



University of Pittsburgh
FERPA: Access to and Disclosure of Education Records
Policy AC 04

Implementing Executive: Provost and Senior Vice Chancellor
Responsible Units: Office of the University Registrar
Category: Academic Policies
Effective Date: April 16, 2024

I. Purpose

This Policy affirms the University of Pittsburgh's ("University") commitment to safeguard the privacy of Education Records (as defined below) and to comply with relevant regulations, including those resulting from the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended.

II. Scope

This Policy governs access to, amendment to, and Disclosure of Education Records maintained by the University or a party acting for the University.

III. Definitions

A. Directory Information: Information contained in an Education Record that would not generally be considered harmful or an invasion of privacy if Disclosed. The University considers the following elements of Education Records to be Directory Information:

- Name
- Address
- Telephone Number
- E-mail Address
- Dates of Attendance
- Enrollment Status
- Level and Classification
- Field(s) of Study
- Degree Candidacy and/or Expected Graduation Date
- Degree(s) Conferred and Credential(s) Awarded, including the Date(s) of such Conferrals or Awards
- Awards, Scholarships, and Honors
- Thesis and Dissertation Titles
- Previous Institution(s) Attended
- Image or Likeness

- Past and Present Participation in Officially Recognized University Activities
- Date of Birth (See Associated Procedure AC-04 Section III. G.)

B. Disclosure (or “Disclose(d)”): To permit access to or the release, transfer, or other communication of Personally Identifiable Information contained in an Education Record by any means (including oral, written, or electronic means) to any party except the party identified as the party that provided or created the Education Record.

C. Education Record: Records directly related to a Student and maintained by the University or a party acting for the University. This definition of Education Records does not include:

- Records that are kept in the sole possession of the creator, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the creator of the Record.
- Employment Records made and maintained in the normal course of business, relating exclusively to that person's capacity as an employee, and not available for any other purpose. However, the Records related to a Student's employment are Education Records when:
 - The position in which the Student is employed depends on their status as a Student, including when the Student receives a grade or credit based on their performance in such capacity.
- Records of the University of Pittsburgh Police Department (“UPPD”) that are:
 - Created by the UPPD for a law enforcement purpose, and
 - Maintained by the UPPD.
- Records that relate to an individual Student after they no longer attend or participate in an educational activity as a Student and that are not directly related to their attendance as a Student.
- Records that are:
 - Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity or assisting in that capacity;
 - Created, maintained, or used only in connection with a provision of treatment to that Student; and
 - Not Disclosed to anyone other than individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial education activities or activities that are part of the program of instruction at the University.
- Peer-graded assignments prior to being collected and recorded by an instructor.

D. In Attendance: Includes but is not limited to: (a) the period of time during which a Student attends or attended the University in person or through remote engagement or (b) the period during which a Student is working under a work-study program. A Student is considered to begin the period of attendance at the University for purposes of this Policy once they are registered for their initial term of enrollment.

E. Legitimate Educational Interest: The need for a School Official to access specific student Education Records in the course of performing their duties for the University.

- F. Personally Identifiable Information (“PII”): Information that can be used to distinguish or trace a Student’s identity with reasonable certainty either directly or indirectly through linkages with other information.
- G. Record: Any information recorded in any way, including, but not limited to, handwriting, print, electronic data, audio or video recording, microfilm, or microfiche.
- H. Record Custodian: An individual or department that is designated as maintaining specific types of Records. As a result, this individual or department serves as the official contact for access to Education Records of that type.
- I. School Official (i.e., an official of the University): An individual who engages in the instructional, supervisory, advisory, administrative, governance, public safety, research, and support functions of the University. They need not necessarily be a paid employee of the University. A School Official may include a contractor, consultant, volunteer, service provider, or other party under the direct control of the University to whom the University has contracted institutional services or functions for which the University would otherwise use an employee.
- J. Student: An individual who is or has been In Attendance at the University and for whom the University maintains an Education Record.
- K. University Employee: An individual who is hired and compensated by the University, either directly or through a third- party. This definition includes, but is not limited to, full- time, part- time, and contract employees, graduate student assistants, graduate student researchers, teaching assistants, post-docs, and teaching fellows.
- L. Written Consent: permission that is signed and dated by the Student and:
 - Specifies the Education Record(s) that may be Disclosed; and
 - Identifies the party or class of parties to whom the Disclosure may be made.

IV. Policy

A. Primary Rights of Students

Pursuant to FERPA, a Student has the right to inspect and review their Education Records; the right to seek to amend their Education Record; the right to exercise limited control over the Disclosure of information contained in their Education Record; and the right to report a violation of FERPA to the United States Department of Education if they believe one of their preceding rights has been violated.

a. Student Right to Inspect and Review Their Education Records

A Student has the right to inspect and review their Education Records, subject to the limitations provided in this Section. Procedure AC 04, Section III.A explains how to exercise this right.

The University is not required to provide a Student the opportunity to inspect and review the following:

- Portions of a Student's Education Record that contain information about another Student (a Student requesting to inspect and review their Education Record will only be allowed to inspect and review the specific information that pertains to them).
- Financial information submitted by parents.
- Confidential letters and statements of recommendation that were placed in the Education Records of a Student prior to January 1, 1975, provided that:
 - The letters and statements were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality; and
 - The letters and statements are used only for the purposes for which they were specifically intended.
- Confidential letters and statements of recommendation that were placed in the Education Records of the Student after January 1, 1975, provided that the Student has waived their right to inspect and review those letters and statements of recommendation for the following purposes:
 - admission to the University or a particular program;
 - application for employment or placement; or
 - receipt of an honor or recognition.

b. Student Right to Exercise Limited Control over the Disclosure of Information Contained in their Education Record

The University may Disclose information contained in Education Records to third parties when a Student provides Written Consent permitting such Disclosure.¹ (See Procedure AC 04, Section III.B for information on how to provide that Consent.) In addition, the University may Disclose such information without Written Consent under the exceptions outlined in Appendix A. Written Consent by the Student to Disclose Education Records does not compel the University to Disclose Records to the identified party.

A Disclosure of an Education Record shall be made on the condition that: (1) the party (or person) to whom the Education Record is Disclosed is not permitted to further Disclose the Education Record to any other party (or person) without the prior Written Consent of the Student; and (2) the Education Record may only be used for the purpose(s) for which the Disclosure was made.

¹ For information regarding the disclosure of Directory Information, please see Procedure AC 04, Section III.G.

c. Student Right to Request to Amend their Education Records

A Student has the right to request that the University amend their Education Record that they believe to be inaccurate, misleading, or in violation of their privacy rights.

A Student who wishes to request an amendment to their Education Record must follow the steps outlined in the accompanying Procedure AC 04 Section III.C.

d. Student Right to File a Complaint with the United States Department of Education

A Student has the right to file a complaint with the U.S. Department of Education Student Privacy Policy Office (SPPO) if they believe one of their primary rights under the FERPA Regulations has been violated.

As detailed in Procedure AC 04, Section III.D, a Student who would like to report a potential violation of their FERPA rights can file a complaint with the U.S. Department of Education at: <https://studentprivacy.ed.gov/file-a-complaint> or

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave., SW
Washington, DC 20202-8520

FERPA.Complaints@ed.gov

B. Notification Requirements

a. Annual Notice of Rights

In addition to the primary rights afforded to Students in compliance with FERPA and under this Policy, the University is required to notify Students In Attendance of their FERPA rights on an annual basis. Procedure AC 04 establishes the process for informing a Student of their FERPA rights under this Policy. This process includes the responsibility of the Office of the University Registrar to disseminate an Annual Notice to all Students. The Annual Notice can be accessed at: <https://www.registrar.pitt.edu/students/ferpa>.

b. Notice on Directory Information

The University is also required to notify students that it may Disclose Directory Information from Education Records without written consent from a Student unless that Student has notified the University in writing of their request to restrict the Disclosure of their directory information. See Procedure AC 04, Section III.G for details on how to make that notification.

When the Office of the University Registrar receives written notice of a Student's request to restrict the Disclosure of Directory Information no further Disclosure of Directory Information

can be made without that Student's Written Consent (unless allowed under other exceptions to Written Consent in Appendix A).

C. Proper Identification or Authentication

The University must use reasonable methods to identify and authenticate the identity of any parties requesting PII from Education Records, including parents, Students, and School Officials, before the University would make a disclosure. The University will deny a request for information from a Student's Education Record when the requester refuses or is unable to provide proper identification or authentication required by the University as provided in the accompanying Procedure AC 04 Section III.B.

D. Record of Disclosure

Each Record Custodian at the University is responsible for maintaining a record of all Disclosures of a Student's Education Records, except as set forth below. This record must include the name of all individuals, agencies, or organizations that have requested or obtained Disclosure of a Student's Education Records maintained by the University and the legitimate interest these parties had in requesting or obtaining Disclosure. The record of Disclosures of a Student's Education Records may be inspected by that Student.

A record of Disclosure need not be maintained for:

- Requests from or Disclosures to the Student;
- Requests or Disclosures pursuant to the Written Consent of the Student;
- Requests or Disclosures to School Officials who have a Legitimate Educational Interest;
- Requests or Disclosures of Directory Information; and
- Requests or Disclosures in response to (a) subpoenas where the issuing court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be Disclosed; or (b) an ex parte court order obtained by the United States Attorney General concerning acts of terrorism.

E. Charges for Copies of Student Education Records

The University reserves the right to charge a fee for providing a copy of a Student Education Record, such as transcripts. Record Custodians are responsible for charging the appropriate fee, as determined by their respective department, for providing a copy of a Student Education Record.

F. Training

Each new University Employee will be required to complete one FERPA training upon employment to ensure their understanding of FERPA, the rights afforded to Students, and their responsibilities for compliance. An additional annual training will be required of University faculty, staff, and Students identified as School Officials. The annual training will include coverage of any substantial change in relevant policies, procedures, and/or regulations.

Additional training may be required for certain School Officials who need more extensive training in order to perform their specific job functions in compliance with this Policy.

Further information and guidelines on training requirements are available at:
<https://www.compliance.pitt.edu>.

G. Noncompliance

In addition to a Student's right to file a complaint with the U.S. Department of Education if they believe one of their primary rights under FERPA has been violated, concern about potential noncompliance with this Policy can be reported through the [Pitt Concern Connection](#). The Office of Compliance, Investigations, and Ethics will review and investigate, where appropriate, any concerns related to noncompliance.

Failure by a School Official to comply with the requirements of this Policy may result in sanctions in accordance with University disciplinary policies or applicable labor agreements, which could include termination of employment. Students who fail to comply with the requirements of this Policy may be subject to sanctions in accordance with the Student Code of Conduct and/or Academic Integrity Guidelines, which could include dismissal from the University.

H. Governance & Responsibilities

- A. Office of Compliance, Investigations and Ethics – Responsible for partnering with the Office of the University Registrar on the implementation of this Policy, maintaining University compliance with related federal regulations, reviewing any reports of noncompliance, and providing and monitoring training for faculty, staff, and Students who are identified as School Officials.
- B. Office of the University Registrar – Responsible for the implementation of this Policy, maintaining University compliance with related federal regulations, issuance of the Annual Notice to Students, and providing training for School Officials.
- C. Pitt IT – Responsible for assisting the Office of the University Registrar to implement the standards in this Policy and maintaining University compliance with related federal regulations for any Education Records maintained through technology for which they have responsibility.
- D. Record Custodians – Responsible for assisting the Office of the University Registrar to implement the standards in this Policy and maintain University compliance with related federal regulations for any Education Records under their care.
- E. School Officials – Responsible for abiding by this Policy to support University compliance with related federal regulations.

I. Contact Information and Public Accessibility

This Policy is posted under Academic Policies on the Office of Policy Development and Management's website and can be found at: <https://www.policy.pitt.edu>.

For specific questions related to this Policy, please contact the Office of Compliance, Investigations, and Ethics at: compliance@pitt.edu or the Office of the University Registrar at: ourpitt@pitt.edu.

J. Related Authorities

[University Procedure AC 04, Access to and Disclosure of Education Records](#)

Appendix A – Permitted Disclosures of Personally Identifiable Information from a Student’s Education Record to a Third Party without Requiring a Student’s Prior Written Consent

- When the Disclosure is to other School Officials with Legitimate Educational Interest.
- When the Disclosure is to School Officials of another postsecondary institution where a 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.
- When the Disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education, or State and Local Educational Authorities that require information for audit or evaluation of federal or state-supported education programs, or for enforcement of or compliance with legal conditions that relate to federal requirements for those programs.
- When the Disclosure is in connection with financial aid that the Student has applied for or received if the information is needed to determine the Student’s eligibility for the aid, determine the amount of aid, determine the conditions for the receipt of the aid, or enforce the terms and conditions of the aid.
- When the Disclosure is to state and local officials or authorities to whom this is allowed under specific conditions existing prior to November 19, 1974.
- When the Disclosure is to an organization to conduct studies on the University’s behalf. These include studies for developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.
- When the Disclosure is to accrediting organizations to carry out their accrediting functions.
- When the Disclosure is to the parents of a dependent Student as defined under section 152 of the Internal Revenue Code of 1986.
- When the Disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the University:
 - i. makes a reasonable effort to notify the Student of the order or subpoena in advance of compliance, so that the Student may seek protective action unless the Disclosure is in compliance with:
 - a. a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

- b. any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - c. an ex parte court order obtained by the United States Attorney General (or their designee) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
- When the University initiates legal action against a parent or Student, the University may Disclose to the court, without a court order or subpoena, the Education Records of the Student that are relevant for the University to proceed with the legal action as a plaintiff.
 - i. When a Student initiates legal action against the University, the University may Disclose to the court, without a court order or subpoena, the Student's Education Records that are relevant for the University to defend itself.
- When the Disclosure is in connection with a health or safety emergency to appropriate parties if knowledge of the information is necessary to protect the health and safety of the Student or other individuals.
- When the Disclosure is information that the University has designated as Directory Information, and the Student has not restricted Disclosure of such information.
- When the Disclosure is to the Student.
- When the Disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The Disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense. The University may Disclose the final results of the disciplinary proceeding regardless of whether it concluded a violation was committed.
- When the Disclosure is the final result of a disciplinary proceeding against a Student in which the Student is found to have committed a crime of violence (as defined in 18 United States Code Section 6) or a non-forcible sex offense and the Student has violated the University's rules or policies.
- When the Disclosure of information is to a parent of the Student regarding the Student's violation of any Federal, State, or local law, or any rule or policy of the University governing the use or possession of alcohol or controlled substances if: the Student is under age 21 at the time of Disclosure, and the University determines the Student has committed a disciplinary violation with respect to such use or possession.
- When the Disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Action of 1994, 42 U.S.C. 14071, and the information was provided to the University under 42 U.S.C. 14071 and applicable federal guidelines.