

UNIVERSITY OF PITTSBURGH POLICY 09-08-01

CATEGORY: STUDENT AFFAIRS
SECTION: Rights to Review, Inspect and Release Education Records
SUBJECT: Access to and Release of Education Records
EFFECTIVE DATE: June 12, 2009 Revised
PAGE(S): 5

I. SCOPE

This policy affirms (i) the rights of Students to access Education Records and to ensure that those records are accurate; (ii) the rights of the University regarding the approval, denial, and charging for requests; (iii) the regulations and restrictions on Directory Information; and (iv) the requirements for the release of information, or access to Student Education Records by a third party and the conditions under which release or access may be permitted by University officials, all in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), also known as the Buckley Amendment.

II. POLICY

Rights of Students

Students have the right to inspect and review their Education Records; exercise a limited control over disclosure of information contained in their Education Records; seek to correct their Education Records; report violations of the FERPA to the Department of Education; and be informed about their FERPA rights.

The Board of Trustees authorizes the Office of the University Registrar to inform Students of the nature of this policy; exercise their administrative resources to implement the policy; and respond to individuals who violate the policy.

The University may provide copies of Education Records to third parties when a Student provides written consent allowing access to the Student's Education Records.

When a record contains information about Students other than the Student, the Student may inspect and review only the specific information which pertains to him/her.

Seeking To Correct Education Records

The University permits Students to inspect and review their Education Records, and to seek to change any part that they believe to be inaccurate, misleading, or in violation of the Student's privacy rights.

If the requested change in Education Records falls within an individual school's Academic Integrity Guidelines, then the Guidelines shall control the procedure to be followed.

If the requested change in Education Records does not fall within the individual school's Academic Integrity Guidelines, that is, if no violation of Student or faculty obligations is alleged by the Student, refer to Procedure 09-08-01, Access to and Release of Student Education Records.

Directory Information

The University designates the following personally identifiable information contained in a Student's Education Record as "Directory Information." As such, the University is able to disclose this information without a Student's prior written consent:

- Name
- Address
- Phone number
- Place of Birth
- Major field of study
- Achievements, degrees, academic awards, or honors
- Weight and height, if a member of athletic teams
- Previous educational institutions
- Participation in officially recognized activities and sports
- Dates of attendance
- Electronic mail address
- Student's photograph

When the Office of the University Registrar receives written notice of a Student's refusal to permit the release of "Directory Information," no further disclosures are made without that Student's written consent (except to parties who have legal access to Student Records without written consent).

Provided the Student does not refuse permission, "Directory Information" may be released by:

- The Vice Provost and Dean of Students
- The Director of the University Student Judicial System
- The University Registrar
- The Registrar at each Regional Campus
- Data Security Administrator
- Office of General Counsel

Directory Information may be released on a limited basis, relevant to the performance of their duties, by the Director of Athletics, Vice Chancellor for Public Affairs and the Assistant Vice Chancellor of News, Information, and National Media Relations.

Denial of Requests

The University may deny a request for copies of Education Records when the requester refuses to furnish proper identification and/or information required by the University.

Charges for Copies of Student Education Records

The University reserves the right to charge a fee for providing copies of Student Education Records, such as:

- Transcripts forwarded to potential employers
- Transcripts sent to post-secondary institutions for admission purposes
- Other units of information, varying by department and type of request

Record Custodians in each department will provide the current charges for copies in their respective units.

Access to Student Education Records By Written Consent

Except as provided below, release of information or access to a Student's Education Records by a third party will be permitted with written consent of the Student. Such written consent must be signed and dated by the Student and should:

- Specify the records that may be disclosed
- Identify the party or class of parties to whom the disclosure may be made

Such release of Education Records shall be made on the conditions that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the Student, and that the information may only be used for the purpose(s) for which disclosure was made. See Exhibit A - Waiver to Release Educational Records.

Access to Student Education Records for Legitimate Educational Purposes

Access to a Student's Education Records may be required and permitted by individuals for legitimate educational purposes, where access by such individuals is necessary to complete their University-related duties. Under these conditions, the following individual(s) are among those authorized to receive Student Education Records:

- Members of the University Board of Trustees
- A person approved, under contract, or appointed by the University to an academic or research faculty position
- A person employed by or under contract to the Board of Trustees to serve in a University administrative position
- A person employed by the University as a temporary for administrative staff or faculty, for the period of his performance as a substitute
- Any judicial body or others possessing adjudicatory powers delegated from

the Board of Trustees

- A person employed by or under contract to the University to perform a special administrative task (including secretaries, clerks, attorneys, auditors and consultants for the period of their performance as employees or contractors)
- Duly authorized committees and task forces established by the University
- University of Pittsburgh Police

Access to On-Line Automated Student Record Systems

Before access is granted, individuals must be informed of the importance of protecting the privacy of student records as established by this policy, and University policies 10-02-04, 10-02-05, 10-02-06 and 10-02-07 regarding data access and use.

Individuals in a School will have access only to the records of those Students admitted to that school.

Schools also will have access to information concerning the course sections they offer, including grades given in a section offered by the school, even if the Students in the section are not enrolled in or have not been admitted into the School.

Within a School, an individual's access may be limited to a particular level of Student (undergraduate or graduate) and may be limited to particular transactions.

Release of Education Records to a Third Party by a University Official

The Vice Provost and Dean of Students, Director of the University Student Judicial System, University Registrar, Data Security Administrator and the Office of General Counsel may permit disclosure of Education Records under the following circumstances:

- When certain Federal and State officials require information to audit, evaluate or enforce legal conditions related to Federally supported educational programs within the institution. Information disclosed under this paragraph must be protected in a manner that does not permit any information which personally identifies Students and any copies of that information must be destroyed when they are no longer needed.
- When the disclosure is in connection with financial aid for which the Student has applied or received, including information needed to determine the Student's eligibility for the aid, determine the amount of financial aid, determine the conditions for the receipt of the financial aid, or enforce the terms and conditions of the aid.
- When the University enters into agreements with an individual or an organization to conduct studies on the University's behalf. These include such areas as developing, validating or administering predictive tests, administering student aid, or improving instruction. During such studies, only that individual or authorized representatives of that organization may view any relevant information which personally identifies Students.

Any copies of that information must be destroyed when they no longer are

needed.

- To accreditation associations to perform their necessary functions.
- To comply with a judicial order or lawfully issued subpoena, provided that the University:
 - (i) makes a reasonable effort to notify Student of the order or subpoena in advance of compliance, so that the Student may seek protective action, unless the disclosure is in compliance with:
 - (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
 - (c) an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to collect records pursuant to 20 U.S.C. 1232(g).
 - (ii) if the University initiates legal action against a Parent or Student, the University may disclose to the court, without a court order or subpoena, the Education Records of the Student that are relevant for the University to proceed with the legal action.
 - (iii) if a Parent or Student initiates legal action against the University, the University may disclose to the court, without a court order or subpoena, the Student's Education Records that are relevant for the University to defend itself.
- To the Parents of a Student where the Student is a financial dependent of his Parents as defined under section 152 of the Internal Revenue Code.
- In a health or safety emergency, provided that the persons to whom the information is disclosed are qualified and in a position to respond to the emergency and knowledge of the information is necessary to protect the health and safety of the Student or other individuals.
- The final results of any disciplinary proceeding against a Student in which the Student is found to have committed a crime of violence (as defined in 18 United States Code Section 6) or a non-forcible sex offense.
- To a Parent or Legal Guardian of the Student, information regarding any violation of any Federal, State or local law, or any rule or policy of the University governing the use or possession of alcohol or controlled substances if: the Student is under age 21; and the University determines the Student has committed a disciplinary violation with respect to such use or possession.
- To other educational agencies or institutions that have requested such records and in which a student seeks or intends to enroll.
- Nothing in this section may be construed to prohibit the University from disclosing information provided to the institution under the Violent Crime

Control and Law Enforcement Act concerning sex offenders who are required to register.

III. REFERENCE

[Procedure 09-08-01, Access to and Release of Student Education Records](#)