

**Family Educational  
Rights and Privacy Act (FERPA) Policies  
and Procedures Manual**



**High Point University**

The Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law 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 gives parents certain rights with respect to their children’s education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are “eligible students.” The purpose of this policy is to set out requirements for the protection of student education records under FERPA at High Point University (“the University”). According to the law, a person becomes a student for purposes of FERPA when they are “in attendance” at an institution. This includes attendance in person or remotely by videoconference, satellite, Internet, or other electronic and telecommunications technologies. At High Point University, we define a student as someone currently or previously enrolled in any academic offering of the University. This does not include prospective students or applicants to any academic program of the University. According to High Point University policy, FERPA becomes effective on the first day of classes for those newly admitted students who have scheduled at least one course. A student who has accepted an admission offer but did not schedule at least one course, or a newly admitted student who canceled his/her registration either before or after the semester begins, is not covered under FERPA.

#### I. Annual Notification

The University will notify currently enrolled students and parents of their rights under FERPA by including an annual notice in the Student Guide to Campus Life, the Parent Survival Guide to Campus Life, Undergraduate Bulletin, Graduate School Bulletin and on the High Point University Registrar’s website.

#### II. Definition of Education Records

Education records are any information recorded in any way (including, but not limited to, handwriting, print, video or audio tapes, film, microfilm, microfiche, computerized media, scanned documents or other medium) maintained by the University, or an agent of the University, which is directly related to a student except:

1. Records that are kept in the sole possession of the individual who made them, are used only as a personal memory aid, and are not accessible or revealed to any other person except the maker’s temporary substitute.
2. Records created and maintained by the University’s law enforcement unit that were created for a law enforcement purpose.
3. Records related solely to the employment of a student by the University, and made and maintained in the normal course of business, provided that the student is not employed as a result of his or her status as a student (work-study student employment records are as a result of student status).
4. Records on a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, and that are

made, maintained, or used only in connection with the treatment of the student and disclosed only to individuals providing the treatment.

5. Records created or received by the University which contain information about a student after he or she is no longer in attendance at the University and that do not relate to the individual's attendance as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

### III. Disclosure of Education Records to Student

#### A. *Procedure of Students to Inspect Their Education Records*

To inspect or review an education record, a student must submit a written request to the custodian of the record. Appendix A to this Policy sets out the types, locations, and custodians of education records at the University. The student must sign the request; describe the specific records to be reviewed; and must set forth the name under which the student attended the University, the student's ID number, and the student's last date of attendance. Proper picture identification must be presented before the documents may be reviewed. The custodian of record, or the custodian's designee, may waive the requirement for a written request. For example, the custodian of record for the student account may waive the requirement for a written request when the student requests a copy of the current bill.

The custodian of record or an appropriate designee will make the needed arrangements for prompt access and advise the student when and where the records will be available for inspection. Access will be given within 45 days or less after receipt of the written request. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records on campus, the University will make other arrangements for the parent or eligible student to inspect and review the requested records. (For example, the University may allow another institution to act as the University's agent in order to allow the parent or eligible student to inspect the records at a more geographically-convenient location.)

Some student records may be destroyed (per the records retention policy) and therefore, the file may not exist for the student to inspect.

#### B. *Right of University to Refuse Access*

The University reserves the right to refuse permission to the inspection and review of:

- Financial records of the student's parents;
- Confidential letters and confidential statements of recommendation placed in the education record after January 1, 1975, if the student has waived his or her right to inspect and review those letters, the waiver is made in writing and is signed by the student, and the letters and statements relate to the student's admission to an

educational institution, application for employment, or receipt of an honor or honorary recognition; or

- Confidential letters and confidential statements placed in the education record before January 1, 1975, except when these documents have been used for any purpose other than that for which they were specifically intended; and
- Documents excluded from the FERPA definition of education records (such as those listed in the “Definitions” section above.) However, upon request, the student may have any treatment records reviewed by a physician or other appropriate professional of the student’s choice.

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review only the specific information about that student.

#### IV. Disclosure of Education Records to Individuals Other Than the Student to Whom the Record Pertains

##### A. *Directory Information*

The University designates the following items as directory information:

- Student’s name
- Local and home address
- Local and home telephone listing
- University assigned e-mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Enrollment status (e.g. undergraduate, graduate, freshman, sophomore, junior, senior, first-year, second-year, third-year)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, awards, and honors received
- The most recent educational agency or institution attended

For Student Employees:

- Department where employed
- Employee Status (i.e. Graduate Assistant, Instructional Student Assistant, Teaching Associate)

Directory information may be released without prior written approval unless notified in writing by the student that all information is to be held in confidence by the University. Requests to withhold directory information should be sent in writing to the University

Registrar. The student's records will be kept confidential until the student requests in writing that the confidentiality hold be removed.

*B. Disclosure of Education Records to University Officials*

The University will disclose information from a student's education records to University officials who have a legitimate educational interest in the records.

University official is any person employed by the University in an administrative, supervisory, academic, research, or support staff position (including campus safety personnel and health services staff); a person serving on the University Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A University official also may include an agent or contractor outside of the University who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII from education records, such as an attorney, auditor or a student volunteering to assist another University official in performing his or her tasks.

A University official has a legitimate educational interest in the protected education records if the official needs to review the records in order to fulfill his or her professional responsibilities for the University.

The custodian of record will determine whether a legitimate educational interest exists, whether the University official has a legal right to know, on a case-by-case basis.

*C. Disclosure to Others*

The University may disclose information from a student's education records to individuals other than University officials only upon written consent of the student (see section *D. Student Granting of Access to Records* below), *except*:

1. Where the disclosure is of directory information;
2. To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
3. To certain authorized government representatives in connection with an audit of federal- or state-supported education programs or with the enforcement of or compliance with federal legal requirements relating to those programs;
4. Where the disclosure is in connection with financial aid that the student has applied for or received and is for the purpose of determining the student's eligibility for, the amount of, or the conditions for the aid, or to enforce the terms and conditions of the aid;

5. To organizations conducting studies for or on behalf of the University to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction;
6. To accrediting organizations to carry out their accrediting function;
7. To comply with a judicial order or lawfully issued subpoena and the University has made reasonable effort to notify the student of the order or subpoena in advance of compliance; provided, however, that notice to the student will not be given if the disclosure is in response to a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose and the court or agency issuing the subpoena has ordered that the existence or the contents of the subpoena or information furnished in response not be disclosed, or in the case of ex parte court orders pursuant to the USA PATRIOT ACT;
8. To appropriate parties in a health or safety emergency and the information is limited to that information necessary to protect the health or safety of the student or other individuals;
9. To victims of crimes of violence or of a non-forcible sex offense who requests the final results of a disciplinary review process held by the institution against the perpetrator on account of the crime or offense;
10. To the general public, the final results of a disciplinary proceeding, if the University determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the University's rules or policies with respect to the allegation made against him or her.
11. To parents of a student who is considered their "dependent" for federal tax purposes;
12. The disclosure is to parents of a student who is under the age of 21 at the time of the disclosure and relates to a determination by the institution that the student has violated its drug or alcohol rules;
13. The disclosure is to a court in the context of a lawsuit that the student brought against the institution or that the institution brought against the student;
14. The disclosure concerns sex offenders and consists of information provided to the University pursuant to the Violent Crime Control and Law Enforcement Act of 1994;
15. In connection with the University's obligation to respond to a request from military recruiters made under the Solomon Amendment.

*D. Student Granting of Access to Records*

A student has the ability to grant access to their records to others. The student will need to complete the *Student Consent For Access To Education Records* form and return it to the Office of the Registrar. A copy of this form has been included with this policy statement as Appendix B.

University personnel can look up the names of individuals the student has authorized by viewing the Student Ferpa Details (XSFD) screen in Datatel or consulting the (FERPA) Disclosure of Student Academic Information organization available on Blackboard. Please call or email the Information Technology Helpdesk if you do not have access to this organization and need this access in your daily job responsibilities.

*E. Records of Requests for Disclosure to Individuals Other than the Student or University Officials*

A record will be maintained of all requests for access to and disclosures of information from the education records of each student except as stated below. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed and the party's legitimate interest in requesting or obtaining the information. In the case of a health or safety emergency, the record must also include a description of the perceived threat. The record may be reviewed by the student. These records must be maintained with the student's education records for as long as the records themselves are maintained. A record of disclosure need not be kept of disclosures to the student, a University official with legitimate educational interests, a party with written consent from the student, a party seeking directory information, or disclosures in connection with a grand jury or other law enforcement subpoena prohibiting disclosure of its existence or contents or an ex parte court order pursuant to the USA PATRIOT Act.

V. Challenge and Correction of Education Records

Students have the right to ask to have education records corrected that they believe are inaccurate, misleading, or in violation of the privacy or other rights of the student. The following are the procedures for correcting the records.

1. The student must request an informal discussion of the questionable item with the custodian of record, who will determine whether to comply.
2. If the student is not satisfied with the result and still wishes to have the record corrected, the student must submit a written request for a change in the education record. This written request must state why the education record is inaccurate, misleading or violates the privacy or other rights of the student. This request must be given to the Vice President for Student Life ("VPSL"). The VPSL will then forward the request to the appropriate division vice president for review.
3. Upon receipt of the request, the appropriate division vice president shall obtain a written statement from the records custodian that explains why the request for the change in the education record was denied at the informal stage.

4. After a review, the Vice President will notify the student whether or not the University will comply with the requested change. If not, the Vice President will notify the student of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights. A copy of this communication will be sent to the VPSL.
5. The notification of the right to a hearing will include the following information:
  - a. Students have the right to question a decision based on faculty approved policies and made by faculty or administrative staff. Any appeal must be based on evidence that a factual or procedural error was made or that some significant piece of information was overlooked. All appeals must follow the outlined procedures in order to receive fair consideration.
  - b. Classes of Appeal:
    - i. Appeal of administrative action: A student may appeal to the Executive Committee of the University a decision of the Provost or the Dean of Students after all other prescribed appeal procedures have been exhausted. The Executive Committee is composed of the Vice President of Community Relations, a minimum of three administrative staff officers, and four faculty members. The decisions of the Executive Committee will be considered final and become effective upon ratification by the Chair.
    - ii. Grading decision: Students who wish to appeal a grade awarded by a faculty member should discuss the matter first with the faculty member. If a satisfactory conclusion of the question is not reached, a student may appeal the matter to the department chair. The decision of the department chair is final.
  - c. Time Limitations: Appeals of grades or administrative action by a student must be made within ten working days of the time that the action is made known to the student by the appropriate officer. If the University is not in session at the time the decision is made, the time limitation will begin at the start of the next regular session (fall or spring).
  - d. Format of Appeals: All appeals must be made in writing to the appropriate officer. A basis for the appeal must be clearly stated, and evidence in support of the appeal must be included in the appeal. Appeals directed to the Executive Committee should be addressed to the Vice President of Community Relations
  - e. Forms are found on Community Blackboard (General forms & manuals).
6. Upon receiving a written request for a hearing with the Executive Committee, the VPCR shall arrange for a hearing within a reasonable amount of time after receipt

of the request. The student shall be notified reasonably in advance of the date, time and place of the hearing.

7. When appeals are heard by the Executive Committee a written decision will be provided based on the evidence presented at the hearing. The written decision must include a summary of the evidence presented and the reasons for the decision. The VPCR will communicate the decision in writing to the student within a reasonable period of time after the hearing. A copy of this communication will be sent to the VPSL.
  - a. If the University's decision is that the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the record will be amended accordingly and the student will be notified in writing by the VPCR of the amendment.
  - b. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the VPCR will inform the student of the right to place a statement in the record commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as that record is maintained, and the statement will be disclosed whenever the University discloses the portion of the record to which the statement relates. The Executive Committee's decision is final.

## VI. Compliance

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address for the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202-4605

The Provost and Executive Vice President-Business Affairs are Co-Compliance Officers for the University.

## Appendix A

### Types, Locations and Custodians of Education Records

<u>Types of Record</u>	<u>Location</u>	<u>Custodian of Record</u>
Academic (e.g., transcript, transfer work, class schedule, degree requirements, probation, petitions, etc.)	Office of the Registrar Roberts Hall, 1 <sup>st</sup> Floor	University Registrar
Business Affairs	Business Affairs Roberts Hall, Rooms 236-240	Chief Financial Officer (CFO)
Financial Planning	Office of Student Financial Planning Roberts Hall, Suite 100	Director of Student Financial Planning
Student Conduct/Student Life	Office of Student Life Slane Student Center, 3 <sup>rd</sup> Floor	VP Student Life
Career Placement	Career & Internship Services Slane Student Center, 3 <sup>rd</sup> Floor	Director of Career & Internship Services
Public Safety	Security/Transportation Department – Security Service Center (SSC) The University Center	Chief of Security
Student Accounts	Office of Student Accounts Roberts Hall, Room 105	Director of Student Accounts
Student Payroll	Human Resources - Payroll Roberts Hall, 1 <sup>st</sup> Floor	Director of Human Resource
Occasional (e.g., correspondence from an office not listed above)	Campus Concierge will direct the student to the location that maintains the records	Consult University Registrar or CFO for guidance