



## Kutztown University Policy STU-033

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### **Policy on Confidentiality of Student Records**

#### **A. Purpose**

Kutztown University collects and maintains data and information about students for designated periods of time 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 Kutztown University may be disclosed, while at the same time balance that student 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) and the Pennsylvania Right to Know Law of 2008.

#### **B. Scope**

This policy applies to all students, regardless of age, in attendance at Kutztown University. 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.

#### **C. Definitions**

- 1. Educational Record:** Student educational records are defined as records, files, documents, and other materials that contain information directly related to a student and are maintained by Kutztown University or by a person acting for the University pursuant to University, college, campus, or departmental policy.

Student educational records do not include:

- 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.)
- 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.

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- 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.
- Records relating to a student who is employed by Kutztown University not as a result of his/her status as a student that:
  - 1) Are made and maintained in the normal course of business;
  - 2) Relate exclusively to the individual in that individual's capacity as an employee; and
  - 3) Are not available for use for any other purpose.

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

- 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.
  - Application records of students not admitted to the University; however, once a student has enrolled in an academic offering of the University, application information becomes a part of the student's educational records.
  - Alumni records created following the student's graduation.
  - 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 a point where an accepted student firmly expresses intent to register for courses either in writing or through one or more of the following: attend orientation, submit a housing deposit, and/or pay part or all relevant fees, tuition or other expenses. It does not include persons who have been admitted but did not attend Kutztown University.
- 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.
- a. At Kutztown University, this information includes:
    - Student name
    - Addresses (Local, permanent, electronic)
    - Telephone numbers (Local, home, cell)
    - Date and place of birth
    - Semesters of Attendance
    - Major field of study

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- Enrollment status
  - Degrees and awards conferred
  - Participation in recognized activities or athletics
  - Height and weight of members of athletic team
  - Most recent educational institution attended
- b. A student is entitled to request that directory information not be disclosed without prior consent through on-line Student Services (MyKU) each and every semester of attendance. Any request for changes become effective ten (10) 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. An entity under contract with the university, providing volunteer services, or other service providers are 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 Officials Responsible for Student Records:** The Associate Vice Provost and Dean of Students 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.
- University Registrar
  - Bursar
  - Associate Dean of ~~for~~ Students
  - Director of Financial Aid
  - Academic Deans
  - Medical Records Manager
  - Director of University Counseling Services
  - Director of Disability Services
  - Director of Career Development

**D. Policy & Procedure(s)**

1. Disclosure of Education Records
  - a. Direct Disclosure to the Student:
    - 1) A student has the right upon request to the appropriate university official to review his/her educational record. This request may be done orally or in writing. The appropriate university official will respond within forty-five (45) days. The response will be:

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- a) Send copy of the requested record
  - b) Arrange for appointment for the student to review the record
  - 2) Students will not have access to the following records:
    - a) Financial aid information submitted by the student's parents.
    - b) Confidential letters of recommendation associated with admissions, employment, job placement or honors where the student has waived his/her rights of access.
    - c) 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.
  - 3) 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.
  - 4) For certain records, such as transcripts, fees have been established. For copies of other records, the student may be charged a reasonable administrative fee.
- b. Disclosure Without Prior Consent
- 1) Directory information: As defined above 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 relationships that specifically addresses the collections, stated use, maintenance and eventual dispositions of the record.
  - 2) 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.
  - 3) 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 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.
  - 4) 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.
  - 5) 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.

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- 6) 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.
  - 7) 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 *Parental Affidavit for Educational Records Information* and the most recently filed federal tax return. For the purposes of this policy, all Kutztown University students are considered not dependent within the meaning of the Internal Revenue Code.
  - 8) 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.
- c. 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, the person(s) to whom the records are to be disclosed and the purpose of the disclosure.
2. 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 that 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. 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 President of the University or his/her designee.
  3. 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:

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Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington D.C. 20202-4605

**E. Effective Date:**

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**F. Approved By:** F. Javier Cevallos, President

**G. Last Reviewed:**

August, 2010  
August, 2012  
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