

# Utah Tech University Policy

## 551: Confidentiality of Student Education Records



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### I. Purpose

- 1.1 The Family Education Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The Act applies to all institutions that are the recipients of federal funding.

### II. Scope

- 2.1 This policy applies to Utah Tech University ("the University") students, faculty and staff.

### III. Definitions

- 3.1 **Directory Information:** the following items are considered Directory Information:
  - 3.1.1 Student's full name
  - 3.1.2 Student's Digital ID number
  - 3.1.3 Local and permanent address(es)
  - 3.1.4 E-mail address
  - 3.1.5 Telephone numbers
  - 3.1.6 Date of birth
  - 3.1.7 Residency status

- 3.1.8 Enrollment status (full/part-time)
- 3.1.9 Major field of study
- 3.1.10 Dates of attendance
- 3.1.11 Degrees and awards received
- 3.1.12 Previous school(s) attended
- 3.1.13 Academic level (freshman, sophomore, junior, senior, graduate)
- 3.1.14 Photographs and videos taken or maintained by the university
- 3.1.15 Participation in officially recognized activities and sports
- 3.1.16 Height and weight of athletic team members
- 3.2 **Education Records:** any record maintained by the University which is directly related to a student, with the following exceptions:
  - 3.2.1 Personal records kept by University employees which are in the sole possession of the maker and are not accessible or revealed to any other person except an approved temporary substitute.
  - 3.2.2 Employment records, unless the employment records are contingent on the fact that the employee is a student.
  - 3.2.3 Records maintained by security services solely for law enforcement purposes.
  - 3.2.4 Records maintained by counseling, health and wellness services (health records may be reviewed by a physician or other appropriate professional of the student's choosing).
  - 3.2.5 Counseling records maintained by an institutional psychological/therapeutic counselor.
  - 3.2.6 Alumni records.
- 3.3 **Student:** any person who attends or has attended the University.

#### IV. Policy

- 4.1 Directory Information may, at the University's discretion, be disclosed in compliance with FERPA if a student did not place a restriction on their records.

- 4.1.1 Students have the right to place restrictions on their directory information. To place a restriction or hold on a student's records, the student must fill out the appropriate paperwork at the Registrar's Office.
- 4.1.2 Questions concerning general disclosure should be addressed to the Registrar's Office.
- 4.2 FERPA Coverage: Persons who are currently enrolled in higher education institutions or were formerly enrolled, regardless of their age or status in regard to parental dependency, are covered under FERPA.
  - 4.2.1 Students who have applied but have not attended an institution are not entitled to FERPA protection.
- 4.3 Education Records: With certain exceptions, a student has rights of access to those records which are directly related to them and which are maintained by an educational institution or party authorized to keep records for the institution.
  - 4.3.1 Education records include any records in the possession of a university employee which are shared with, or are accessible to, another individual.
  - 4.3.2 The records may be handwritten or in the form of print or some other medium.
  - 4.3.3 FERPA coverage includes records, files, documents, and data directly related to students, including electronically recorded data.
- 4.4 Information Not Included in Education Records: Private notes held by educational personnel in their sole possession which are not accessible and which have not been released to other personnel.
  - 4.4.1 Law enforcement or campus security records which are solely for law enforcement purposes.
  - 4.4.2 Records relating to individuals who are employed by the institution (unless contingent upon class attendance).
  - 4.4.3 Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized health professional or paraprofessional and disclosed only to individuals providing treatment.
- 4.5 Documents That Can Be Removed: Documents that can be removed

before the student views the records.

4.5.1 Any information that pertains to another student.

4.5.2 Financial records of the student's parents.

4.6 Education Record Access: The student and any outside party who has the student's written consent may have access to a student's education record.

4.6.1 School officials who have "legitimate educational interest" as defined in FERPA may have access.

4.6.2 Student education records may be provided in response to a lawfully issued (by judge or attorney) judicial order or subpoena, which allows the institution to release records without the student's consent. A reasonable effort will be made to notify the student before complying with an order.

4.6.3 The University may provide education records to other parties for purposes that comply with FERPA and the requirements outlined in 34 CFR § 99.31.

4.7 Required Consent: Required consent to disclose "Personally Identifiable Information" from an education record (including transcripts).

4.7.1 A signed and dated consent from the student must be obtained before any disclosure is made. The written consent must: a) specify the records that may be disclosed, b) state the purpose of disclosure, and c) identify the party or class of parties to whom the disclosure may be made.

4.7.2 The institution reserves the right to deny transcripts or copies of records to be made available when the student has an unpaid financial obligation to the University and/or there is an unresolved disciplinary action against the student.

4.7.3 Requests to disclose information should always be handled with caution and approached on a case-by-case basis. The Office of the Registrar should handle requests for student information, e.g. address, telephone number, or immediate whereabouts based upon an apparent emergency.

4.8 Parental Access to Student's Education Records: The inherent right to inspect records is limited solely to the student. Records may be released to parents only through the written consent of the student, in compliance

with a lawfully issued (by judge or attorney) subpoena or in meeting the conditions listed below.

4.8.1 At the post-secondary level, parents have no automatic rights to inspect a student's education records. This includes parents of dependent students. Only in meeting the following condition is parental access lawful:

4.8.1.1 A parent or guardian may have access to education records information if the student is claimed as a dependent for federal income tax purposes for the year preceding the semester and the proper tax forms have been submitted to the Registrar's Office. A parent cannot make changes to the student record, including changes to the student's registration or financial aid.

4.8.1.2 If the student is not a dependent, the student must be willing to complete a consent form before that information will be released.

4.9 Anecdotal Notes: All anecdotal notes made about a student that an institution maintains and shares with school officials, regardless of the medium, would be included in the definition of education records and are, therefore, subject to FERPA.

4.9.1 Unless the notes are kept in the sole possession of the maker and are accessible only to a temporary substitute, they are part of the education records, subject to review by the student. This would include all shared paper files as well as notes made about the student on a shared computer record.

4.9.2 If a student has requested access to their education records, none of these notes may be destroyed prior to student review.

4.10 Posting of Grades by Faculty: The public posting of grades either by the student's name, institutional or student identification number, without the student's written permission, is a violation of FERPA.

4.11 Releasing Non-Directory Information Over the Phone: FERPA prohibits the release of non-directory information over the phone to a third party.

4.12 Information Release Exceptions Provided Under FERPA: Non-directory information can be released to a third party if the student whose information is requested has given specific written permissions to do so.

4.12.1 FERPA provides an exception whereby an institution may disclose otherwise confidential information to appropriate parties to protect the health and safety of the student or other persons.

- 4.12.2 Non-directory information can be released to a third party if the information is needed to help resolve an emergency or to identify criminal activities.
- 4.13 Government Records Access Management Act (GRAMA): All disclosures made pursuant to a GRAMA public records request will comply with FERPA.
- 4.14 Student Right-to-Know and Campus Security Act: Disclosure of graduation rates and transfer rates for all students, including athletes, is available from the Office of Institutional Effectiveness and University website.
  - 4.14.1 Crime awareness and campus security are of vital concern to University officials. The policy of all employees toward campus crime is one of zero tolerance. The institution, in compliance with the Clery Act, annually updates and provides information regarding campus law enforcement statistics in a published report on the University's Department of Public Safety website. The categories of crime listed are updated for statistical accuracy each year and reflect the criminal activity within the University's Clery geography
- 4.15 Student Directory Listings to Third Party: The University does not provide student directory lists to third parties, except as required by federal law. Any exceptions must be approved by the Vice President of Student Affairs and the Office of General Counsel.

## **V. References**

- 5.1 The Family Education Rights and Privacy Act of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99)

## **VI. Procedures—N/A**

## **VII. Addenda**

- 7.1 Request to Prevent Disclosure of Directory Information Form. See Registrar's Office [invalid link removed].

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Policy Owner: Provost and Vice President of Academic Affairs  
Policy Steward: Associate Provost for Academic Success and Dean of University College

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