

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: 24
DATE: October 1, 2013

RECOMMENDATION

ACTION REQUESTED

It is recommended that the Board of Regents amend the Board of Regents Policy 8.2, Access to Student Records.

STAFF SUMMARY

Board Policy 8.2 Access to Student Records describes and informs students of the categories of information about them that the University deems public and will disclose upon request. Address (home and local) and telephone number will no longer be considered matters of public record. The reason for this change is to enhance the security and privacy of EMU students.

FISCAL IMPLICATIONS

None.

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.

University Executive Officer
Gloria Hage
General Counsel

Date



Policies, Rules and Regulations

Chapter Name: Student Programs and Requirements

Chapter No. 8.2

Issue: Access to Student Records

Effective Date: 2-14-1966

Revision Date: 6-15-2004

UNIVERSITY POLICY STATEMENT

It is the policy of Eastern Michigan University to assure any person who is or has been in attendance as a student at the University access to his/her educational records and to protect such individual's rights to privacy by limiting the transferability of records without his/her consent. It is the further purpose of this policy to comply with the Family Educational Rights and Privacy Act (FERPA) and other federal and state regulations.

The following are matters of public record and may be included in publications or disclosed upon request without consent: the student's name; ~~address, telephone listing~~; e-mail address; ~~date and~~ place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; enrollment status [~~undergraduate or graduate, full-time or part-time~~]; ~~grade level (e.g. freshman or junior)~~; degrees, ~~honors~~ and awards received (including, but not limited to, the Dean's List); ~~candidacy for degree~~; and the most recent previous educational agency or institution attended by the student. This is considered directory information.

Registration documents of student organizations which contain the names and addresses of the officers and the statement of purpose of the organization are also considered public information. These documents are available in the Office of Campus Life.

UNIVERSITY PRACTICE

The University shall annually notify enrolled students of their rights under this Act and also give notice of the categories of personally identifiable information, which the institution has designated as public or directory information.

The University shall make known the rights of eligible students by publishing a statement of those rights in appropriate University publications and websites.

I. All personally identifiable information not designated as directory information is confidential and shall be disclosed by the University only as provided herein.

A. Disclosure of Public Information

1. Inquiries by telephone or in person for the items of public record listed as directory information may be honored.

2. Blanket requests or requests requiring data in specific formats (mailing labels, etc.) may be denied or a charge for the service may be levied.

3. EMU reserves the right to make public directory information unless a student's written objection (specifying the category of information not to be made public without prior consent) is filed at the Office of Records and Registration within 14 days after each term begins.

B. Disclosure of Confidential Information to the Student

Upon proper identification, a currently enrolled student has the right to inspect and review official-records, files, and data directly related to the student as a student. This right extends to former students and applicants for admission. Where such information involves other students, the student shall be entitled to inspect or be informed of that portion of the information which pertains to himself or herself only. Student access to records shall be pursuant to procedures established for the granting of requests later in this section.

For the purposes of this section, the term educational records, files, and data shall include that material on students pertaining to their status as students held by any person, office or department which is intended for University use, or to be available to parties outside the University. However, there are a number of records maintained in the University that are not educational records.

Records that are maintained by a physician, psychiatrist, counselor or other recognized professional or paraprofessional, used only in connection with a student's treatment and unavailable to anyone not providing treatment, are not educational records. (Note: a personal record inspection is permitted by a physician or appropriate professional of the student's choice.)

However, if the records involve or affect the status of the individual as a student in the University, the student shall have access to them. If the records serve a client-professional practitioner relationship, the student shall have access only through the practitioner. Release or disclosure of these records shall be governed by state statute and codes of professional ethics.

Records created and maintained by the University's Department of Public Safety for the purpose of law enforcement are not educational records.

Confidential recommendations or statements of evaluation obtained or prepared before January 1, 1975, and confidential recommendations (placed in the educational records after January 1, 1975) respecting admission to the University, employment application or credentials, or receipt of honors, provided the student has signed a waiver of his/her right of access thereto, are an exception also. However, waivers may not be required as a condition of admission, receipt of financial aid, or receipt of any other benefit from the University.

Any records on the financial status of parents are confidential between the parents and University and are, therefore, not available to students.

A personal record made by and in possession of an EMU instructional/supervisory/administrative staff member and accessible to no one else (except a substitute) is not an educational record.

C. Disclosure of Confidential Information to Third Parties

1. Disclosure to individuals and public or private agencies.

Confidential information may be disclosed to individuals or agencies only with the prior written consent of the student, unless the disclosure is pursuant to Section C2, following. Written consent on the part of the student must be provided prior to the disclosure of the requested information and shall (1) identify the individual, agency, or classes of individuals or agencies to whom the information is to be made available; and (2) specify the records to be released.

2. Disclosure of confidential information without prior consent of the student.

Information otherwise confidential and requiring a student's consent may be released without such consent pursuant to the conditions listed as follows:

a. The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

A school official is a person employed by the University in an administrative, supervisory, academic or 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 Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

All confidential information shall be disclosed only on a NEED TO KNOW BASIS. That is, an official requesting information must have a legitimate educational interest in the information (i.e., the official needs to review the information in order to fulfill his or her professional responsibility). Determining whether the person making the request for the confidential

information is a school official and determining whether the person has a legitimate educational interest in the information shall be the responsibility of the person in charge of that record or file.

University faculty and staff whose responsibilities require the receipt or use of information shall be responsible for its release and disclosure pursuant to the provisions of this policy. Release or disclosure shall always be by the office which has primary responsibility for maintaining the information.

b. Disclosure pursuant to judicial order.

Confidential information shall be released if properly subpoenaed pursuant to a judicial, legislative or administrative proceeding. The student shall be notified of the order in advance of compliance, unless the Court or other issuing agency orders the University not to disclose the existence or contents of the subpoena or any information furnished in response.

c. Disclosure pursuant to requests for financial aid.

Appropriate student records may be disclosed without the student's prior consent in connection with the student's application for, or receipt of, financial aid.

d. Disclosure to federal and state authorities.

Authorized federal and state officials shall have access to student records as required by the audit and evaluation of federally Supported education programs and in connection with the enforcement of federal legal requirements which relate to such programs.

e. Disclosure to organizations conducting studies for, or on behalf of, educational agencies or institutions to: 1) develop, validate, or administer predictive tests; 2) administer student aid programs; or 3) improve instruction.

Requests for access to information for research must be presented to and authorized by the president of the University or his/her designee. Such requests should include the elimination of personal identification information. If the research requires release of information by name, the president or his/her designee will require assurance that the data will be treated confidentially and either returned or destroyed as soon as it has served its research purposes.

f. Disclosure to accrediting organizations.

g. Disclosure to parents of a dependent student, as defined by the Internal Revenue Code, Section 152, 1954.

h. Conditions for disclosure in health and safety emergencies.

The University may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

- i. Disclosure to an alleged victim of any crime of violence (as that term is defined in Section 16 of Title 18 of the U.S. Code), the results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime with respect to such crime.
- j. Disclosure to officials of other schools upon request, in which a student seeks or intends to enroll with.
- k. Disclosure of certain information to parents or guardians of students under the age of 21 found responsible for violating any law, rule, or University policy pertaining to drugs or alcohol.
- l. Disclosure of information the educational agency or institution has designated as "directory information."

3. Restriction on further release of related records.

The University shall include, with any personal information on a student transferred to any party, a written statement that such recipient cannot subsequently release such data in personally identifiable form without first obtaining the written consent of the student.

4. Record of access.

Each office or officer of the University having custody of educational records shall maintain a record, kept with the educational records of each student, which will indicate all individuals, agencies, or organizations which have requested or obtained access to a student's educational records maintained by such office or officer. Also, it will indicate specifically the legitimate interest that such person, agency, or organization has in obtaining this information. Such record of access shall be available to the student, to the aforesaid University officials, to the University official and his/her assistants who are responsible for the custody of such records, and to the federal and state officials involved in audit and evaluation under Section 99.37 of the Act's regulations.

5. The University has a fee schedule for copies of academic transcripts and charges may be made for copies of other records requested.

II. Procedure to Challenge Content of Educational Records at EMU

If a student believes his/her records contain inaccurate or misleading information or otherwise are in violation of his/her rights, the first step to resolve the issue *is* through informal discussion between the student and the official responsible for the maintenance of the records. If within 10 class days, when the University is in session, the matter is not satisfactorily settled, the issue will

be taken to the appropriate vice president who will initiate the hearing procedure. The eligible student shall be afforded a full and fair opportunity to present evidence relevant to a request (1) for correction or deletion of any inaccurate, misleading, or other data *in* violation of the student's rights, and (2) for insertion into such records a written explanation regarding the contents of such records. A decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing to the appropriate vice president.

III. Annual Review And Disposition Of Records

A policy on Annual Review and Disposition of Records shall be established to charge each individual unit with the responsibility of annually reviewing the records it holds. In all cases, the objectives of the annual review will include consideration of reduction of records kept in operational files, provide for a continuing review and evaluation of the type of records kept *in* the operational files, and for disposal of routing records which are no longer necessary to the operation.

If not otherwise prohibited by law, the University recognizes that educational institutions are not precluded from destroying inappropriate or useless records which should not be maintained. However, access shall be granted prior to destruction in those incidents where the eligible student has requested such access prior to destruction.

IV. Student Access To His/Her Educational Records

The registrar or his/her designee is the University officer responsible for coordinating access procedures. A list of University educational records and copies of the Family Educational Rights and Privacy Act of 1974, as amended, and the Act's Regulations, are available at the Office of Records and Registration. A student seeking access to his/her personal educational records should go to the Office of Records and Registration and complete the application form required. The student will then be informed by letter as to the date and procedure to follow. In no case will this process extend 45 days after the request has been made.

A student shall be entitled to an explanation of any information contained in official records, files, and data directly related to the student and shall have the opportunity for a hearing to challenge the content of such records to ensure that they are not inaccurate or misleading or otherwise in violation of privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any inaccurate, misleading or otherwise inappropriate data.

The University reserves the right to deny transcripts or copies of records not required to be made available by the Act in any of the following circumstances:

A. The student has unpaid financial obligations to the University.

B. There is unresolved disciplinary action against the student.

The following is a list of the types of records that Eastern Michigan University maintains, their locations, and their custodians:

TYPES	LOCATION	CUSTODIAN
Admission Records	Admissions Office, Pierce Hall	Director, Admissions
Cumulative Academic Records	Records Records and Registration, Pierce Hall	Registrar
Health Records	University Health Services, Snow Health Center	Director, University Health Services
Financial Aid Records	Financial Aid, Pierce Hall	Director, Financial Aid
Financial Records	Student Business Services, Pierce Hall	Director, Student Business Services

RESPONSIBILITY FOR IMPLEMENTATION

The president of the University has the overall responsibility for implementing this policy in compliance with the Family Educational and Privacy Rights Act and its regulations. The president has the authority to modify this policy where modification(s) is required to bring the policy into compliance with future amendments of the Act and/or its implementing regulations, subject to notice to and ratification by the Board of Regents. Vice Presidents, deans, and department heads are responsible for relaying the policy to faculty and staff for compliance.

SCOPE OF POLICY

The policy applies to all currently enrolled or formerly enrolled students.

Authority for Creation or Revision:

Minutes of the Board of Regents, January 1-, 1966, para. .331M.

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The following are matters of public record and may be included in publications or disclosed upon request without consent: the student's name; e-mail address; place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; enrollment status [undergraduate or graduate, full-time or part-time]; grade level (e.g. freshman or junior); degrees, honors and awards received (including, but not limited to, the Dean's List); candidacy for degree; and the most recent previous educational agency or institution attended by the student. This is considered directory information.

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Financial Aid Records	Financial Aid, Pierce Hall	Director, Financial Aid
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