request from a representative of the Department of Defense for military recruiting purposes. This release of information is approved under the Solomon Amendment (for more information visit AACRAO's website at www.aacrao.org/compliance/solomon/index.cfm).

PROCEDURES

- 3.01 Each year the Registrar shall publicly notify students of their right to review their own educational records. This information will be available via the academic catalog, student handbook, and/or any other means deemed appropriate by the Institution.
- 3.02 Parents or other parties may be given permission by the student to review educational records of the student.
- A. The student must submit a "Student Consent for Release" form to the Registrar's Office, naming a parent and/or other designee(s) to whom information may be released.
- B. A parent or legal guardian may have access to a student's educational records without the student's consent if the parent or guardian submits a notarized Affidavit of Eligibility to the Registrar's Office.
- 3.03 A school official may ask for education information from the Registrar's Office. This request does not have to be in writing. Any information given for use by a school official is also governed and/or restricted by FERPA policies. In those cases where a student or a

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

former student requests a school official to release personally identifiable information, the student shall provide written authorization or appropriate forms according to previous policy (see Sections 2.05 and 2.06).

- 3.04 Directory information consists of the following information and is subject to change provided the change is effective only at the subsequent year (i.e., fall term) and provided the change(s) is/are appropriately publicized.
- A. Student's name, local and permanent address or hometown
 - B. Student's telephone number and electronic (email) address assigned/provided by OSUIT or provided to OSUIT by the student
 - C. Student's year of birth
 - D. Program(s) of study engaged
 - E. Dates of attendance at OSUIT
 - F. Degrees, honors and awards granted or received and dates granted or received
 - G. Academic classification such as freshman, sophomore, etc.
 - H. Status (full-time/part-time)
 - I. Most recent educational institution previously attended
 - J. Advisor
 - K. Participation in official organizations and activities
 - L. Parents' names and addresses (city, state and zip only)
- 3.05 A student must submit written request of non-disclosure of directory information while in attendance at the Institution.
- A. The request is in effect for one (1) year from the date of the request.
 - B. The Institution may hold the request effective longer than one (1) year.
 - C. The 2009 regulations (99.37.c) state that even under a non-disclosure request, a student may not remain anonymous in a classroom setting regardless of delivery method of the course. Disclosure of personal information (such as student name and email address, etc.), as required by the instructor, may be released in order to conduct class activities.

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

- 3.06 A student may submit a written request to the Registrar's Office to view his or her education records. The Registrar's Office has 45 days to comply with the request, providing a place to view those records.
- A. The staff member will verify the student's or eligible requester's identity.
 - B. The staff member will review the appropriate educational record and redact any material that may personally identify another student. No material shall be removed to which the student has right of access.
 - C. The staff member may request that the student make an appointment to review the record, with such appointment being within the legal maximum period of forty-five (45) days. No reason for the delay needs to be given.
 - D. The student shall review the record in the office under the supervision of the office staff, and under no circumstances shall the student remove or alter any part of the record.
 - E. In cases where the student is not within a reasonable commute (50 miles), the Registrar's Office is responsible for finding a satisfactory means of access to the student via an appropriate third party or other academic institution with the records being subject to the same FERPA restrictions and liberties.
- 3.07 A student who wants a copy of his or her information contained in the educational record shall make such a request in writing to the Registrar's Office. The request shall clearly identify what material is to be copied. Fees for copies are as follows: copies of transcripts shall be provided at the rate established by the Registrar for all such requests; copies of other records shall be provided at a per page rate equal to that established for photocopy machines housed in the Library.
- A. The staff member will verify the student's or eligible requester's identity.
 - B. The staff member will review the appropriate educational record and redact any material that may personally identify another student. No material shall be removed to which the student has right of access.
 - C. The staff member will copy and send the record according the student's request within the legal maximum period of forty-five (45) days, barring the student having any outstanding obligation.
- 3.08 All requests for educational records from via Oklahoma's Open Records Law or other interested off-campus parties shall contact the Office of the Executive Vice President for release of information. The request shall be made in writing on the appropriate form provided by said office. If personally identifiable information is released from the educational record to individuals or parties (other than those for whom recordkeeping requirements are not mandated), a record shall be kept of who requested the material,

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

why the request was made, and what material, if any, was made available.

- 3.09 The Institution is not required to amend education records in accordance with a student's request for amendment; however, the Institution is required to consider the request. If the Institution decides not to amend a record in accordance with a student's request, the Institution must inform the student of his or her right to a hearing on the matter. If, as a result of the hearing, the Institution upholds the decision not to amend the record, the student has the right to add a statement to his or her record setting forth his or her views of the matter. That statement must remain with the contested part of the eligible student's record for as long as the Institution maintains the record.
- A. The student must submit a written request to the Vice President of Student Services, with such a request specifying the content being challenged, the grounds for the challenge, and the exact action being sought.
 - B. Within one month (i.e., 22 working days) of the request, the official shall provide a written response. If the official grants the request, the change(s) will be made. If the request is denied, the response will explain why and will inform the student that he or she may add an explanation to the educational record and/or appeal the official's decision. If the student adds an explanation to the contested record, that explanation will accompany the part of the record to which the explanation pertains, whenever that part of the record is released for as long as the Institution maintains the educational record.
 - C. An appeal may be submitted to the Office of the Executive Vice President, with a copy of the original letter and the official's response being attached. The Executive Vice President will arrange a hearing with the student within one month at a mutually agreeable time and place. In the event that the student is accompanied by legal counsel, the Office of the Executive Vice President must be notified of the fact at least three working days prior to the hearing. After the Committee hears the evidence and deliberates, it will decide and communicate its recommendation in writing, including reasons, to both the student and the official involved in the case.
- 3.10 Solomon Amendment requests shall be made in writing to the Registrar's Office. The requested information will be supplied and/or a written response denying release of all or part of the requested information, within forty-five (45) days of receipt of the request. Student recruiting information includes student name, addresses, telephone listings, age or year of birth, place of birth, level of education or degree received, academic major, and the most recent previous education institution in which the student was enrolled. (For more information on the Solomon Amendment, visit AACRAO's website at www.aacrao.org/compliance/solomon/index.cfm).

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