

University Policies and Procedures

**03-06.30 – POLICY AND PROCEDURES ON THE
DISCLOSURE OF STUDENT EDUCATION RECORDS**

- I. **Policy Statement:** It is the policy of Towson University (the “University”) to comply with the requirements of the Federal Family Educational Rights and Privacy Act (“FERPA”), known as the Buckley Amendment, concerning the disclosure of student records.

- II. **Reason for Policy:** Towson University must develop University policy in order to comply with University System of Maryland Policy <http://www.usmd.edu/regents/bylaws/SectionIII/III630.html>. This policy is also intended to assure compliance with federal law (e.g. FERPA).

- III. **Definitions:**
 - A. **Attendance:** includes, but is not limited to, Attendance in person, on line, or by correspondence, and includes the period during which a person is working under a work-study program or a clinical experience.

 - B. **Directory Information:** means information which would generally not be considered harmful or an invasion of privacy if disclosed. At Towson University, Directory Information is defined as a Student’s name, permanent address, Towson University email address, major field of study, dates of Attendance, degrees and awards received, the most recent previous educational institution attended by Students, class standing, participation in University recognized activities and sports, and the weight and height of members of athletic teams.

 - C. **Disclosure:** means to permit access to or the release, transfer, or other communication of Education Records to any Party by any means, including oral, written or electronic means.

 - D. **Educational Interest:** a School Official has an Educational Interest in Education Records where access to such Records is reasonably related to the fulfillment of the School Official’s responsibilities, including, but not limited to, maintaining safety.

 - E. **Education Records:** means those Records maintained by the University which contain information directly related to a Student except:

1. Records made by instructors, professors and administrators for their own use, and not shown to others;
 2. Records maintained by the University police solely for law enforcement purposes;
 3. Records of employment which relate exclusively to the individual as an employee, and which are maintained separately from Education Record;
 4. Records on a Student who is eighteen years of age or older made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment;
 5. Alumni Records which contain only information relating to a person's activities after that person is no longer a Student at the University and do not relate to that person as a Student;
 6. Admission Records of individuals who are not in Attendance at the University or who have not been in Attendance at the University.
- F. Parent: means a Parent of a Student, and includes a natural or adoptive Parent, a guardian, or, in the absence of natural or adoptive Parents, an individual acting as a Parent.
- G. Party: means an individual, agency, institution, or organization.
- H. Personally identifiable information: means a Student's name; a name of a Student's Parent or family members; an address of a Student or a Student's family; a personal identifier, such as a social security number or Student identification number; a list of personal characteristics or any information that would make a Student's identity traceable.
- I. Record: means any information recorded in any way including but not limited to handwriting, print, tape, film, microfilm and microfiche.
- J. School Official: means a person employed by the University or the University System of Maryland; a member of the Board of Regents; a person or entity with whom the University has contracted as its agent to provide a service instead of using University employees or officials; or a Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another School Official in performing his/her tasks.

- K. Student: means any individual who is or has been in attendance at the University and on whom Education Records are maintained.

IV. Responsible Executive and Office:

Responsible Executive: Provost and Vice President for Academic Affairs

Responsible Office: Registrar.

- V. Entities Affected by this Policy:** All divisions, colleges, departments and operating units.

VI. Procedures:

A. Right of Access

1. Each Student in Attendance at the University has a right to inspect and review his or her Education Records.
2. Requests for access to Education Records must be made in writing, signed by the Student, and must include the Student's identification number. Requests are made to the office that maintains the Records. Requests for information which are sent to the wrong office will be forwarded to the appropriate office, or the Student will be notified of the mistake.
3. The University will comply with a request for access within a reasonable time, not to exceed 45 days. Whenever possible, arrangements will be made for the Student to read his or her Records in the presence of a staff member.
4. If Education Records contain information on more than one Student, the Student may have access only to information about himself/herself.
5. A Student may ordinarily obtain copies of Education Records by paying the cost of reproduction. The fee for photocopies is as established by state regulation. There is no charge for staff time to search for or collect Education Records. However, costs for obtaining an official transcript, with the seal of the University, are set by the Registrar's Office.

6. A Student may waive the right of access to confidential recommendations in the following areas: admission to any educational institution, job placement, receipt of honors and awards. The waiver must be in writing, and the University shall not require such waivers as a condition to admission, or the receipt of any service or benefit. If right of access is waived, a Student will be notified, upon written request, of the names of all persons making confidential recommendations. Such recommendations shall be used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time and will only apply to subsequent recommendations.

B. Disclosure of Personally Identifiable Information

It is the policy of the University to limit Disclosure of Personally Identifiable Information without a Student's prior written consent, subject to the following limitations and exceptions:

1. Directory Information. This information may be disclosed and may appear in public documents unless a Student files a written notice not to disclose any or all of the information within three weeks of the first day of the semester in which the Student begins each academic year. This notice must be filed annually with the Registrar's Office within the allotted time to avoid automatic Disclosure of Directory Information. Students will be given annual notice of the categories of Education Records designated as Directory Information.
2. Prior consent not required. Prior consent is not required for Disclosure of Education Records to the following parties:
 - a. School Officials to carry out a legitimate Educational Interest or objective.
 - b. Officials of other schools in which a Student seeks or intends to be enrolled. A Student will be provided with a copy of the Records which have been transferred upon request and payment of copying fees as described above. The Student must be notified before these Records are disclosed, unless

- (i) he/she has initiated Disclosure; or
 - (ii) the University's annual notification includes a notice that the University forward Education Records to other agencies or institutions, in which the Student seeks or intends to enroll, that have requested the Records.
- c. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, the Commissioner of the Office of Education, the Director of the National Institute of Education, the Administrator of the Veterans' Administration, the Assistant Secretary of Education, and state educational authorities, but only in connection with the audit or evaluation of federally supported education programs, or in connection with the enforcement of or compliance with federal legal requirements relating to those programs. Subject to controlling federal law, these officials will protect information received so as not to permit personal identification of Students to outsiders.
- d. Authorized persons and organizations who are given work in connection with a Student's application for or receipt of financial aid to the extent necessary.
- e. State and local officials to which such information is required to be reported by effective state law adopted prior to November 19, 1974.
- f. Organizations conducting education studies for the purpose of evaluating, validating, or administering predictive tests, administering Student programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of Students to outsiders, and the information is to be destroyed when no longer needed for these purposes.
- g. Accrediting organizations for purposes necessary to carry out their functions.

- h. Parents of a Student who is dependent for income tax purposes (as defined in §152 of the Internal Revenue Code, as indicated on the Parents' most recent federal income tax return).
- i. Appropriate parties in connection with an emergency, where the knowledge of the information is necessary to protect the health or safety of the Student or other individuals.
- j. In response to:
 - (i) a lawfully issued grand jury subpoena where, the University is directed not to disclose to any person the existence or contents of the subpoena or any information furnished to a grand jury in response to the subpoena;
 - (ii) a lawfully issued subpoena for law enforcement purposes where the University is directed not to disclose to any person the existence or contents of the subpoena or any information furnished by the law enforcement agency in response to the subpoena; or
 - (iii) a lawfully issued subpoena, upon condition that the Students are notified of any such subpoena in advance of complying with the subpoena.
- k. To an alleged victim of any crime of violence or non-forcible sex offense of the final results of any institutional disciplinary proceedings against the alleged perpetrator of that crime with respect to that crime.
- l. In connection with a disciplinary proceeding in which the University determines that the Student is an alleged perpetrator of a crime of violence or non-forcible sex offense and, with respect to that allegation, the Student has violated University policy. The University will not disclose the name of any other Student, including a victim or witness, without the other Student's prior written consent.

- m. To the extent permitted by law, Disclosure is to the Parent of a Student regarding the Student's violation of any federal, state, or local law, or any University policy, governing use or possession of alcohol or a controlled substance if the Student is under 21 at the time of the Disclosure to the Parent.
 - 3. Prior Consent Required in All Other Cases. Except as described above, the University will not release Personally Identifiable Information in Education Records, or allow access to those Records without prior consent from the Student. The consent must be in writing, signed by the Student, and dated. The Student must specify the Records to be disclosed, the identity of the recipient, and the purpose of the Disclosure. A copy of the Record disclosed will be provided to the Student upon request and payment of copy fees described above. The signed and written consent may be a Record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent and indicates that person's approval.
 - 4. Record of Disclosures. The University shall maintain a list of each request and each Disclosure of Personally Identifiable Information with each Student's Education Records. The list shall include the parties who have requested or received the information; the legitimate interest the parties had in requesting or receiving the information.
 - a. The list of Disclosures may be inspected by the Student, the official custodian of the Record, and other University and governmental officials.
 - b. The following Disclosures will not be listed: Disclosures to the Student; Disclosures pursuant to written consent; Disclosures to instructional or administrative officials to the University; Disclosures of Directory Information; and Disclosures pursuant to a subpoena ordering that the existence or contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed.
- C. Correction of Education Records.
- 1. It is the policy of the University to provide Students with opportunity to seek corrections to Education Records which are believed to be inaccurate, misleading, or which violate the right to privacy or other rights.

2. A request to correct an Education Record must be made, in writing, to the office that maintains the Records. The request must contain the specific document(s) being challenged and the basis for the challenge.
3. The University shall decide within a reasonable time whether to amend the document(s). The Student will be notified of the decision in writing and, if the decision is to refuse to amend, the Student will be notified of the right to a hearing.
4. Upon request, a Student shall be provided an opportunity for a hearing to challenge the content of Education Records for the reasons listed in C.1. above. A request for a hearing must be made in writing to the office that maintains the Records. Within a reasonable time, the Student shall be notified of the date, place, and time. The Student shall be given reasonable advance notice of the hearing.
5. The hearing shall be conducted by a University official with no direct interest in the outcome. The Student shall have a full and fair opportunity to present evidence, and may be represented by individuals of his/her choice, including an attorney. The cost for such representation shall be the responsibility of the Student.
6. The Student shall be notified of the decision in writing within a reasonable amount of time.
7. The decision is to be based solely upon evidence presented at the hearing, and must include a summary of the basis of the decision.
8. In cases where the challenged information is found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the Student, the Education Records shall be amended accordingly within a reasonable time.
9. In cases where the challenged information is not found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of a Student, the Student shall be informed in writing of the right to place in the challenged Record a statement commenting on the information and explaining any reasons for disagreeing with the decision.
10. The statements described above shall be kept as part of the Student's Record and disclosed whenever that portion of the Record is disclosed.

- D. Right to file a complaint. Students alleging noncompliance with the Family Educational Rights and Privacy Act may file a complaint with the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5920.

Related Policies: USM Policy II-6.30

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