

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Policy, Procedure, and Records

Washburn University maintains various student records to document academic work and to record interactions with University staff and officials. The Family Educational Rights and Privacy Act of 1974 (FERPA) was enacted to protect each student's right to privacy and to provide each student the right to inspect and review his/her education records. This Act is also commonly known as the Buckley Amendment. A notice of this policy is published each semester/term in the Registration Information Guide and by email each semester to all students. For purposes of FERPA, "student" is defined as an individual who is or has been in attendance at Washburn University. At the University, an individual is considered "in attendance" on the day classes begin of the term a student is first enrolled.

Directory Information

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), the University may release to the general public certain information about the student which has been identified by the institution as directory information. The following items are considered directory information at Washburn University: student's name, photo, current address and phone number, permanent address and phone number, university assigned e-mail address, classification status (i.e. freshman, sophomore, etc.), major field of study, dates of attendance, honors and awards received, degrees and certificates received and dates awarded, enrollment level and status (full-time, half-time, less than half-time, undergraduate or graduate), most recent educational institution attended, participation in officially recognized activities and sports and height and weight of members of athletic teams.

Students may "opt out" of the disclosure of directory information by completing a form in the Student Services Office. If a student "opts out", the University will not disclose directory information without the student's written consent. The "opt out" will remain in effect until the student submits a written revocation.

Types, Custodians and Locations of Education Records

With the exception of Directory Information as described above, student records are considered to be confidential. Only the custodians of the records, their designee, or their director/dean/vice president to whom that person reports has the authority to release the record. The following is a list of the types of records that the University maintains, their custodians, and their locations.

1. (Official) Academic Records: University Registrar, Morgan Hall 102B
2. Academic Records: Deans of Schools/College and/or Departmental Offices, Specific Locations listed in the Campus Directory
3. Academic Impropriety Records: Vice President for Academic Affairs Office, Bradbury Thompson Alumni Center 200
4. Admissions Records: Director of Admissions, Morgan Hall 100
5. Business Records: Bursar, Morgan Hall 103B
6. Career Services: Director of Career Engagement, Plass Learning Resources Center 219

7. Testing and Placement Records: Center for Student Success and Retention, Plass Learning Resources Center 315
8. Financial Aid Records: Director of Financial Aid, Morgan Hall 103K
9. International Student Records: Plass Learning Resources Center 220
10. Medical Records: Director of Student Health Services, Morgan Hall 140
11. Residence Hall Records: Director of Residential Living, Living Learning Center
12. Student Disciplinary Records: Student Life Office, Morgan Hall 240D
Traffic and Security Records: Chief of Police, Morgan Hall 135
13. Veteran Records: University Registrar's Office, Morgan Hall

Student Access to Education Records

Students may inspect, review and/or receive copies of their education records upon written request to the appropriate record custodian with the exceptions noted below. The written request submitted to the record custodian or appropriate University staff should identify as precisely as possible the record or records he or she wishes to inspect. The record custodian or appropriate University staff must comply within a reasonable period of time, not to exceed 45 days from the receipt of the request. Copies of records accessible to the student will be provided at the student's expense. The charge to the student for any such records is 25 cents per page.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her. If any question arises as to the identity of the requesting student, the student shall be asked to provide photo identification.

Washburn University reserves the right to refuse to permit a student to inspect or have access to the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975.
3. Records connected with an application to attend Washburn University or a component unit of Washburn University if that application was denied.
4. Medical and counseling records. These records may be released, however, to other medical or psychological professionals at the written request of the student; and may be inspected by the patient at the discretion of the professional staff.
5. Law enforcement records.
6. Private notes of staff, faculty, and administrators.
7. Official transcripts of credit earned at other institutions which have been presented for admission or evaluation of credit and have become a part of the student's permanent record are not reissued or copies duplicated. Transcripts from other institutions, including the high school transcript and test scores, should be obtained from the original institution.
8. When a student is delinquent in a financial account to the University, has incomplete admission credentials, or about whom official disciplinary action has not been resolved, the appropriate university official may request that the student's record not be released. The effect of this action is that grade reports, transcripts, and diplomas/certificates are not released. In addition to these documents not being released, registration and enrollment at Washburn in subsequent semesters is not permitted.

Disclosure of Education Records or Personally Identifiable Information

The University will obtain written consent from the student before disclosing records or personally identifiable information from education records of the student, except in the cases of:

1. Directory Information, unless a student "opts out," as defined and explained above.
2. School officials who have a legitimate educational interest in the records. A school official is:
 - a. A person employed by the University in an administrative, supervisory, academic or research or support staff position.
 - b. A person employed by or under contract to the University to perform a special task, such as an attorney or auditor.
 - c. A student serving on an official committee, such as disciplinary or grievance committee.
 - d. A student employed by the university (through financial aid or departmental/administrative office) who assists another school official in performing his or her tasks.
 - e. A person serving on the Board of Regents.
3. A school official has a legitimate educational interest if the need to review an education record is in order to fulfill his or her professional responsibilities for the University.
4. Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer.
5. Authorized representatives of the Comptroller General of the U.S., Attorney General of the U.S., the Federal Secretary of Education, or state or local education authorities in connection with an audit of federal or state-supported education programs or with the enforcement of or compliance with federal legal requirements relating to those programs.
6. Financial aid personnel in connection with a student's application 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.
7. Organizations conducting certain studies for or on behalf of the University.
8. Accrediting organizations to carry out their functions.
9. Parents of an eligible student who claim the student as a dependent for income tax purposes.
10. Authorities to comply with a judicial order or a lawfully issued subpoena.
11. Appropriate parties in a health or safety emergency if necessary to protect the health or safety of the student or other individuals.
12. The final results of any disciplinary proceeding conducted by the University to the alleged victim of a crime of violence or non-forcible sex offense.
13. To the student him-or herself.
14. To a court in the context of a lawsuit between a student and the institution.
15. To parents of a student under 21 of a drug or alcohol violation.
16. The final results of a disciplinary proceeding against a student whom the University has determined violated an institutional policy of an alleged crime of violence or non-forcible sex offense.

17. Information about sex offenders or other individuals required to register.
18. University Police Personnel shall have access to student class schedules in an emergency situation.
 - a. University Police Personnel will attempt to verify the identity of the person requesting information and the emergency situation. The class schedule will not be released to the requesting individual but a police officer will attempt to contact the student directly.
 - b. A record of each disclosure request must be made and maintained. The record should include the name and address of the requestor, date and time of request, and the nature of the emergency situation. These records of requests are considered part of the student's educational record.

Notice to Third Parties

The University must inform the parties to whom a student's education record or personally identifiable information is given that they are not permitted to disclose that information to another person (third party) without the written consent of the student and that the information is to be used only for the purpose(s) intended. Persons who receive a student's education record or personally identifiable information about the student may disclose such information to other persons only if the name of the additional persons and the legitimate interest of such persons is provided as a part of the original request.

Maintaining Education Records and Records of Requests and Disclosures

Each office that maintains education records shall adopt its own policy with regard to destruction of education records. No education record, however, may be destroyed if there is an outstanding request to inspect and review the record. Also, the record of requests for the disclosures of the education record and any explanation that are a part of the record must be maintained for as long as the education record to which it pertains is maintained.

Washburn University officials responsible for the various types of records will maintain a record of all requests for disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record of request is open to inspection of the student.

Records of requests and disclosures may not be maintained or may be maintained for only a limited time for:

1. requests made by the student him/herself;
2. requests for which the student has given written consent;
3. requests made by school officials with legitimate education interests;
4. requests for directory information; or
5. disclosures to comply with a judicial order or lawfully issued subpoena.

Student's Right to Challenge Information Contained in Education Records

Students have the right to challenge the content of an education record that they believe inaccurate, misleading, or in violation of their privacy rights. No hearing under this policy shall be granted for challenging the

underlying basis for a grade; however, the accuracy of its recording could be challenged. Following are procedures for challenging the content of education records:

A student must ask the appropriate school official to change or modify the record by identifying the part of the record they want changed and specify why the information is inappropriate.

After researching the request, the Washburn University official may comply with the request and make the changes wanted in a reasonable time. If the school official decides not to comply, the student will be notified in writing of the decision and advised of his/her right to a hearing to challenge the information believed to be inappropriate.

All requests for a formal hearing by the student shall be directed to the appropriate Area Head and shall contain a concise written statement of the specific facts constituting the student's claim.

The **hearing will be conducted by a hearing officer** who is a University staff member but who does not have a direct interest in the outcome of the challenge and who shall be appointed by the appropriate Area Head or his/her designee. The hearing shall be held within a reasonable time of receipt of the student's request and the student shall be notified reasonably in advance by the hearing officer of the date, place and time of the hearing.

At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to his/her claim and may, at his or her expense, receive assistance from any individuals of his/her choice.

The hearing officer shall make a written recommendation to the appropriate Area Head with written findings of facts concerning the student's request within ten working days of the hearing. The appropriate Area Head or his/her designee shall notify the student in writing of the decision within an additional fourteen working days of receipt of the hearing officer's report. The decision must include a summary of the evidence and the reasons for the decisions.

If the appropriate Area Head is adverse to the student's request, the student will be notified that he/she has a 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.

The statement will be maintained as a part of the student's education records as long as the contested portion is maintained. If Washburn University discloses the contested portion of the record, it must also disclose the student's summary statement.

If the student's challenge to the content of a given record is successful, the University shall amend the education record accordingly and so inform the student in writing.

Complaints

A student who believes the University has not complied with federal law or regulations should check first with the office involved or the Area Head to which it reports. If the student wishes to file a complaint with the federal government concerning the University's failure to comply with the Privacy Act, he/she may send a written complaint to:

The Family Policy Compliance Office
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Questions

Questions regarding FERPA may be directed to:

The University Registrar
102 Morgan Hall
785-670-1074