POLICY STATEMENT 27
FERPA COMPLIANCE AND PRIVACY/ACCESS TO STUDENT RECORDS

POLICY DIGEST
Functional Classification: Curriculum and Instruction
Monitoring Unit: Office of Academic Affairs
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I. PURPOSE

LSU New Orleans collects and maintains data and information about students for designated periods to facilitate the student's educational development. The University recognizes each student's privacy rights in exercising control over what information or data about themselves retained by LSU New Orleans may be disclosed, while at the same time balance that student's interest with the University's need for information relevant to the fulfillment of its educational mission.

The purpose of this policy is to identify the procedures applicable to the collection, maintenance, and disclosure of student records in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) as well as exceptions related to nonimmigrant students.

II. GENERAL POLICY

This policy applies to all students after they have matriculated, regardless of age, in attendance at LSU New Orleans. In addition, the University will annually inform all students of their rights under FERPA, including information regarding the existence and location of records, the process by which records may be accessed, disclosed, and/or challenged and to maintain certain records consistent with internal departmental records retention policies.

III. DEFINITIONS

1. **Educational Record:** Student educational records are defined as records, files, documents, and other materials containing information directly related to a student that are maintained by LSU New Orleans or by a person acting for the University pursuant to University, college, campus, or departmental policy. This broad definition extends to the information maintained by every office and department at LSU New Orleans.

   Student educational records do not include:

   A. Records of instructional, supervisory, and administrative personnel and educational

personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute (e.g. records of instructional techniques employed such as peer- grading of papers or exams before they are collected and maintained by the instructor or professor.)

B. Notes of a professor/staff member concerning a student and intended for the professor's/staff member's own use are not subject to inspection, disclosure, and challenge.

C. Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.

D. Records relating to a student who is employed by LSU New Orleans, not because of their status as a student that:

   i. Are made and maintained in the normal course of business;
   ii. Relate exclusively to the individual in that individual's capacity as an employee; and,
   iii. Are not available for use for any other purpose.

However, employment records relating to University students who are employed because of their status as students are considered educational records.

E. Records on students that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity are not subject to the provisions of access, disclosure, and challenge. Such records, however, must be made, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than the persons providing such treatment or a substitute. Such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

F. Once a student has enrolled in an academic offering of the University, application information becomes a part of the student's educational records.

G. Alumni records created following the student's graduation.

H. Financial Aid information submitted by students' parents.

2. **Student**: An individual currently or previously enrolled in any academic offering of the University either in person, through correspondence, or any other means. For the purposes of this policy, enrollment begins at the point of matriculation; that is, where an accepted student firmly expresses intent to register for courses either in writing or through one or more of the following: attends orientation and/or pays part or all relevant fees, tuition, or other expenses. It does not include persons who have been admitted but did not attend LSU New Orleans. (See PS 37 Defining "Student" for University Policy Enforcement)

3. **Directory Information**: That part of an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed and may be disclosed without the prior consent of the student. LSU New Orleans reserves the right to approve, deny, or partially honor requests for student information from third party entities.

At LSU New Orleans, this information includes:

A. name
B. college issued email address
C. LSU New Orleans college/school in which student was enrolled
D. the most recent educational agency or institution attended by the student
E. Academic Level
F. Major

A student is entitled to request directory information not be disclosed without prior consent through the Office of the Registrar. The request must be made in person with proper identification. Once requested, all access to any student information is withheld to the extent permitted by law. It will remain in effect until canceled in writing by the student. Any request for changes becomes effective five days following the request.

4. **Legitimate Educational Interest:** A University official may access and review student records without the student's consent in order to fulfill his or her professional responsibility. Sole Possession Records are those records of the maker thereof which are not accessible or revealed to any other person; therefore, sole possession records, by their very nature/definition, are protected and cannot be utilized by any other person. Records shared to more than one person are not considered Sole Possession Records and are therefore interpreted as an educational record.

   An entity under contract with the University, providing volunteer services, or other service providers, is considered to have legitimate educational interest if they are performing a function or service which the University would otherwise provide using its own employees. University officials or the related entities described above may have access to only those educational records in which the legitimate educational interest has been established.

5. **University Official:** A person employed by the University in an administrative, supervisory, academic, research or support position, or a person employed by, or under contract to, the University to perform special task, such as an attorney or auditor.

6. **University Officials Responsible for Student Records:** The University Registrar is recognized as the campus FERPA Coordinator. The following are designated as responsible for the collection and maintenance of student records within their respective areas.

   A. University Registrar
   B. Bursar
   C. Director of Financial Aid
   D. Director of Admissions
   E. Academic Deans and Deans' Offices
   F. Medical Records Manager
   G. Director of University Counseling Services
   H. Director of Accessibility Services
   I. Director of Career Development
   J. Program Director, Intensive English Language Program
   K. Other officials as defined by the campus FERPA Coordinator

IV. STUDENT RIGHTS UNDER FERPA

1. **Right to Review and Inspect**. FERPA gives eligible students certain rights with respect to student education records. Students have the right to inspect and review their education records. The University is not required to provide copies of records, unless the student is unable to review the records on campus. The University may charge a fee for copies.

2. **Restricted Records.** Students are not entitled to review:

    A. Financial information submitted by parents.

    B. Confidential letters and statements of recommendation to which the student has waived his or her right of access and that are related to the student's admission, application for employment or job placement, or receipt of honors.

    C. 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.

3. **Disclosure of Student Information.** In most cases, the University will not release information from an education record without the student's written permission. However, in accordance with FERPA, the University may disclose student records without consent to the following:

    A. School Officials with legitimate educational interest.

    B. Other schools to which a student is transferring. Request must be submitted by the student.

    C. Specified officials for audit or evaluation purposes.

    D. Appropriate parties in connection with financial aid to a student.

    E. Organizations conducting certain studies for or on behalf of the school.

    F. Accrediting organizations.

    G. To comply with a judicial order or lawfully issued subpoena.

    H. Appropriate officials in cases of health and safety emergencies.

    I. State and local authorities, within a juvenile justice system, pursuant to specific State law.

4. **Directory Information.** The University at its discretion, may provide Directory Information in accordance with the provisions of the Family Education Rights and Privacy Act of 1974, as amended, to include: student name, college issued e-mail address~~)~~, major, LSU New Orleans college/school in which student was enrolled, the most recent educational agency or institution attended by the student, and academic level.

5. **Correction of Student Record.** An eligible student who believes that an education record

contains information that is inaccurate or misleading, or is otherwise in violation of their privacy rights, may request that the University official with primary responsibility amend the record(s). The procedure for seeking correction of a student education record is set forth below. Supporting documents need to be provided in order to make any correction.

6. **Posting of Test Scores and/or Course Grades.** The public posting of test scores and course grades is strictly prohibited. Student work, including, but not limited to examination papers, homework, essays or other written submissions should never be left unattended.

V. PARENTAL RIGHTS

Absent presentation of a valid court order establishing otherwise, either parent of a student who is declared as dependent for tax purposes, as defined in Section 152 of the Internal Revenue Code, may exercise the rights provided under this policy. In addition to the procedures set forth herein, the parents of a dependent child must provide documentation to verify the dependent status of the child whose records are sought.

VI. PROCEDURE

1. General Disclosure of Education Records

   A. Direct Disclosure to the Student:

      A student has the right upon request to the appropriate university official to review his/her educational record. This request may be supplied orally (in person with proper identification) or in writing. The appropriate university official will respond within forty-five days. The response will be to:

      i. Provide copy of the requested record, or,
      ii. Arrange an appointment for the student to review the record.

   B. Students will not have access to the following records:

      i. Financial aid information submitted by the student's parents.
      ii. Confidential letters of recommendation associated with admissions, employment, job placement or honors where the student has waived his/her rights of access.
      iii. Records containing information about more than one student. The student will be permitted access only to that part of the record that pertains to the inquiring student.

   C. Records will not be released in the event the student record is sealed for financial indebtedness or other reason. The student may only view the record, but not receive a copy. For certain records, such as transcripts, fees have been established. For copies of other records, the student may be charged a reasonable administrative fee.

2. Disclosure Without Prior Consent

   A. Directory information - as defined above under Definitions Item 3, Directory information - may appear in public documents without consent. Students may declare directory information to be held confidential through online student services. Outsourced services may have access to directory information to perform specifically defined functions that

would have been otherwise provided to university employees. Aggregate student directory information will not be provided to any commercial enterprise with which it does not have such an affiliation or contractual relationship that specifically addresses the collections, stated use, maintenance and eventual dispositions of the record.

B. Other Educational Institutions: the university may release applicable educational records to officials of other educational institutions to which a student has applied, is enrolled or intends to enroll.

C. Judicial Orders or Subpoenas: Information concerning a student shall be released in response to a lawful subpoena, judicial order, or legislative proceedings. The University will make every effort to provide advance notice to the student (with opportunity to quash) unless the subpoena or order prohibits such notification. Educational records will be disclosed to the U.S. Attorney General or his/her designee in response to an order concerning an authorized investigation or prosecution of domestic or international terrorism without prior notice to the student.

D. Health and Safety Emergencies: The University may disclose student information on an emergency basis when that information is necessary to protect the health and/or safety of the student or the university community.

E. Financial Aid: The University may release student information in connection with the student's application for receipt of financial aid only to the extent necessary for the purposes of determining eligibility, amount, conditions, and/or enforcement of such financial aid.

F. Federal and State Authorities: The University may release student educational records to authorized federal and state officials for the audit or evaluation of federally supported programs, or the enforcement of federal or state legal requirements that relate to those programs. Except when specifically authorized, the data will exclude personally identifiable information.

G. Department of Homeland Security and Department of State: The University is required to report specific information concerning F and J nonimmigrant students as outlined in 8 U.S.C. 1372, §214.3(g), and 22 CFR 62.10(f)-(g) [24] to maintain authorization to enroll these students. Requirements to report continue beyond students' completion of the academic program to the extent outlined in the regulations. Information reported under this section is strictly limited to the agencies named and will include only the students and specific data required by the regulations listed above.

H. Parents of Dependent Students: Parents of a student who is a dependent for federal tax purposes as defined by Section 152 of the Internal Revenue Code of 1954. Parents may demonstrate the tax dependency of a student only by submitting the most recently filed federal tax return showing the student as a dependent. For the purposes of this policy, all LSU New Orleans students are considered not dependent within the meaning of the Internal Revenue Code.

I. Education Related Organizations: Information from student records with the exception of personally identifiable information may be released to educationally related organizations for the purpose of developing tests, student aid programs, improving instructions, or

institutional accreditation.

3. Disclosure with Prior Consent

   With the student's prior written consent, the University will release personally identifiable student information and content of student records. The consent must be written, signed and dated. The consent must specify the record to be disclosed, and the person(s) to whom the records are to be disclosed.

4. Challenge or Amend Records

   A. A student is entitled to challenge and/or amend the factual basis of any record under the purview of this policy. The basis of the challenge is to ensure such entries are not inaccurate, misleading, in violation of the student's privacy and to provide an opportunity to correct or delete any such inaccuracies. The judgment of a faculty member about a student's academic work expressed in grades and/or evaluation cannot be challenged under this policy.

   B. A student may request to challenge or amend the content of a record. That request must be made in writing to the appropriate University official who has responsibility for maintaining the record in question. Official supporting documentation needs to be provided at the time of the request. The University official is authorized to amend the record as appropriate. The student is afforded the opportunity to place a written statement commenting upon the challenged information. Those comments will be retained in the record for a time period consistent with the departmental records retention policy.

   C. The student may be afforded a hearing on the matter. The hearing will be conducted within the University division within which the challenged record is maintained. The student will be provided opportunity to present evidence relevant to the issues of record entry validity. The student is entitled to receive a written summary of the findings and reasons for the decision. An adverse decision may be appealed to the Chancellor of the University or his/her designee.

VII. RELATED PROCEDURES

Request to Review Student Records. Eligible students may inspect and review their education records by submitting a written request to the Office of the Registrar. All LSU New Orleans documents are retained according to the University retention policy and may not be available for review. The request should identify as precisely as possible the record(s) that the student wishes to inspect. The Registrar's Office will arrange for access and notify the requester of the time and place where the records may be inspected in person. Copies may be provided at the student's expense. If the student is unable to review documents in person, then a notarized request needs to be submitted verifying the address where the copies need to be sent.

Requesting Correction of Student Records. An eligible student who believes that his or her education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy rights, may request that the record be amended. 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. Supporting documentation

needs to be provided to verify the need for the correction.

If the official concurs with the request, the record will be amended. If the official does not concur, the University will notify the student of his or her right to a hearing to challenge the information believed to be inaccurate or misleading.

Requests for a hearing must be made in writing to the Office of Academic Affairs. Within forty-five days of the request, the student will be notified of the time and place of the hearing, which will be conducted by a disinterested University official appointed by the Office of Academic Affairs. The hearing, and any subsequent actions regarding the education records at issue will be conducted in accordance with FERPA guidelines.

Retention of Requests. The University will maintain a record of all requests 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:

A. Requests made by students for their own use.

B. Disclosures made with the written consent of the students.

C. Disclosures made to school officials under the conditions that allowed such disclosures.

D. Disclosures made to a party seeking directory information.

Complaints: A student who wishes to allege a failure by the University to comply with the Family Educational Rights & Privacy Act (FERPA) may file a formal complaint in writing to: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue S.W. Washington D.C. 20202-4605

VIII. SOURCES

Family Educational Rights and Privacy Act (FERPA)

LSU New Orleans PS 37 Defining "Student" for University Policy Enforcement