INTENT

The intent of this policy is to conform University practices with the Pennsylvania “Right To Know Law of 1957” and the federal “Family Education Rights and Privacy Act of 1974.” Edinboro University collects and retains data and information about students for designated periods of time.

POLICY

A statement concerning the rights of students to confidentiality and privacy of their records will be published annually, as required by laws, in the University’s undergraduate and graduate catalogs, and in the Academic Standards and Procedures section of the Student Handbook. Nothing in this policy that may exceed the rights of students established by law shall be taken to create a cause of action against the University or its employees, or an enforceable right to any benefit.

The offices at Edinboro University which maintain student records include, but are not limited to: all vice presidents’ offices, offices of academic deans, offices of department chairpersons, the Office of Records and Registration, Residence Life and Housing Office, Ghering Health and Wellness Center, Office of Student Financial Support and Services, Bursar’s Office, Office of Student Judicial Affairs, Office for Students with Disabilities, and the Athletics office.

The rights of students stated below are summarized and paraphrased from the Family Educational Rights and Privacy Act (FERPA), and from the regulations that implement the Act. They are not the text of the Act or the regulations themselves. Nothing in the summaries of the law that follow below is intended to be legal advice, and nothing in it may be taken to create rights that do not exist pursuant to the law and the regulations.

1. The right to be provided, on request, with a list of personal educational records, files, and documents maintained by Edinboro University of Pennsylvania.

2. The right to inspect and review the content of such records within no more than 45 days after a request is presented in writing to the person responsible for the maintenance of the records. Where the record contains information on more than one student, the right of inspection extends only to the part of the record that relates to the individual student, or in lieu of actual inspection, to be informed of the specific information about the individual contained in the materials. Inspection may be made only in the presence of a staff member during normal business hours at the reasonable convenience of the staff.

Access shall be granted prior to the destruction of any personally identifiable educational record where access has been requested by a student eligible to review the record.
3. The right to obtain copies of records at the student’s expense (not to exceed the actual cost of reproduction). Students with a significant past-due balance on their financial account with the University, for any previous semester, must clear their accounts before a copy of their records will be released. This regulation applies to those in default of student loans as well.

4. The right to a response from the University to a reasonable request for explanation or interpretation of records.

5. The right to an opportunity for: a hearing to challenge the content of records in order to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student; the correction or deletion of any appropriate information contained therein; an insertion of a written explanation by the student respecting the contents of his/her record. This right does not include the privilege to contest a grade or the evaluation of a student’s performance in a course, although it may be used to challenge the accuracy of the recording of the grade for evaluation. Such a hearing shall be in accordance with the following procedures:

A. The hearing shall be conducted and decided within no more than 45 days following the receipt of a written request, signed and dated by the student.

B. The hearing shall be conducted and a decision rendered by a designee or designees of the Provost and Vice President for Academic Affairs who have no direct interest in the hearing and, where academic records are at issue, the Provost and Vice President for Academic Affairs. The person conducting the hearing should have no direct interest in the outcome of the hearing.

C. A reasonable time and place for such hearings may be set by the Office of the Provost and Vice President for Academic Affairs on the University campus on any normal business day.

D. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue.

E. The decision shall be rendered in writing within ten (10) days after the conclusion of the hearing, but failure to comply within the ten day rule does not render the decision void.

Each student has the right to prevent the release of directory information (made available to third persons without prior consent) by notifying the Coordinator of Records in writing in advance at the end of the “add period” that he/she wishes such information to be withheld. Once a request has been signed and is on file in the student’s record, the information will continue to be withheld until the student rescinds the request in writing. The following items are regarded as directory information:

(1) Student’s name
(2) Campus address or local address
(3) Electronic mail address
(4) Home address
(5) Telephone listing
(6) Date and place of birth
(7) Major field of study
(8) Sports participation
(9) Weight and height of athletic team member
(10) Dates of attendance
(11) Degrees and awards received
(12) The most recent previous educational agency or institution attended by the student
(13) Information concerning alumni accomplishments

RIGHT OF INSPECTION OR ACCESS

The rights of students to inspection or access of their educational records, as stated below, are paraphrased from the Family Educational Rights and Privacy Act (FERPA) and the regulations that implement the Act. They are not the text of the Act or the regulations themselves. In all cases, the law prevails and nothing in it may be taken to create rights that do not exist pursuant to the law and the regulations. “Student Educational Record,” as maintained by Edinboro University of Pennsylvania, to which the right of student access applies means: any record, file, document, or other material which contains information directly related to a student (including former students, but excluding applicants or prospective students who never attend) excluding:

1. Certain records of faculty or staff members concerning students (i.e., faculty notes or grade books). A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.

2. Records created or maintained in the medical or counseling service which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, provided that such records can be personally reviewed by a physician or other appropriate professional of the student’s choice.

3. Financial records of a student’s parents.

4. Confidential letters or recommendation statements placed in the student’s educational record prior to January 1, 1975, provided such materials are not used for purposes other than specifically intended.

5. Confidential letters or data to which the student has waived the right of access in writing in advance, with respect to one of the following:

   A. Admission to any education institution
   B. An application for employment
   C. Receipt of an honor or honorary recognition provided:
      (1) Such waiver shall not be required as a condition of admission or conferral of a benefit;
      (2) such data used solely for the purpose for which intended in which the waiver was granted; and
      (3) upon request, the student will be notified of the names of all persons furnishing such confidential letters or data.

6. Records of the security (law enforcement) office maintained solely for law enforcement purposes and not made available to others.

7. Employment personnel records for students employed by Edinboro University of Pennsylvania made and maintained in the normal course of business for similar employees.
RELEASE OF PERSONALLY IDENTIFIABLE STUDENT INFORMATION

Except as may otherwise be permitted by law, personally identifiable information concerning students (including both currently enrolled and former students) may (not necessarily must) be released or made available to others only under the circumstances listed below. Nothing in the University’s rules regarding the release of information may be taken to contradict any right any person may have to obtain information, nor may anything in the provisions be taken as intended to compel the release of information where the law and regulations do not compel its release.

1. With the express consent of the student on the following conditions:
   A. In writing, signed and dated by the student,
   B. stating the record(s) to be released.

2. Without student consent, for the following and any other lawful reason:
   A. Disclosure of student records will be made to officials and faculty members of Edinboro University of Pennsylvania if they have a legitimate educational interest in the information. A school official is: 1) A person employed by the University in an administrative, supervisory, academic, research, or support staff position. 2) A person elected to the Council of Trustees. 3) A person employed by or under contract to the University to perform a special task, such as an attorney or auditor. The determination of whether an official or faculty member’s interest is legitimate is made on the basis of:
      1) the relationship of the official or faculty member to the student;
      2) the question of whether the relationship is personal or professional;
      3) whether the information requested touches upon a professional relationship between the official or faculty member and the student; and
      4) whether the information is reasonably necessary for the furtherance of the professional relationship between the official or faculty member and the student.
   B. To parent(s) of a dependent student as defined in section 152 of the Internal Revenue Code of 1954. A student is a dependent if over half of the student’s support is received from the parent(s).
   C. In an emergency if the release of such information is necessary to the protection of health or safety.
   D. Under court order or subpoena, provided that the University will attempt to give prompt notice to the student in advance of the release of information.
   E. “Directory Information,” as defined by law, concerning students may be made available to third persons or published by Edinboro University of Pennsylvania without the prior consent of the student, unless the student indicates in writing to the Coordinator of Records that he/she wishes such information to be withheld.
F. To officials of another school, upon request, in which a student seeks or intends to enroll. The University will make a reasonable attempt to notify the student of the transfer.

G. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local education authorities, in connection with certain state- or federally-supported education programs.

H. In connection with a student’s request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions for the financial aid, or to enforce the terms and conditions of the aid.

I. If required by a state law requiring disclosure that was adopted before November 19, 1974.

J. To organizations conducting certain studies for or on behalf of the University.

K. To accrediting organizations to carry out their functions.

L. To an alleged victim of any crime of violence or the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.

3. Whether information is released with or without the consent of the student the following requirements must be met when required by law or regulation:

A. A written statement must be included with the release of information to the effect that the information is released only on the condition that the party to whom the information is being transferred will not unlawfully permit any other party to have access to such information without the written consent of the student.

B. A record shall be maintained with the files of the student’s educational record, of all parties (other than University officials or faculty members who have exercised a legitimate educational need for access to such information) who have requested or obtained access to such educational records, indicating the legitimate interest each such party had in obtaining such information. Access to such record shall be limited to Edinboro University of Pennsylvania officials or faculty member of the individual student, except as required by law.


A request to review student records (other than those in the Office of Records and Registration) and questions concerning the student’s rights under the act should be directed to the Office of the Provost and Vice President for Academic Affairs. The following forms are available in the Office of Records and Registration: Request to Examine Personal Record File, and Request to Obtain Information from a Student’s Official Record. These forms are to be utilized when a student wishes to examine his/her personal record file and when a request is made by University officials or faculty members who wish to obtain information from a student’s official record.