

*This document supersedes AP 51.1 dated December 9, 1996.*

**SUBJECT: *Educational Privacy Rights of Students***

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## **PURPOSE**

To set forth University policies and procedures pertaining to the maintenance of the educational privacy rights of students.

## **DEFINITIONS**

***Student*** -Any person who attends or has attended the University of New Orleans.

***Education Records*** -Any record (in handwriting, print, tapes, film or other medium) maintained by the University of New Orleans or an agent of the University which is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
3. Records maintained by the law enforcement unit of the University that were created by the law enforcement unit for the purpose of law enforcement.
4. Health records relating to a student which are a) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his or her professional capacity; b) used solely in connection with provision of treatment to the student; and c) not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student's choice. (Appropriateness may be determined by the institution.) "Treatment" in this context does not include remedial education activities or activities which are part of the program of instruction at the institution.
5. Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.

***Directory Information*** -Includes and is limited to the student's name, address, e-mail address, telephone number, date and place of birth, photographs, college/school/division/major enrolled in, most previous school attended, weight and height of members of athletic teams, dates of attendance, **enrollment status**

(full-, part-time, undergraduate, graduate), attendance, degrees and awards, participation in officially recognized activities and sports, and class schedule.

## GENERAL POLICY

University policy regarding the educational privacy rights of students is adopted pursuant to the Family Educational Rights and Privacy Act of 1974, as amended, and is not intended to impose any restrictions or grant any rights not specifically required by this Act. The University Registrar, as the official University custodian of student education records, is the official authorized to make decisions regarding the specific implementation of University procedures related to maintaining student education records. The policies and procedures defined in this document will serve as general guidelines for his/her actions.

***Disclosure of Education Records*** -All rights under the law are accorded to all students who are or have been in attendance at the University of New Orleans. No one outside the University may have access to, nor will the University disclose any information from a student's education records without the prior written consent of the student, except for the following:

1. University of New Orleans and Louisiana State University System officials who have a legitimate educational interest in the records.

A school official is:

- A person employed by the University/LSU System in an administrative, supervisory, academic, research, or support position.
- A person appointed to the Board of Supervisors.
- A person employed by or under contract to the University to perform a special task, such as an attorney or auditor.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by contractual agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.

2. Officials of another school, upon request, in which a student seeks or intends to enroll.
3. Certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state and federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.

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5. If compelled by a Louisiana State Law requiring disclosure that was adopted before November 19, 1974.
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs or to improve instruction. These organizations may not disclose personally identifiable information on students, and information secured must be destroyed when no longer needed for their projects. Said organizations must provide written assurances or the non-disclosure of personally identifiable information.
7. Accrediting organizations to carry out their functions.
8. Parents of a student who have established that the student is a dependent according to the Internal Revenue Code of 1954, Section 152.
9. Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student in advance of compliance. (*NOTE: The University is not required to notify the student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the University not to disclose the existence or contents of the subpoena.*)
10. Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
11. To an alleged victim of any crime of violence (as that term is defined in 18 U.S.C.16) the results of any institutional disciplinary proceeding against the alleged proprietor of that crime with respect to that crime.
12. Veterans Administration officials as specified under Title 38, Section 1790 (c), United States Code.

***Disclosure of Directory Information*** -The University does not normally disclose directory information. However, at its discretion, it may provide directory information in accordance with the provisions of the act. Student requests for non-disclosure of directory information may only be made by currently enrolled students. Such requests are made by completing a form (see Appendix 1) in the Registrar's Office and stays in effect until removed by the students.

***Student Review of Educational Records*** – Students and former students have the right to inspect and review their education records. The right of review and inspection includes:

1. the right to an explanation and interpretation of the record.
2. the right to a copy of the education record when failure to provide a copy of the ~ record would effectively prevent the student from inspecting and reviewing the record. A copy may be refused, but only if, in doing so, the institution does not limit the student's right to inspect and review that record. Reasons for refusal include but are

not limited to the student living within commuting distance of the University; the student has an unpaid financial obligation to the University; or there is an unresolved disciplinary action against the student.

Students should submit to the records custodian or an appropriate University staff person a written request (see Appendix 2) which identifies as precisely as possible the record or records he or she wishes to inspect. The records custodian or University staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within forty-five (45) days of the request. Copies, if made, will be made at the student's expense at prevailing duplicating costs with the exception of academic transcript reproduction, which has a set fee published in the current catalog.

Students may not review and inspect the following as outlined by the Act:

1. Financial information submitted by parents.
2. Confidential letters and recommendations placed in their files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which specifically collected.
3. Confidential letters and statements of recommendation, placed in the records after January 1, 1975, to which the student has waived his or her right to inspect and review and that are related to the student's admission, application for employment or job placement, or receipt of honors.
4. Education records containing information about more than one student; however, in such cases the institution must permit access to that part of the record which pertains only to the inquiring student.

***Correction of Education Records*** -Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy rights, may personally request that the University official with primary responsibility for the records amend the record(s). In making the request, the student should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading, or in violation of his or her privacy or other rights. If the official concurs with the request, the record will be amended. If the official does not comply with the request, the University will notify the student of the decision and advise him/her of his /her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights. Such requests for a formal hearing (see Appendix 3) must be made in writing to the Office of Academic Affairs who, within forty-five days of the receiving the request, will inform the student of the time, date and location of the hearing. The hearing will be conducted by a hearing officer appointed by the Office of Academic Affairs and who is a disinterested third party. The hearing officer may be an official of the University. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney, of the student's choice and at the student's expense. The University will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and reasons for the decision. Decisions of the hearing officer will be final

with no right of appeal. If the University decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended. If the University decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has the right to place in the record a statement 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 student's education records as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the statement.

**Record of Requests for Disclosure** -The University will maintain a record of all requests (see Appendix 4) for and/or disclosure of personally identifiable information from a student's education records. The records of request, whether granted or not, shall include the names and addresses of the person(s) who requested the information and their legitimate interests in the information. Records of requests and disclosures do not have to be maintained for:

- those requests made by students for their own use,
- those disclosures made with the written consent of the students,
- those disclosures made to school officials under the conditions that allowed such disclosures, or
- those disclosures made to a party seeking directory information.

The records of disclosures and requests for disclosures are considered a part of each student's education records and, therefore, must be retained as long as the education records to which they refer are retained by the University. These records must be made available for inspection to students, responsible institutional officials, state and federal auditors, and others, as prescribed by law.

**Posting of Test Scores and/or Course Grades** -The public posting of test scores/grades either by the student's name, institutional identification number, or social security number without the student's written permission is a violation of the Act. Even with names obscured, numeric student identifier numbers are considered personally identifiable information. Instructors and others who post test scores/grades should use a system that ensures FERPA requirements are met. For example, use code words or randomly assigned numbers that only the instructor and student know. The order of posting should not be alphabetic.

Deans may establish more stringent restrictions for their colleges regarding the posting of test scores and/or course grades. The guidelines set forth here are considered minimal.

**Types, Locations, and Custodians of Education Records** -- The following is a list of the types of records that the University maintains, their locations, and their custodians.

<b>Type</b>	<b>Location</b>	<b>Custodian</b>
Cumulative Academic Records	Registrar's Office AD 112	Registrar
Health Records	Student Health Services UC 244	Director, Student Health Service

Financial Records	Bursar's Office AD 1006	Bursar
Placement Records	Career Development Office UC 268	Director
Progress Records	Deans' Office Department Office Faculty	Dean Department Chair Instructor
Disciplinary Records	Office of Student Life UC 258	Assistant Dean Judicial and Student Assistance

## **AUTHORITY**

Article 7, Section 4, Bylaws and Regulations of the Board of Supervisors of the LSU System.

## **PROCEDURES**

***Maintenance of Student Education Records*** -- Offices maintaining student education records will ensure the security of these records as defined in the General Policy and consult with the University Registrar as needed when exceptional or adversary issues arise regarding the maintenance of these records. The University Registrar serves as the official University custodian of education records; advises, on request, any person or agency concerning official policies and procedures related to the maintenance and release of these records; and coordinates the publication of notices regarding University policy statements on FERPA.

***Disclosure of Directory Information*** -- Offices maintaining student directory information as defined in the General Policy will limit the release in any form of this information to instances which are determined to be *clearly* in the best interests of both the University and students. These offices will exclude the release of directory information for any individual student who formally requests such exclusion. The University Registrar develops and administers the procedure by which students preclude the disclosure of personal directory information and provides on request information concerning the release of directory information.

***Student Reviews of Personal Education Records*** – Offices maintaining education records will provide individual students access to their personal education records as defined in the General Policy. The University Registrar provides, on request, information concerning student review of education records to individuals and agencies. He or she also advises, on request, University personnel and offices concerning reviews of student records when adversary situations arise.

***Correction of Education Records*** – Offices maintaining education records will correct student records on request as deemed appropriate and advise the Office of Academic Affairs immediately in cases of disputes with students over the correction of education records. Upon request, the Office of Academic Affairs will appoint a hearing officer who will conduct formal hearings and adjudicate disputes regarding the correction of student records in accordance with the provisions defined in the General Policy.

***Posting of Grades and Test Scores*** -- Deans and Department Chairs will define and monitor faculty procedures to ensure that student privacy rights are not violated in the posting of grades. The Office of Academic Affairs will publish appropriate reminders of student privacy rights regarding the posting of grades and include a section devoted to this matter in the Faculty Handbook.

