

# Augusta University

## Policy Library

### University FERPA Records Policy

**Policy Manager: Registrar**

#### **POLICY STATEMENT**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. This policy is intended to provide the needed rules and guidelines that will be needed to insure the proper protection of student information within Augusta University (AU).

FERPA rights are provided only to University applicants upon actual acceptance to and subsequent enrollment for classes at the University. Under FERPA, students attending an institution of postsecondary education may:

- A. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such disclosures are authorized without consent as more fully described below in Paragraph IX (A);
- B. Choose to suppress (i.e., keep from being disclosed) their directory information per the process identified below in Paragraph IX (B);
- C. Inspect and review their education records;
- D. Seek amendment of those education records believed to be inaccurate, misleading or otherwise in violation of their privacy rights; and
- E. File complaints with the Department of Education about alleged failures by the University to comply with the requirements of FERPA.

#### **AFFECTED STAKEHOLDERS**

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Alumni     Faculty     Graduate Students     Health Professional Students
- Staff     Undergraduate Students     Vendors/Contractors     Visitors
- Other: Family member and legal guardians of students

#### **DEFINITIONS**

*Student:* Any individual who is or has been in attendance at the educational agency or institution. For purposes of FERPA, AU considers an admitted student to be “in attendance” upon enrollment and/or registration for classes. Note: The definition of “student” set forth above is only for use in connection with this FERPA guidance. The university definition of a “student” for other purposes may vary.

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**Office of Legal Affairs Use Only**

**Executive Sponsor: VP for Academic & Faculty Affairs**

**Next Review: 6/2024**

*Education Record:* Any records (in handwriting, print, tapes, film, computer or other medium) directly related to a student; and maintained by an educational agency or institution or by a party acting for the agency or institution. The following are exceptions to this general rule:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the AU Police Department for law enforcement purposes.
3. Records relating to an individual who is employed by an educational agency or institution, that:
  - a. Are made and maintained in the normal course of business;
  - b. Relate exclusively to the individual in that individual's capacity as an employee; and
  - c. Are not available for use for any other purpose.

Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3) of this definition.

4. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and
  - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution;
5. Alumni records which contain information about a student after he or she is no longer in attendance at the University, and that are not directly related to the individual's attendance as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

*Directory Information:* Information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes but is not limited to the student's name; address; telephone listing; e-mail address; photograph; date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended. Directory information does not include a student's:

- a. Social security number; or
- b. Student identification (ID) number, except as provided in paragraph (c) of this section.
- c. Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records

except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

*A School Official:* A school official is:

- A person employed by the University (which, for purposes of this guidance includes persons employed by the Board of Regents of the University System of Georgia) in an administrative, supervisory, academic or research position,
- A University support staff position, including health or medical staff.
- A person or entity employed by or under contract to the University to perform a special task, such as a University affiliated organization, attorney, auditor, or outside vendor.
- A person who is employed by the AU law enforcement unit.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

*Legitimate Educational Purpose.* A school official will be deemed to have a legitimate educational purpose to access protected educational records if the official is:

- Performing a task that is specified in his or her position description or contract agreement.
- Performing a task on behalf of the University/Board of Regents in connection with his or her job responsibilities.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
- Maintaining the safety and security of the campus.

## **PROCESS & PROCEDURES**

**Notice Requirement** Annually the AU office of the Registrar will inform students of the protections afforded by the Family Educational Rights and Privacy Act (FERPA) of 1974. (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67) This notification will include the following attributes of the act:

1. The fact that it was designed to protect the privacy of educational records.
2. Inspect and review the student's education records.
3. How to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
4. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and § 99.31 authorize disclosure without consent;

5. The student's right to file complaints, concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part, with the U.S. Department of Education Family Policy.
6. The fact that any questions concerning the Family Educational Rights and Privacy Act may be referred to the Office of the Registrar or the Office of Legal Affairs.

### **Maintenance of Student Records**

The student records maintained by AU are classified as follows:

- A. Academic Records: Official academic records which are maintained in the Office of the Registrar. They include admission applications and associated documentation; the registration records for each semester in residence; the records of grades and credits received in courses at AU or accepted here from another institution; and other documents directly relating to academic progress and status. The dean of each college is the custodian of records for all college and departmental records regarding students not of the type maintained by the Registrar's Office.
- B. Disciplinary Records: Disciplinary records are maintained by the Office of the Dean of Students. They include information about the investigation, adjudication, or imposition of sanctions by AU against an individual student for breach of the University's Code of Conduct or other written policies.
- C. Financial Records: Student Financial records: Fee payment records are maintained by the Bursar. Financial aid application records, including tax forms, are maintained by the Financial Aid Office.
- D. Employment Records: The following employment records are covered under FERPA:
  1. Employment records of students receiving financial aid consist of work-study authorizations and are maintained by the Financial Aid Office. Non-work study employment records of students are maintained by the Office of Human Resources.
  2. Graduate student teaching and research appointment records are maintained by the involved College or department. Some employment records of students with graduate teaching and research appointments may also be maintained by the Office of Human Resources.

Non-work study employment records of students are maintained by the Office of Human Resources and are not covered under FERPA.

- E. Health Records: Medical, psychological and counseling records are maintained by the AU department providing the involved health care (i.e., Health Clinic, University Counseling & Testing Center). They include records of examinations and treatments.
- F. Career Records: Career and job search records are maintained by AU Career Services.
- G. Housing Records: Housing records are maintained by AU Housing. They include housing applications/agreements and related information.
- H. Other Student Records: Jag Card and parking records maintained by Auxiliary and Support Services.

**Employee Access to Student Records**

Student educational records maintained in Banner and are covered by this guidance and should only be accessed by AU employees with a legitimate educational interest or by those whose access is otherwise undertaken to comply with FERPA. A school official generally has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. To this end, faculty should not share the grades of identifiable students for any reason other than working within the university to improve the identified students' academic success. Unauthorized access is a violation of federal law and University policy and can result in criminal charges and disciplinary actions that can include dismissal from employment with the university or its related entities.

No record shall be kept of the political views of students or of student membership in any organization except for academic, honorary, professional and social organizations directly related to University life. Records maintained by student organizations are not considered University records. Student organizations are, however, expected to take reasonable steps to protect student information they maintain from unwarranted invasions of privacy and to permit students to access their records.

All school officials must make reasonable efforts to uphold the record protections afforded to our students under FERPA. This protection extends to all forms of student data regardless of the format or location in which it is stored. The handling, distribution and disposal of protected records and the devices which facilitate the storage of these records must comply with all relevant university regulations including, but not limited to:

- Data Management and Classification Policy
- Record Retention Policy
- Surplus Personal Computer-Electronic Property
- Social Media Policy
- Master Policy on the Use and Disclosure of Protected Health Information - with and without an Authorization Policy

**Student Access to Records**

Students shall be granted access to their institutional records under the following limitations:

Access to a student's official academic record, disciplinary record and financial aid record is guaranteed to him or her subject only to reasonable regulation as to time, place, and supervision with the exceptions of those types of documents identified below:

- Any and all documents written or solicited prior to Jan. 1, 1975, on the presumption that they were intended to remain confidential and privileged.
- Any and all documents to which access has been waived by the student.
- Any and all records which are excluded from the FERPA definition of educational records.
- Any and all financial data and income tax forms submitted in confidence by a student's parent(s) in connection with an application for or receipt of financial aid.

- Any and all records connected with an application to attend AU or a component unit of AU if that application was denied or, in the alternative, if the application was accepted but the applicant never enrolled (FERPA rights extend only to applicants upon actual acceptance and subsequent enrollment).
- Those records which contain information on more than one student to the extent that a requesting student has the right to view only those portions of the record which pertain to his or her own educational records.
- Confidential recommendations and evaluations.

### **Inspection of records**

Access to student records by the student to whom the records pertain shall be granted only upon written request presented in person with appropriate identification, and must be made in the presence of designated personnel of the office maintaining the records. All requests shall be granted as soon as practicable, but in no event later than 45 days after the date of request (excluding weekends and holidays). No documents or files may be altered or removed once a request has been filed. When an original record is shown to the student, examination will be permitted only in the presence of a University employee and any other conditions deemed necessary to prevent the alteration, mutilation, or loss of such original records. Upon reasonable request by the student, verbal explanations and interpretations of education records will be promptly provided except where a verbal response is not practical or appropriate. Requests for written explanations/interpretations of education records must be made in writing. If an education record is not in a form readily reviewable by the student (e.g., records stored in microfilm or electronically), a true and correct copy of the record will be provided for the student's inspection.

### **Copies of Records**

1. Copies will be provided to eligible students upon written request and payment of fees for copies (see the [Request for Access to Student Record Form](#)), with the following exceptions:
  - Transcripts received from other educational institutions and
  - Any documents the student has waived his or her right to see.

Copies of education records may be withheld by the AU when the student is not in good standing as a result of such conditions as unmet financial obligations and violations of institutional regulations. Such Records to be withheld may include, but are not limited to, grade reports, transcripts, and certifications of student achievement and performance. A transcript of a student's official academic record contains information about his or her academic attainment and status exclusively. Only the Registrar is authorized to issue transcripts or to certify in any way the official academic record of a student. An official transcript is issued only when requested by the student in writing.

2. Copies to third parties will be provided upon receipt of the student's written and signed consent for disclosure of the records. Such a written consent must:
  - a. identify the records to be disclosed,
  - b. identify the person or class of persons to whom the disclosure may be made,
  - c. specify the time period during which consent is applicable, and

d. be signed and dated. \*

\* A Consent to Release Information to Third Parties form is available online at [Add Link to form]

**Request for Amendment**

Under FERPA, an eligible student has the right to request that inaccurate or misleading information in his or her education records be amended. A request for correction must be submitted in writing and must specify the information being questioned, the revision requested, and the reasons the student has for disagreeing with the entry in question. Supporting documentation should be attached to the request, whenever available. Where possible, disagreements should be resolved informally. While a school is not required to amend education records in accordance with an eligible student's request, the school is required to consider the request. If the school decides not to amend a record in accordance with an eligible student's request, the school must inform the student of his or her right to a hearing on the matter. If, as a result of the hearing, the school still decides not to amend the record, the eligible student has the right to insert a statement in the record setting forth his or her views. That statement must remain with the contested part of the eligible student's record for as long as the record is maintained.

However, while the FERPA amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about an eligible student. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Thus, while FERPA affords eligible students the right to seek to amend education records which contain inaccurate information, this right cannot be used to challenge a grade or an individual's opinion, or a substantive decision made by a school about a student. Students wishing to appeal the assignment of a grade should refer to the Policy and Procedures for Student Complaints.

Only the Registrar, upon consultation with the respective dean, may authorize a correction in a record within the academic file of a student. Similar authority is held by the Vice President for Student Affairs, the Director of Admissions, the Director of Financial Aid, the respective College Dean and the Director of Personnel for the records which are maintained under the authority of these various University officials.

The University representative to whom a request for correction of a non-academic file is properly addressed will notify the student of his or her decision within 21 days after receipt of the written request. If the University decides that the information in a student's education record 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 of the right to place in the record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the education record and will be disclosed with it.

Challenge Hearings. In response to a request to have university records altered or corrected, should the University decide that the information in a student record is not inaccurate, misleading or in violation of the student's right of privacy, then the student will be advised of the decision as well as the right to appeal the University's decision and challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The appeal may extend only to the material in the respective University file. While it may extend to the correct recording of a grade, it may not include a challenge to the assignment by the instructor of the grade.

The student has 20 days to appeal the decision in writing to the Provost and ask for a hearing. On behalf of the President of the University, the Provost shall refer the appeal to an existing committee or designate a hearing committee comprised of University officials who do not have a direct interest in the outcome of the hearing. AU will notify the student, reasonably in advance, of the date, place and time of the hearing. 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 bring one individual to act as an advisor but the individual may not address the committee. The committee will prepare a written recommendation based solely on the evidence presented at the hearing and submit it to the Provost who will make a determination on the matter. The recommendation will include a brief summary of the evidence presented and the reasons for the decision. The decision of the Provost may be appealed in writing to the President within 20 days of the date of the decision. The appeal to the President shall be made on the record.

Addition to Records. No entry may be made on a student's official records and no document or entry may be placed in such records without written notice to the student by the administrative officials responsible for the specific category of information with the following exceptions:

- Entry of course grades,
- Written communication to a student of school or departmental evaluation,
- Announcement of honors,
- A document or entry supplied by or at the request of the student, and
- Departmental/program portfolios maintained for the purpose of assessing student learning.

In the case of student records maintained in deans and department offices, additions other than those mentioned in the preceding paragraph require notification of the student.

### **Release of Student Information**

AU will disclose information from a student's education records only with the written consent of the student, unless the disclosure is to a school official with a legitimate educational interest in the records. The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released. Examples of information that is commonly released under this act without student consent include, but are not limited to, the following:



1. Student records requested by officials of another school to which a student seeks, or intends to seek, enroll. In this instance the university will attempt to notify the student unless the student initiated the disclosure.
2. Information the University has designated as “directory information.” Unless the student has made a written request to suppress this information.
3. Information sent to school officials or lending institutions, in connection with financial aid for which the student has applied, or which the student has received, if the information is necessary for such purposes as to:
  - o Determine eligibility for the aid;
  - o Determine the amount of the aid;
  - o Determine the conditions for the aid; or
  - o Enforce the terms and conditions of the aid.
4. Information requested by the parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. The parents must provide a copy of their most recent federal income tax return establishing the student’s dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights. AU does not have an obligation to disclose any financial information about one parent to another. If a parent claims a student as a dependent and does not want his or her financial information disclosed to his or her spouse or former spouse, the parent may make that request to the institution.
5. Information released in connection with an emergency, to appropriate persons if the knowledge of such information is believed necessary to protect the health or safety of the student or others.
6. Information released to comply with a judicial order or lawfully issued subpoena, provided the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the University receives a federal grand jury subpoena or any other subpoena which states that the student should not be notified. The University will comply with such process only upon the advice of counsel. All subpoenas received by the University should be immediately forwarded in person or by facsimile to the Office of Legal Affairs to evaluate the validity of the subpoena. In the case of a subpoena which can be disclosed to a student, the Office of Legal Affairs will inform the student of the subpoena and give the student an opportunity to file an objection to the subpoena before responding on behalf of the University.
7. Information released to an alleged victim of any crime of violence, as that term is defined in Section 16 of Title 18, United States Code, or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime or offense with respect to that crime or offense. For the purpose of disclosure under this paragraph, the final results of any disciplinary proceeding shall include only the name of the student, the violation committed and any sanction imposed by the institution on that student and may include the name of any other student, such as a victim or witness, only with the written consent of that other student. The Office of Legal Affairs shall be consulted prior to release of the record.

8. Information may be released subject to the conditions set forth in 34 CFR 99.35 authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, authorized representatives of the Attorney General for law enforcement purposes (investigation or enforcement of federal legal requirements of federally supported education programs), or state and local educational authorities.
9. Information may be released to state and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to the state statute adopted prior to Nov. 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or information that is allowed to be reported pursuant to a state statute adopted after 1974, which concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials who will continue to have access thereunder.
10. Information may be released to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
11. Information may be released to any parent or legal guardian of a student under the age of 21 concerning violation of any federal, state or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession.
12. Information may be released to accrediting organizations in order to carry out their accrediting functions.
13. Information may be released to Department of Veterans Affairs Officials pursuant to 38 USC 3690(c).
14. Information may be released to the court those records that are necessary to defend the institution when a student initiates legal action against the institution.

### **Choosing to Suppress Directory Information**

Directory Information is treated as public information, however, students may choose to keep their directory information from being disclosed ("suppressed") by submitting a written request to the University's Registrar at any time. However, to keep the directory information from being included in various printed University publications, such requests should be made before the end of the drop/add period for Fall Semester. Information cannot be deleted after printed publications have gone to press and information previously-released in printed publications cannot be recalled. Information contained in electronic publications may generally be changed upon 48 hours notice. Students having opted to suppress their directory information may change their position at a later date by notifying the Office of the Registrar in writing. Please note: refusing to permit the release of directory information means that a

student's history at AU may will be suppressed in full, preventing the verification by future employers and others of degrees earned and dates of enrollment.

Exception to Directory Suppression: Due to system constraints, final graduation lists and official programs will include all students who are graduating, regardless of Directory Suppression, unless otherwise stated on the Graduation Application.

### **Records of Deceased Students**

The records of deceased students will be made available to the parents of the deceased student and other authorized parties upon written request. The request must include the need for the records and must identify the requestor's relationship to the deceased student. An official copy of the death certificate must accompany the request, if the University does not have prior notice of the student's death.

### **Recordkeeping Requirements**

Augusta University will maintain a record of requests for and/or disclosures of information from a student's education records which record may be reviewed by the student. The record will indicate the name of the party making the request and what records, if any, were received, as well as the interest in the records. Such recordkeeping is not required if the request was from, or the disclosure was to:

1. The student;
2. A school official determined to have a legitimate educational interest;
3. A party with written consent from the student;
4. A party seeking directory information; or
5. A federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

### **REFERENCES & SUPPORTING DOCUMENTS**

Registrar's Office: FERPA Web-Page: <https://www.augusta.edu/registrar/ferpa.php>  
Faculty Do and Don't FERPA Guidance

### **RELATED POLICIES**

Data Management and Classification:

<https://www.augusta.edu/compliance/policyinfo/policy/data-management-classification.pdf>

Surplus Personal Computer-Electronic Property:

<https://www.augusta.edu/compliance/policyinfo/policy/surplus-personal-computer-electronic-property.pdf>

Social Media Policy: <https://www.augusta.edu/compliance/policyinfo/policy/social-media-policy.pdf>

**APPROVED BY:**

Executive Vice President for Academic Affairs and Provost, Augusta University  
Date: 6/4/2021

President, Augusta University

Date: 6/4/2021