Policy Statement on the Family Educational Rights and Privacy Act of 1974, as Amended

Policy 105.3

1 Introduction

1.1 Appalachian State University endorses and seeks to comply with all provisions of the "Family Educational Rights and Privacy Act of 1974," as amended, (“FERPA”) and all pertinent regulations. The purpose of this legislation was and is to afford students certain rights with regard to their respective education records. In essence, these rights are: (1) the right to inspect and review education records, (2) the opportunity to challenge the contents of education records, and (3) the right to exercise some control over the disclosure of information from education records. The intent of this policy statement is to explain, in detail, the conditions and procedures under which the University will implement the law.

2 Scope

2.1 This policy applies to all students of Appalachian State University and all faculty, staff, volunteers and contractors who have access to education records.

3 Definitions

3.1 Education Records

Any record (in handwriting, print, tapes, film, computer, or other medium) maintained by Appalachian State University and which personally identifies a student, except :

1. A personal record kept by a University employee if it is kept in the sole possession of the maker of the record and is not accessible by or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by Appalachian State University's Office of Public Safety/University Police solely for law enforcement purposes.
3. An employment record of an individual whose employment is not contingent upon the fact that he or she is a student, provided that the record is used only in relation to the individual's employment.
4. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional when that person is acting in his or her professional or paraprofessional capacity, and if the records are used solely for treatment of the student and made available only to those persons providing the treatment.
5. Records which contain information about a student after he or she is no longer in attendance at Appalachian State University and which do not relate to the person as a student.

3.2 FERPA

Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment

3.3 FERPA Directory Information or Directory Information

Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed, and designated in section 4.9 of this policy. Although any information included in the online directory must be part of the FERPA Directory Information, not all FERPA Directory Information is published in the online directory.

3.4 Student

Any person who as an undergraduate or graduate student (1) is currently attending the University, or (2) has attended the University. (An exception: under common law, the privacy rights of an individual cease with the death of that individual.)

3.5 University E-mail Facilities

University E-mail Facilities include all facilities, technologies, information resources, and computing and electronic communication devices, hardware, software, and services required to accomplish the processing, storage, transmission, and communication of electronic mail, whether individually controlled or shared, stand-alone, or networked.

4 Policy and Procedure Statements

4.1 Notification of Student Rights Under FERPA

4.1.1 Students at Appalachian State University are notified of their FERPA rights, as follows:

1. An abstract of the student's rights under FERPA is found in Appalachian State University's General Bulletin and Graduate Bulletin.
2. An abstract of the student's rights under FERPA is found in the Schedule of Classes published by Appalachian State University and distributed prior to and during each academic term. (This notice shall include statements required under U. S. Department of Education regulations found at 34 C.F.R. 99.7.)
3. An abstract of the student's rights under FERPA is found in The Appalachian State University Student Handbook of Rights and Responsibilities (revised and published annually).
4. A notice regarding FERPA Directory Information is included in the Academic Bulletin.
5. A complete statement of the University policy regarding FERPA may be obtained from the Registrar's Office.

4.2 Procedure for the Inspection of Education Records

4.2.1 The Registrar's Office is designated by the University as the official custodian of education records.

4.2.2 A student should submit to the Registrar's Office a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

4.2.3 The Registrar's Office will make the necessary arrangements for access and notify the student of the time and place where the records may be inspected. Access will be given in forty-five (45) days or less from the date of the request.

4.2.4 When a record contains information about more than one student, the student may inspect and review only that portion of the record which pertains directly to him or her.

4.3 Limitations on the Student's Right of Access

4.3.1 Appalachian State University will refuse access by the student to the following education records:

1. A financial record submitted by the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access (when used only for their intended purpose), or which were maintained before January 1, 1975.
3. Records connected with an application to attend Appalachian State University if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

4.4 Refusal to Provide Copies of Education Records

4.4.1 Appalachian State University may decline a student's request for a copy of his or her education records if the student has an unpaid financial obligation to the University. (Note: It is not the intent of this policy to deny the student access to his or her education records--the right to inspect and review education records is mandated by FERPA unconditionally. It is merely a statement of the condition under which the University will not provide a copy of the student's education records.)

4.5 Fees Charged for the Copying of Records

4.5.1 With the exception of an official academic transcript, Appalachian State University does not charge a fee for a copy of an education record. The charge for an official academic transcript is subject to change, and is governed by the schedule of fees in effect at the time of the request.

4.6 Types and Locations of Education Records

4.6.1 As previously noted, the Registrar's Office is designated as the official custodian of education records at Appalachian State University. All requests for inspection and review of education records, regardless of the nature of the record (i.e., academic, financial, etc.), should be directed to the Registrar's Office. Though not inclusive, the following list contains the primary categories of education records and their locations:

Types	Responsible Officials/Locations
Admissions	University Registrar John E. Thomas Academic Support Services Building

Records	Associate Dean for Research & Graduate Studies John E. Thomas Academic Support Services Building
Academic Records	University Registrar John E. Thomas Academic Support Services Building Associate Dean for Research & Graduate Studies John E. Thomas Academic Support Services Building
Financial Records	Director, Office of Student Accounts John E. Thomas Academic Support Services Building
Placement Records	Director, Career Development Center John E. Thomas Academic Support Services Building
Academic Progress Records	Maintained by the Dean of the College/School and the chairperson of the academic department in which the student has formally declared his or her major. If the student has not declared a major, these records are maintained by the Director, Office of General Studies, D. D. Dougherty Building
Disciplinary Records	Director, Office of Student Conduct Plemmons Student Union
Financial Aid Records	Director, Office of Student Financial Aid John E. Thomas Academic Support Services Building
Campus Housing Records	Director, Office of Residence Life John E. Thomas Academic Support Services Building
Extra-Curricular Records	Director, Center for Student Involvement and Leadership Plemmons Student Union
Records of Students as Athletes	Director, Office of Athletic Media Relations Athletics Center

4.7 Disclosure of Education Records

4.7.1 Appalachian State University will disclose information from a student's education records only with the explicit written consent of the student, except that records may be disclosed without such consent when the disclosure is:

1. To Appalachian State University officials who have a legitimate educational interest in the records.
2. To officials of another educational institution in which the student seeks admission or intends to enroll, upon request by that institution.
3. To certain officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with an audit or evaluation of certain state or federally supported education programs, or for compliance with the legal requirements of such programs.
4. In connection with a student's request for or receipt of financial aid -- i.e., in order to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. To State and local officials or authorities if specifically required by a North Carolina law in effect on or before November 19, 1974.
6. To organizations conducting certain studies for, or on behalf of, educational institutions (under conditions set forth in 34 C.F.R. 99.31[6]).
7. To accrediting organizations for the purpose of enabling them to carry out their functions.
8. To the parents of a student when the parents claim the student as a dependent for federal income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena.
10. To appropriate parties when necessary to protect the health or safety of the student or other individuals.
11. To individuals or organizations requesting FERPA Directory Information so designated by Appalachian State University.
12. The result of a disciplinary proceeding conducted by Appalachian State University against an alleged perpetrator of a "crime of violence" (as that term is defined in 34 CFR Part 99) with respect to that crime of violence.
13. To an individual or organization requesting information about a deceased student. (Note: Under common law, the privacy rights of an individual cease with the death of that individual.)

4.7.2 An Appalachian State University official is:

1. A person employed by the University in an administrative, supervisory, academic, research or support staff position, including health and medical staff.
2. A person employed by or under contract to Appalachian State University to perform a special task such as an attorney or auditor.
3. A student or other volunteer serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing employment tasks.
4. A person who is employed by Appalachian State University's Office of Public Safety/University Police.
5. A member of the Appalachian State University Board of Trustees, acting in his or her official capacity.
6. A representative of the General Administration of the University of North Carolina, acting in his or her official capacity.
7. A member of the Board of Governors of the University of North Carolina, acting in his or her official capacity.
8. A person or entity with a capability needed but not possessed by the University or its contractors and employed by such contractors with the consent of the University or otherwise authorized to perform a specific task involving University records or operations.

4.7.3 An Appalachian State University official has a legitimate educational interest if that official is:

1. Performing a task that is specified in his or her position description or contract agreement.
2. Performing a task related to a student's education.
3. Performing a task related to the discipline of a student.
4. Providing a service or benefit relating to the student or student's family, including, but not limited to, healthcare, counseling, job placement, or financial aid.
5. Maintaining the safety and security of the campus.

4.8 Record of Requests for Disclosure

4.8.1 With the exceptions of (1) a request from a University official deemed to have a legitimate educational interest, and (2) a request for "Directory Information," Appalachian State University will maintain as part of the education record all written requests for and/or disclosures of information from a student's education records. This record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest each party had in requesting or obtaining the information. (NOTE: With the exception of "Directory Information," any personal information from education records will be disclosed only on the condition that the recipient will not permit access to such information by a third party without the written permission of the student.)

4.9 FERPA Directory Information

4.9.1 Appalachian State University designates the following student information as public or “Directory Information,” which may be disclosed by the institution for any purpose, without the student’s written consent.

1. Student name
2. Academic classification (i.e., senior, junior, sophomore, freshman)
3. Enrollment status (i.e., part-time or full-time)
4. Field(s) of study
5. Dates of attendance
6. Degrees, honors and awards received
7. Participation in officially recognized activities and sports
8. Weight, height, athletic statistics and photographic representation of members of athletic teams

4.9.2 The University will disclose any of these items without prior consent, unless instructed by the student in writing to the contrary. For "Directory Information" to be withheld, the student must submit a written request to the Registrar's Office.

4.9.3 University affiliated organizations and non-university affiliated organizations or individuals may request directory information from the Office of the Registrar. As the designated data custodian of student information for the University, the Office of the Registrar is the only unit authorized to release directory information to third parties. Third party data requests must be submitted in writing and requests are tracked. All communications transmitting data to third parties must include the following responsibility statement:

Appalachian State University E-mail Facilities are reserved for University-related educational, research and administrative purposes. Commercial use of the University’s computing network is prohibited. Any use of University E-mail Facilities that interferes with University activities and functions, or is inconsistent with the mission of the University, is improper and may result in legal action and liability. This information is provided to you in accordance with the University’s obligations under North Carolina law and for the one-time request only. Fulfillment of your request does not constitute endorsement of your organization, product(s) or service(s), and does not constitute permission to use the University’s computing and communications networks. Any false claim (expressed or implied) concerning Appalachian State University is expressly forbidden. Misrepresentation of the

University with your organization, product(s) or service(s) (e.g., unauthorized use of Appalachian State University's name, seal, logo or other indicia) may result in legal action and liability.

4.10 Procedure for the Correction of Education Records

4.10.1 If a student believes that the education record is inaccurate, misleading, or otherwise in violation of his or her privacy rights, the student has the right to request that the record be corrected. Procedures for the correction of an education record at Appalachian State University are a follows:

1. A student must contact the Registrar's Office, in writing, asking that a record be amended. In so doing, the student should clearly identify the part of the record to be amended and specify why the student believes it to be inaccurate, misleading, or otherwise in violation of the student's rights.
2. The University, represented by the Registrar's Office and, if applicable, in consultation with the office that maintains the record in question, will decide either to comply or to not comply. If the University decides to comply, it will amend the record and notify the student, in writing, that the record has been amended. If the University decides to not comply, it will notify the student of the decision and advise the student of his or her right to a hearing to challenge the information believed to be inaccurate, misleading, or otherwise in violation of the student's rights.
3. Upon receiving the student's written request, the University will arrange for a hearing and notify the student, in sufficient time, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; the hearing officer may, however, be an official of the University. 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 record. Present at the hearing will be the hearing officer, the student, a representative of the Registrar's Office and , if applicable, a representative of the University office in which the education record is maintained. The student may be assisted by one or more individuals, including (at the student's expense) an attorney.
5. The hearing officer will prepare a written report which will include a recommendation to either comply or to not comply with the student's request. The report and recommendation will be based solely on the evidence presented at the hearing. The report will include a summary of the evidence presented and the reasons for the recommendation. The report will be transmitted to the Registrar's Office within ten (10) days of the hearing.
6. If the recommendation of the hearing officer is to comply with the student's request, i.e., the report finds that the education record is inaccurate, misleading, or otherwise in violation of the student's right, the University will amend the record and notify the student, in writing, that the record has been amended.
7. If the recommendation of the hearing officer is to not comply with the student's request, i.e., the report finds that the challenged information is not inaccurate, misleading, or otherwise in violation of the student's rights, the University will, in writing, so notify the student and inform the student that he or she has the 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.
8. The student's statement will be maintained as part of his or her education record as long as the contested portion is maintained. If the University discloses the contested portion of the record, it will also disclose the student's statement.

4.11 Procedure for Filing an Official Complaint

4.11.1 If the student believes that Appalachian State University is in error in its interpretation of FERPA, he or she may file a complaint with:

The Family Policy Compliance Office
U. S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605
Telephone Number: (202) 260-3887
FAX: (202) 260-9001

5 Additional References

6 Authority

The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g
FERPA Regulations
N.C. Gen. Stat.§ 132-1, et seq.

7 Contact Information

University Registrar,registrar@appstate.edu. 828-262-2050

8 Original Effective Date

April 24, 1996

9 Revision Dates

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