

TEMPLE UNIVERSITY

POLICIES AND PROCEDURES MANUAL

Title: Policy Regarding Confidentiality of Student Records
Policy Number: 03.20.11
Effective Date: July 26, 1977
Issuing Authority: Office of the President

Scope of Policy

- A. The Family Educational Rights and Privacy Act ("FERPA")¹ is a federal law governing privacy rights in students' school records. FERPA assures students and dependent students' parents, as appropriate, of two things: that they have rights to access and review school records; and that an educational institution where the students are or have been in attendance will protect the confidentiality of the students' education records.

The purpose of this policy is to assure that Temple University's policies and practices with respect to student education records are in compliance with FERPA.

- B. FERPA applies only to "students who are or have been in attendance at a school of [an educational] agency or . . . institution." In other words, FERPA applies to students presently enrolled and to alumni, but not to applicants who have not been admitted to the University.
- C. FERPA applies only to living students or alumni; no privacy rights exist under FERPA for deceased individuals.
- D. Through this policy, Temple University adopts the same scope of confidentiality for student records as is mandated by FERPA.

¹ The text of FERPA, also referred to as the "Buckley Amendment," appears at 20 U.S.C. § 1232g. Federal regulations that implement FERPA appear at 34 C.F.R. part 99.

Policy

I. TO WHAT RECORDS DOES THIS POLICY APPLY?

- A. FERPA requires that the University keep as confidential records about students that contain personally identifiable information. Such records are called "education records." FERPA defines "education records" as "records, files, documents, and other materials which . . . contain information directly related to a student" and "are maintained by an educational agency or institution."
- B. The types of education records typically maintained by the University include academic records such as applications, transcripts, advising records, letters of evaluation, disciplinary records and other personal records such as work-study and financial records. The offices that maintain such records may include the Deans' Offices of the various colleges and schools within the University and all their academic advising offices, the Office of Academic Records (Registrar), the Registrar's Office of the School of Law, the Office of the Dean of Students, the Career Development Office, all offices of admissions within the various schools and colleges, the Office of Financial Aid, and the Office of Student Financial Services. A listing of some, but not all, of the offices responsible for maintaining education records is attached as Appendix A.
- C. The term "education records" does not include:
 - 1. Personal files of faculty and administrative personnel that are in the maker's sole possession and which are not accessible or revealed to any other person except a temporary substitute;
 - 2. Law enforcement records that are maintained by Temple University's law enforcement unit that were created by that law enforcement unit for the purpose of law enforcement;
 - 3. Employment records relating to a university employee who also is a student so long as the employment records relate exclusively to that individual's capacity as an employee; or
 - 4. Medical, psychiatric or psychological records created and used only for the treatment of a student.

5. "Directory information", that is, information that generally would not be considered harmful or an invasion of privacy if disclosed. Temple University defines directory information as:

- a. The student's name;
- b. Street address;
- c. Email address;
- d. Confirmation of enrollment status (full-time/part-time);
- e. Dates of attendance;
- f. Degree received;
- g. Awards received (*e.g.*, Dean's List);
- h. Major field of study;
- i. Participation in officially recognized activities and sports;
and
- j. Weight and height of members of athletic teams.

D. Any Temple student may withhold disclosure of any or all directory information by notifying, in writing, the Office of the Dean of Students within two weeks after the annual publication of the notice referred to in Section VII of this Policy.

E. It is the policy of Temple to define student records that are subject to confidentiality in the same manner as such records are defined in FERPA.

II. WHICH RECORDS MAY BE DISCLOSED TO STUDENTS?

A. Students always have the right to review education and all other records that pertain to them with the exception of the following:

- 1. Education records regarding another student even though that information is kept on a record containing information about the requesting student. In that situation, each student has a right to inspect only the information about himself or herself;

2. Confidential evaluations of students placed in education records prior to January 1, 1975;²
 3. Evaluations to which students have waived their right of access; and
 4. The financial records and related financial information of students' parents. Any University office maintaining such records shall either store such records in a file separate from records subject to review or conspicuously stamp such records "CONFIDENTIAL - NOT TO BE RELEASED."
- B. If a student files a request to inspect or review his or her records (see Appendix C for a model request form), the office maintaining the records will remove documents that fall within the preceding four categories of documents from the file before providing the file to the student.

III. WHAT IS THE PROCEDURE FOR A STUDENT TO REVIEW HIS OR HER RECORDS?

- A. In order to review education records, the student must submit a dated, written, and signed request along with proper identification to the office that maintains the records. A suggested model for this request is attached as Appendix C. A specially designated person within that office shall give the student a written confirmation of receipt of the request and shall inform the student when the requested records will be made available. The records will be made available to the student as promptly as is reasonably possible, but no later than 45 days after receipt of the request.
- B. On the specified date, the student shall display proper identification and may inspect and review the file under the supervision of the designated person within the office having custody of the record. If a student requests a copy of one or more of such records, the requested copies, with limited exceptions (for instance, a copy of education records for a student upon whose records a financial, academic or disciplinary hold exists), shall be transmitted to the student upon payment of a fee of ten cents per page.

² Students may waive their rights of access to confidential evaluations placed in education records after January 1, 1975, provided, however, that: (1) the student must, upon request, be notified of the name of each person who has submitted such a confidential evaluation; (2) such evaluations may be used only for the purpose intended; and (3) a waiver may not be required as a precondition of admission to the University or receipt from the University of financial aid or other services or benefits. A suggested model for this waiver is attached as Appendix B.

IV. HOW CAN A STUDENT SEEK AMENDMENT OF HIS OR HER RECORD(S)?

- A. A student may seek amendment of the content of his/her records on the grounds that the records are inaccurate, misleading, or in violation of the student's privacy or other rights. A student may not seek amendment regarding the correctness of an assigned grade; the student may only seek amendment regarding the accuracy of the recording of the grade. If a student seeks amendment of his/her grade under this Policy, the student also should refer to policies pertaining to grade changes contained in the undergraduate bulletin and the policies of the school or college in which the student is enrolled to determine whether additional requirements apply.
- B. A student's first step in seeking amendment of a record is to inform the person who prepared the portion(s) of the file the student seeks to have amended and to try to resolve the problem through informal discussions with that person and, if necessary, with the supervisor of the office maintaining the record.
- C. If no agreement is reached through informal discussions, the student may submit a written request for a hearing to the Office of University Counsel. That request must specify which records the student claims are inaccurate, misleading, or in violation of the privacy or other rights of the student.
- D. If the University Counsel's review of the hearing request and file does not result in agreement with the student's claim, then the President or his/her designee (who shall be the Provost, unless the President designates another person) shall appoint a hearing officer to preside over the matter. The appointed hearing officer must be a University official with no direct interest in the outcome of the hearing. Unless the student withdraws the request or asks for a delay, the hearing shall be held within a reasonable time of the University Counsel's receipt of the hearing request.
- E. The hearing officer or his or her designee must give the student or the student's parent reasonable advance notice of the date, time and place of the hearing, which shall normally be 10 business days, unless there is an urgent need to resolve the matter. At the hearing, the student shall have the opportunity to present evidence in support of the claim. A student may be represented and/or accompanied by counsel or by anyone else the student selects. If the student chooses to bring counsel, however, the student must pay his or her own legal fees.
- F. The hearing officer shall render a decision in writing within a reasonable period of time after the hearing. The decision shall be based solely on the evidence presented at the hearing, and will include a summary of the evidence and the reasons for the decision.

- G. If the hearing officer denies the request for amendment, the student shall be informed of his or her right to insert in the record a written comment regarding the allegedly inappropriate information, or why he or she disagrees with the hearing officer's ultimate decision, or both. That explanation shall be maintained as part of the student's record and shall be disclosed whenever the record is disclosed.

V. WHICH RECORDS MAY BE DISCLOSED TO PERSONS OTHER THAN STUDENTS?

- A. Personally identifiable information generally will not be released from an education record without the student's written consent. In addition, Temple University does not sell lists of names of its students or alumni, nor does it respond to requests for such lists, except upon the approval of the President or the President's designee. A student may, however, authorize in writing the disclosure of records containing personally identifiable information to a specified class of organizations or persons. A suggested model for authorization to disclose records and waiver is attached as Appendix C.
- B. Despite the general rule prohibiting disclosure without a student's consent, FERPA authorizes release of education records without the student's consent in certain limited circumstances:
 - 1. To individuals seeking only directory information;
 - 2. To Temple University officials with a legitimate educational interest in seeing the records. The term "officials" generally includes faculty, administration and clerical employees who manage student record information, who act in the student's educational interest, or who have a demonstrated need to know the contents of the records. Specifically, the term "officials" includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position, including an academic advisor; a member of the Board of Trustees; a person employed by or under contract to the University to perform a special task, such as an attorney or auditor; a person who is employed by a law enforcement unit; or a student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.
 - 3. To officials of other post-secondary educational institutions in which the student seeks enrollment or intends to enroll. In this situation, the University will make a reasonable attempt to notify

the student of the intended transfer of records and shall, upon request, give the student the opportunity to receive a copy of the records and to have a hearing, if one is requested, to seek amendment of the content of such records;³

4. To authorized federal officials auditing or evaluating federally- or state-supported education programs and to state officials to whom information from student records is required by statute to be disclosed;
5. To persons processing students' financial aid applications to determine a student's eligibility, the appropriate amount of aid, the conditions that should be set for aid, or for the enforcement of such conditions;
6. To organizations conducting studies for educational agencies in connection with predictive tests, student aid programs, and the improvement of instruction. In such a situation, however, the University will ensure take reasonable steps so that (a) the study does not personally identify parents and students to anyone other than representatives of these organizations; and (b) the organizations will destroy the information when it is no longer needed for the study;
7. In order to comply with a 1997 federal statute designed to advance military recruiting, dates of birth may be released to the U.S. Department of Defense unless the student notifies Temple that he or she wishes this information withheld;
8. To accrediting organizations carrying out their accrediting functions;
9. To the parents of a student who is dependent on those parents for federal income tax purposes;
10. In an emergency, to appropriate persons if the knowledge of information from a student's records is necessary to protect the health or safety of the student or other persons;
11. To comply with a judicial order or lawfully issued subpoena unless the court orders that the existence or contents of the subpoena not be disclosed. Before complying with the order or subpoena,

³ Only one such notice will be sent to the student's last address on file with the Office of Academic Records. It is the student's responsibility to keep a current address on file with the Office of Academic Records.

however, the University will make a reasonable effort to notify the student of the order or subpoena;⁴

12. To a parent of a student regarding the student's violation of any Federal, State or local law, or of any University rule or policy governing the use or possession of alcohol or a controlled substance if:
 - a. the student is under the age of 21 at the time of the disclosure to the parent; and
 - b. such disclosure is not prohibited by the laws of Pennsylvania;
13. Generally, records of disciplinary hearings may only be disclosed with the student's written consent, under legal compulsion, or in cases where the safety of persons is involved. However, the University may divulge to an alleged victim of any crime of violence the results of any disciplinary proceeding conducted by Temple University against the alleged perpetrator of such crime with respect to such crime; and
14. To the parent(s) or legal guardian(s) of a student who has signed Temple's Waiver of Information from Education Records, a copy of which is attached as Appendix D.

VI. WHAT NOTICE MUST BE GIVEN TO STUDENTS THAT DISCLOSURE WAS OR WILL BE MADE TO PERSONS OTHER THAN STUDENTS?

- A. Consistent with Section V, when a student's records or information from such records are disclosed to any organization, agency, or individual, a transmittal letter will be sent to the recipient of the records informing the recipient that such records or information are not to be disclosed to any other party without the prior written consent of the student. In addition, the recipient will be notified in writing that, if compliance with this requirement is not acceptable, all records must be returned unopened to the University. A suggested model for this letter is attached as Appendix E.
- B. Each office that maintains education records shall keep with the records of each student a form that lists, with exceptions stated below, the names of all parties who have requested or received education records and the legitimate interests that the parties had in making the requests or obtaining

⁴ Only one such notice will be sent to the student's last address on file with the Office of Academic Records, or to the student's address listed on the order or subpoena, if any. It is the student's responsibility to keep a current address on file with the Office of Academic Records.

the information. If the recipient informs the University that he or she intends to make further disclosures that will continue to meet the requirements of FERPA, the record maintained by the University will include the names of the additional parties to whom the receiving party may disclose the information and the legitimate interests that each of those additional parties has in requesting or obtaining the information. A suggested model for this form is attached as Appendix F.

- C. The requirement of maintaining the form discussed in the preceding paragraph does not apply to disclosures to Temple University officials described elsewhere in this document, to the student or to the dependent student's parent or to individuals to whom disclosure has been specifically authorized by the student.

VII. GENERAL PROVISIONS

- A. This Policy and a copy of FERPA and the related federal regulations that implement FERPA will be available at registration headquarters during regular registration periods. In addition, copies of this Policy may be found in the office of the Dean of Students and is accessible through the Temple Policies and Procedures website at <http://policies.temple.edu/ferpa>.
- B. An annual notification of rights under FERPA will be given to students in attendance at the University. At the least, this notification will be published annually in the "Temple News." A copy of this year's annual notice is attached as Appendix G.
- C. If a student feels that the University has failed to comply in some way with FERPA or with federal regulations implementing FERPA and the student believes that the University has failed to answer his or her complaint satisfactorily, he or she has the right to file a complaint containing specific allegations of fact giving reasonable cause to believe that a violation of FERPA or its implementing regulations has occurred, with the Family Policy Compliance Office, United States Department of Education, Washington, D.C. 20202-4605.

Notes

1. Dates of official enactment and amendments:

Original policy adopted by the President on July 26, 1977. Amended by the President in 1996, 2000 and 2003.

2. History:

Originally adopted as Policy Statement No. 8-04a, "Disclosure of Information in Student, Faculty and Employee Records".

The 1996 amendment substantially revised and amended the 1977 version. The June, 2000 amendment revised Section II to expand the University's definition of directory information to include street address, email address, awards received, participation in officially recognized activities and sports, and weight and height of members of athletic teams. In addition, the revision to Section II added a footnote indicating that in compliance with a federal law regarding the advancement of military recruiting, the University may release dates of birth to the military unless notified by a student that he or she wishes that information withheld.

The same amendment also revised Section VI to make explicit the University's policy not to sell lists of names of its students or alumni, except upon the approval of the President or the President's designee.

Finally, the June 2000 amendment revised then-Appendix F, "Annual Notice to Students Regarding Education Records", to reflect the revisions to Section II of the policy.

The 2003 amendments permit the University to share certain drug and alcohol violation information with parents of minor students. See Section VI.B.11. They also include as Appendix D, Temple's waiver of privacy of information from education records, and re-label subsequent appendices.

3. Cross References:

Grade Change Policy, Undergraduate Bulletin.
Policies on grade appeals for individual schools and colleges.

APPENDIX A

THE FOLLOWING CONTAINS INFORMATION ON OFFICES IN WHICH EDUCATION RECORDS ARE MAINTAINED.

Education records may be housed in many places on campus. Depending on your needs, you should consider contacting the following offices to obtain your education records: Individual instructors, Chairs of Academic Departments, Deans of the Schools/Colleges, Admissions, Office of Academic Records (Registrar), Financial Aid, Student Financial Services, Career Development and Services, Disability Resources and Services, University Disciplinary Committee, Student Activities Office, Athletics and Cash Operations.

APPENDIX B

THE FOLLOWING IS A SUGGESTED FORM FOR WAIVER OF STUDENTS'
ACCESS TO CONFIDENTIAL EVALUATIONS PLACED IN EDUCATION
RECORDS AFTER JANUARY 1, 1975.

* * * * *

I, _____, intending to be legally bound, hereby waive my right to inspect and review all education records relating to me which are maintained at the _____ [name of College or Office] of Temple University - Of The Commonwealth System of Higher Education. Understanding my right under the United States Family Educational Rights and Privacy Act of 1974 to waive my right to review confidential appraisals placed in my file on or after January 1, 1975, which are submitted with reference to my potential employment, admission to a graduate or other school, or receipt of an honor, and further understanding that employers and academic officials may place more confidence in appraisals which have not been shown to the subject thereof, I hereby waive my right to review such appraisals.

Student Name _____
(print)

Student Name _____
(signature)

Student No. _____

Date _____

APPENDIX C

THE FOLLOWING IS A SUGGESTED FORM FOR CONSENT TO DISCLOSE RECORDS.

* * * * *

**REQUEST, AUTHORIZATION AND CONSENT
FOR RELEASE OF RECORDS AND WAIVER**

I, _____, intending to be legally bound, authorize the release of education records or information from educational records relating to me and maintained by Temple University to _____ for the purpose of _____. I make this release and waiver understanding my right to prevent disclosure of information from my educational records under the United States Family Educational Rights and Privacy Act of 1974.

Student Name _____
(print)

Student Name _____
(signature)

Student No. _____

Date _____

APPENDIX D

**Temple University
Waiver of Privacy of Information from Education Records**

Student Name: _____ TU ID# or SSN: _____

Waiver:

I have reviewed the document entitled “Annual Notice to Students Regarding Education Records” (a copy of which is posted on Temple’s website at <http://policies.temple.edu/ferpa> and is available to me through the Office of the Dean of Students). I understand that a more detailed explanation of my privacy rights with respect to my education records is contained both in Temple’s “Policy Regarding Confidentiality of Student Records” (a copy of which is also posted on Temple’s website at <http://policies.temple.edu/ferpa> and is available to me through the Office of the Dean of Students), and in the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g, with accompanying federal regulations at 34 C.F.R. part 99).

I understand that Temple’s policy and federal law, as referenced above, protect the privacy of my student education records and allow me to prevent disclosure of information from my education records to certain third parties. I acknowledge that I am not required to waive my privacy rights and that, if I decline to do so, information from my education records will only be released under the exceptions and exemptions listed in Temple’s policy and in federal law. I further acknowledge that under the exceptions and exemptions listed in Temple’s policy and in federal law, Temple will release, without my consent, information from education records to my parents if I am dependent on them for federal income tax purposes. Temple also will release, without my consent, information from education records to appropriate persons in an emergency. I am aware that Temple’s policy contains a complete listing of the circumstances under which information from my education records will be released without my consent.

Notwithstanding the acknowledgements above, I choose to waive my privacy rights so that information from my education records may be released to the parent(s) or guardian(s) I designate:

Name: _____ Address: _____
Relationship: _____ Telephone(s): Day _____ Evening: _____
Cell: _____

Name: _____ Address: _____
Relationship: _____ Telephone(s): Day _____ Evening: _____ Cell: _____

Name: _____ Address: _____
Relationship: _____ Telephone(s): Day _____ Evening: _____ Cell:

Name: _____ Address: _____
Relationship: _____ Telephone(s): Day _____ Evening: _____ Cell:

_____ I am the student named above and I acknowledge that my clicking the waiver button shall be deemed an electronic signature which shall operate and have the same effect as my written signature. By clicking the waiver button I specifically consent to the release of information from my education records to the above named individual(s), including information about my financial standing with the University, my grades and academic standing, my enrollment and any disciplinary action.

APPENDIX E

THE FOLLOWING IS A SUGGESTED FORM FOR A LETTER TO
RECIPIENTS OF STUDENT RECORDS.

* * * * *

[Address]

Re: Request for Production of Records for [student's name]

Dear _____:

In response to your request for production of records, enclosed are copies of academic records pertaining to the above-referenced individual.

In accordance with the Family Educational Rights and Privacy Act of 1974, please be advised that the enclosed records or information contained therein should not be disclosed to other parties without the consent of the above student. If compliance with this requirement is not possible, please return the enclosed records unopened to this office immediately.

Sincerely,

APPENDIX F

THE FOLLOWING IS A SUGGESTED FORM TO BE MAINTAINED WITH STUDENT FILES. THE FORM LISTS ALL PARTIES WHO HAVE REQUESTED OR RECEIVED EDUCATION RECORDS, AND THE LEGITIMATE INTERESTS THAT THE PARTIES HAD IN MAKING THE REQUESTS OR OBTAINING THE RECORDS.

* * * * *

RECORD OF ACCESS*

(Name of Student)

<u>DATE OF REQUEST</u>	<u>NAME/LOCATION OF REQUESTER</u>	<u>LEGITIMATE INTEREST</u>	<u>DISPOSITION OF REQUEST</u>
<u>1.</u>			
<u>2.</u>			
<u>3.</u>			
<u>4.</u>			
<u>5.</u>			
<u>6.</u>			
<u>7.</u>			
<u>8.</u>			
<u>9.</u>			
<u>10.</u>			
<u>11.</u>			

* Not required for Temple University officials with legitimate educational interests, for the student or for the dependent student's parent, or for parties to whom disclosure has been specifically authorized by the student.

APPENDIX G

ANNUAL NOTICE TO STUDENTS REGARDING EDUCATION RECORDS

The Family Educational Rights and Privacy Act of 1974 ("FERPA") provides the following rights for students attending Temple University:

- a. The right of a student, with minor limitations, to inspect and review his or her education records;
- b. The right to request amendment of a student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- c. The right, with certain exceptions, to consent to disclosures of personally identifiable information contained in the student's education records;
- d. The right to withhold public disclosure of any or all items of so-called "Directory Information" by written notification to the Office of the Dean of Students within two weeks after publication of this notice. Under current University policy, the item "Directory Information" includes* a student's name, street address, email address, confirmation of enrollment status (full-time/part-time), dates of attendance, degree received, awards received (*e.g.*, Dean's List), major field of study, participation in officially recognized activities and sports and weight and height of members of athletic teams.
- e. The right to file a complaint with the Department of Education concerning the alleged failure of Temple University to comply with the requirements of FERPA and of the implementing regulations.

The procedures for exercising the above rights are explained in "Temple University's Policy Regarding Confidentiality of Student Records," copies of which are available in the Office of the Dean of Students and on Temple's website at <http://policies.temple.edu/ferpa>. Included in this Policy is a description of the types and locations of educational records maintained by the University.

If you or your parents' primary or home language is not English, upon your request, reasonable efforts will be made to provide you with a translated copy of this "Annual Notice," as well as with "Temple University's Policy Regarding Confidentiality of Student Records."

* In compliance with a 1997 federal statute designed to advance military recruiting, Temple also may release dates of birth to the U.S. Department of Defense unless the student notifies Temple that he or she wishes this information withheld.