

UNIVERSITY OF PITTSBURGH PROCEDURE 09-08-01

CATEGORY: STUDENT AFFAIRS
SECTION: Rights to Review, Inspect and Release Education Records
SUBJECT: Access to and Release of Education Records
EFFECTIVE DATE: January 9, 2008 Revised
PAGE(S): 10

I. PURPOSE

To provide the steps for review and release of Students' Education Records, in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA).

II. SCOPE

This procedure includes the guidelines for:

- Publication and modification of Directory Information
- Requesting/providing copies of Education Records
- Reporting violations of the FERPA
- Maintaining records of disclosure
- Seeking to correct Education Records

III. ADMINISTRATIVE RESPONSIBILITIES

The Board of Trustees authorizes the Office of the University Registrar to inform Students of the nature of this policy and procedure, and to exercise their administrative resources to implement the policy as well as to respond to individuals who violate it.

Requests for access to Education Records, Directory Information, or general information about FERPA are directed to:

- The Office of the University Registrar
220 Thackeray Hall
- The Registrar at each Regional Campus

Requests for records unique to one department are directed to:

- The Record Custodian in the department

Requests for access to Education Records available only from a computer are directed to:

- Data Security Administrator

IV. DEFINITIONS

Education Records

Any records that pertain to a Student (in handwriting, computer media, print, video or audiotape, film, microfilm, microfiche or other medium) and which are maintained

by the University, a University employee or any agent of the University, except:

- Personal records kept by any University employee or agent which constitute records of instructional, supervisory, administrative personnel, and educational personnel ancillary to those persons, that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the records.
- Employment records made 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 his status as a student, or
 - The Student receives a grade or credit based on his performance as an employee.
- Records of the University of Pittsburgh Police Department (UPPD) which are:
 - Created by the UPPD for a law enforcement purpose, and
 - Maintained by the UPPD.
- Records which relate to an individual as an alumnus after he/she no longer attends or participates in an educational activity for which the University awards a grade or credit.
- Records which 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, provided that the records can be personally reviewed by the physician or another appropriate professional of the Student's choice. For the purpose of this definition, "treatment" does not include remedial education activities or activities which are part of the program of instruction at the University.
- Financial statements of Parents or any information contained therein, none of which may be viewed by the Student.
- Confidential letters and confidential statements of recommendation which 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 of recommendation and confidential statements of recommendation which were placed in the Education Records of the Student after January 1, 1975:
 - Respecting admission to an educational institution provided that the Student has waived his right to inspect and review those letters and statements of recommendation;
 - Respecting an application for employment; and
 - Respecting the receipt of an honor or honorary recognition.

Directory Information

The University designates the personally identifiable information contained in a Student's Education Record listed below as "Directory Information" in order that the University may, at its discretion, disclose the information without a Student's further prior written consent:

- The Student's name
- The Student's address, phone number, place of birth and electronic mail address
- The Student's major field of study
- The Student's achievements, degrees, academic awards, or honors
- The Student's weight and height, if a member of athletic teams
- The Student's previous educational institutions
- Participation in officially recognized activities and sports
- Dates of attendance
- The Student's photograph

Student

Any person who attends or has attended an academic program of instruction sponsored by the University.

Parent

Parent, guardian, or an individual acting as a parent or guardian of a Student in the absence of a parent or guardian. (Note: Only parents or guardians of Students who are not eighteen years of age, or who are financial dependents of their parents or guardians as defined under Section 152 of the Internal Revenue Service Code of 1954, may access the Education Record of the Student. To establish this, it may be necessary, inter alia, for the parents or guardians to provide a certified copy of their most recent Federal Income Tax form. These forms can only be submitted to and approved by the Office of the University Registrar, the Director of Admissions and Financial Aid, Associate Vice Chancellor of Student Financial Services and the Office of General Counsel.)

Personal Identifier

Any data or information that makes the subject of a record known. This includes the Student's name, address, student identification number, name of Parent or other family

members, and a list of personal characteristics or any other information which would make the Student's identity known or easily traceable.

Record Custodian

The individual in a department or office designated as the official contact person for access to Education Records of that particular unit.

V. DIRECTORY OF RECORD CUSTODIANS

Location of Education Records

The following listing comprises those offices which routinely possess applicable Education Records of Students. For the name of the current Record Custodian, contact the office directly as set forth in the University directory.

- Admissions and Financial Aid
- Athletics
- Database Administration and Support
- International Services
- Learning Skills Center
- University Registrar, and Regional Campus Registrars
- Residence Life
- Student Accounting and Billing
- University Collections
- Housing
- Placement & Career Services
- Veterans Services
- Disability Resources and Services

Other Locations

Other individuals or offices which may routinely possess applicable Education Records of Students include:

- All academic advisors
- Student affairs offices where they exist at the college or school level
- Diagnostic laboratories or clinics not exempted in the definition of Education Records above
- Faculty or administrators who supervise Students in:
 - Independent study

- Field work
- Internships
- Practica or similar experiences

Note that this category may include Deans, Directors and Chairs and coordinators of various academic programs. Others who may possess Education Records are required to comply with this policy.

(For clarification of the above, contact the Office of the University Registrar, 220 Thackeray Hall.)

VI. PROCEDURE

Publication and Modification of Directory Information

The University may disclose personally identifiable information (see definition of Directory Information) without a Student's prior written consent, provided the Student does not refuse permission as described below.

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| University | <ol style="list-style-type: none"> 1. The University will give public notice, at least annually, to Students of the items classified as "Directory Information." 2. The University's notice to Students will inform Students of their rights under FERPA, specifically their right to bar release of Directory Information without their consent. |
| Student | <ol style="list-style-type: none"> 3. Advise the Office of the University Registrar, in writing, not to release the Directory Information. |
| Office of the University Registrar | <ol style="list-style-type: none"> 4. Place the confidentiality indicator on the student administration system. Notify the appropriate Record Custodians of the Student's action. |
| Record Custodians | <ol style="list-style-type: none"> 5. Mark your records accordingly. No further disclosures about that Student are made without written consent (except to parties who have legal access to Student Education Records without consent). |

Providing Copies of Student Education Records

By prior written consent of a Student, (see Exhibit A - Waiver to Release Educational Records) Education Records may be released to third parties as described below.

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| Student | <ol style="list-style-type: none"> 1. Specify the records to be released. 2. Identify the person or the organization, or the class of persons or organization, to whom the disclosure will be made. 3. Sign the request. 4. Include the date of consent, and, if appropriate, a date |
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when consent is terminated.

Record Custodian

5. Release the information within 45 calendar days of the request.
6. Forward a copy of the Waiver to Release Educational Records Form, or its revocation, to the Office of the University Registrar or Regional Campus Registrar upon receipt.

Maintaining Records of Requests

Records of requests for access and disclosure made from Education Records will be maintained by all Record Custodians as described below.

Record Custodian

1. Maintain records of all requests for information or requests to gain access to a Student's Education Records. Such records will include the following as a minimum:
 - a. The name of the person or agency that made the request
 - b. The purpose for requesting that information and/or access
 - c. The names of additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution
 - d. The legitimate educational interests which each of the additional parties has in requesting or obtaining the information
 - e. The date the request was made
 - f. Whether or not the request was granted
 - g. If granted, the date that access was given or disclosure made

School/College/
Regional Campus

2. Ensure that the above records of disclosure become an integral part of each Student's cumulative Education Records and are maintained for University officials with a legitimate educational interest, for an Eligible Student or when an Eligible Student provides written consent.

Exceptions to the Maintenance of Access Records

Records of requests to gain access to a Student's Education Records or disclosure of information for such records do not have to be maintained where the request was from or the disclosure was to: (1) University officials with a legitimate educational interest; (2) the Student; (3) a party where a Student provides written consent; (4) a party seeking or receiving the records as directed by a Federal Grand Jury or other law enforcement subpoena 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 that subpoena not be disclosed.

Seeking to Correct Student Education Records

If a requested change in Education Records does not fall within the individual school's Academic Integrity Guidelines, that is, if no violation of Student or faculty obligations is alleged by the Student, the procedure is as follows:

First Level Decision

Student

1. Upon discovery of an item in the Student's Education Record that is believed to be inaccurate or misleading, or in violation of the Student's rights of privacy, Student requests in writing the Record Custodian to correct the record.
2. A written request to correct a Student's Education Record ensures a review of the correction that the requester wishes the University to make. Student should include the following in the written request:
 - a. Identify the item that is believed to be incorrect
 - b. State why the item is believed to be inaccurate
 - c. State why the item is believed to be misleading
 - d. State why the item violates the Student's privacy rights
 - e. Date and sign the request

Record Custodian

3. If the error in the record is obvious and correction is a simple matter, make the change and notify the requester in writing of the decision made.
4. In the event that the error is not obvious and/or correction is not a simple matter, within ten working days of receipt of the request, review and discuss it with other University officials, including, if possible, the person who prepared the record, and notify the requester in writing of the decision made.
5. If the decision was to change the record, then effect the change and notify the requester in writing of the decision made.
6. If it was determined that the record is correct and should not be changed, then forward the decision together with a copy of the written request to the Office of the University Registrar.

Student

7. Within ten days of receipt of the notification of denial, inform the Office of the University Registrar in writing if a hearing is desired.
8. Include the following in the notification:
 - a. The name and address of the requester
 - b. Identification of the item that is believed to be incorrect

- c. A brief statement of why the item is believed to be incorrect
- d. Signature and date of the request for a hearing

Office of the
University Registrar

- 9. Within ten working days notify all parties in writing of the time and place of the hearing.

Second Level Decision

Director, University
Student Judicial System

- 1. During the hearing, preside as the hearing officer. Provide the requester with a full and reasonable opportunity to present material evidence and testimony to demonstrate that the disputed part of the Student's Education Record is incorrect and allow the requester to seek assistance during the hearing, including the right to be represented by legal counsel.

Student

- 2. Present evidence supporting the request for the change to the Education Record.

Director, University
Student Judicial System

- 3. Within five working days after the hearing submit to the University Registrar a written summary of evidence presented at the hearing, together with recommendations.

University Registrar

- 4. Prepare the University's decision within two weeks of the hearing. The hearing officer's recommendation may be accepted or rejected.
- 5. If the decision is to change the record, instruct the Record Custodian to correct the record.

Record Custodian

- 6. Correct the record and notify the requester.

University Registrar

- 7. If the decision is to reject the request to change the record, prepare a written notice to the requester and the Record Custodian that includes:
 - a. The decision that the University's record is correct and will not be changed
 - b. A statement of the reasons for the decision
 - c. Inform the Student that an explanatory statement may be placed in his Education Record, stating the reason(s) for disagreement with the University's decision and/or the reasons that the record is believed to be incorrect

Student Explanatory Statements

Record Custodian

- 1. Maintain explanatory statements that are received from a requester after a hearing as part of the Student's Education Record. Retain the explanatory statement as long as the disputed material remains in the Student's Education Record.
- 2. Attach the statement to the record to ensure that when the

disputed part of the record is disclosed the explanatory statement will also be disclosed. Transcripts will not be accompanied by explanatory statements in any manner.

Students may appeal their grades or their academic status through other established procedures. See Policy 02-03-04, Student Grievances.

Reporting Violations of the Family Educational Rights and Privacy Act

If a Student has a complaint that the University is violating the FERPA (and the complaint cannot be satisfactorily resolved within the University), that person has a right to file a complaint with the Department of Education. The address is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-4605

The telephone number is (202) 260-3887

XI. EXHIBIT

Exhibit A - Waiver to Release Educational Records

X. REFERENCE

[Policy 09-08-01, Access to and Release of Education Records](#)