

University of Southern Maine

CONFIDENTIALITY OF STUDENT RECORDS POLICY

INTRODUCTION

On December 31, 1974, the President of the United States signed into law amendments to the Family Educational Rights and Privacy Act. This act is designed to protect the privacy of parents and students with regard to access of records, and the opportunity for a hearing to challenge records when they are alleged to be inaccurate, misleading, or inappropriate. These amendments provide the basis for USM's Policy on the Confidentiality of Student Records.

This act applies to students presently enrolled at USM, former students and alumni, but not to applicants seeking admissions to the institution.

Once a student reaches the age of 18 or matriculates in a postsecondary institution his/her parents no longer have an automatic legal right to examine his/her educational records. It is USM's policy however, to grant a parental right to access the educational record if the student is considered dependent for tax purposes.

DEFINITION OF TERMS

Eligible Student

A student who has attained 18 years of age or is attending an institution of postsecondary education.

Education Records

Those records, files, documents, and other materials which contain information directly related to a student, and are maintained by an institution or by a party acting for such an institution.

Educational Records do not include:

1. Records of instructional supervisory, and administrative personnel and educational personnel who are ancillary to the above when the records are in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute.
2. Records that pertain to the staff of an institution serving in their professional capacity and whose records are not available for use for any other purposes.
3. Records on a student who is attending a postsecondary institution which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in a professional capacity and which are created, maintained, or used only in connection with the provision of treatment to the student and not available to anyone other than persons providing such treatment. Such records, however, can be personally reviewed by a physician of the student's choice.

USM offices containing education records are listed below:

<u>Type of Records</u>	<u>Description</u>	<u>Campus Location</u>
Academic Records	Permanent academic record and supporting documents (transcripts, admissions application, biographical data)	Registrar Dean/Department/Faculty Advising
Financial Records	A student's current financial aid status or University bill (Exception: Financial records of parent of student)	Business Office Financial Aid
Placement Records	Placement folder (student's vita, letters of recommendation Student teaching evaluation)	Career Services
Disciplinary Records	Discipline Proceedings, actions or sanctions	Student Judicial Affairs
Counseling and Health Records		See No. 3 "Ed. Records do not include"
Police Records		Police Office

Parent

A natural parent, adoptive parent, or the legal guardian of a student.

Record

Information or data recorded in any medium including, but not limited to handwriting, print, tapes, film, microfilm, and microfiche.

RECORDS MAINTAINED

The University does not maintain a single education record or file in any one location consisting of all material and information pertaining to students. Students may file a request in writing at each office maintaining a portion of the education record for access. Each request must, by law, be responded to within 45 days.

EXCEPTIONS TO ACCESS

Following are the only exceptions to access for students:

1. The financial records of parents shall not be released to students. Such information is considered to be confidential and not to be released to any third party without specific permission from the parents involved.
2. Access to medical and health records are handled somewhat differently and students are advised to contact the directors of each of the services for details.
3. Individuals who are not enrolled as students are not covered by FERPA and do not have access to their admission files.
4. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
5. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:
 - A. The student has waived his or her right to inspect and review those letters and statements in writing and the University does not require the waiver as a condition for admission to or receipt of a service or benefit from the University; and
 - B. Those letters and statements are related to the student's admission, application for employment or receipt of an honor or honorary recognition.

DIRECTORY INFORMATION

The University of Southern Maine has designated certain information contained in the education records of its students as Directory Information for purposes of FERPA. Such directory information may be publicly shared by the University unless the student has taken formal action to restrict its release. Directory information includes: name, date and place of birth, local and home addresses (but not phone number), major, class level, student activities (including athletics), weight/height for athletic team members, previous institution(s) attended, dates of attendance, date of graduation, enrollment status (full-time or part-time etc.), and degree(s) or award(s) received. Students wishing to prohibit the release of the directory information must file a written notification with the Registrar's Office. In the event that such written notification is not filed, the University assumes that the student does not object to the release of the directory information.

Access to Information from Outside the University

The public may receive directory information on students from the appropriate education records custodian unless the student prevents disclosure through prior written notification filed with the Registrar's Office. The public may receive information from a student's education record only from the appropriate education records custodian and only on the basis of a written and dated request by the student.

Access to Information from Within the University

Access to a student's education records is restricted to that portion of the records necessary to carry out official University business. Information from such education records should be shared only with appropriate University officials such as: University faculty, advisors, counselors, placement personnel, deans, department chairs, directors, and other administrative officials responsible for some part of the academic enterprise or one of its supporting activities; administrative and faculty sponsors of officially recognized organizations, members of official University committees; and clerical personnel employed to assist university officials. These school officials must have a legitimate educational interest in the record which is essential to the general process of higher education.

A more detailed description of FERPA and forms for preventing disclosure of directory information can be obtained from the Registrar's Office, Corthell Hall, Gorham Campus, 780-5230.

ACCESS RIGHTS OF PERSONS OR AGENCIES OTHER THAN STUDENTS

Consent

Institutions shall not permit access to or release of education records or personally identifiable information contained therein other directory information of students without written consent of their parents or the eligible student to any party other than the following:

1. Faculty and staff members determined by the appropriate record-keeper who require access on an internal, need-to-know basis for legitimate educational purposes;
2. Authorized Federal officials auditing federally supported education programs and State officials to whom information from student records is required by statute to be disclosed;
3. Records released in connection with the student's application for, or receipt of, financial aid;
4. Organizations conducting studies on behalf of educational agencies in connection with predictive tests, student aid programs, and the improvement of instruction provided that the identity of students is not revealed to other than representatives of such organizations. Such information will be destroyed when no longer needed for the purpose for which it is conducted;
5. Recognized accrediting organizations in order to carry out their accrediting functions;
6. Parents of a student who is dependent upon such parents for federal income tax purposes;
7. Records released on the basis of judicial order or subpoena and on condition that the student is notified of the subpoena in advance of the records being released;
8. The University may release information from educational records to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health and safety of the student;
9. Information the University has designated as "directory information."
10. Parents of a student who is not an eligible student or to the student.
11. An alleged victim of any crime of violence, as that term is defined in section 16 of title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime with respect to that crime.
12. The disclosure is, subject to certain notice, copying and hearing requirements, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

Records released to any individual or group shall be transmitted on condition that the individual or group is informed that they may not permit any other party to have access to such information without the written consent of the student. The recipient shall also be notified in writing that if compliance with this requirement is not acceptable, all records shall be returned, unused, to the institution.

CHALLENGE TO THE CONTENT OF RECORDS

After reviewing a record, a student has the right to challenge the content of the record as being inaccurate, misleading, or in violation of the student's right of privacy or other rights. A student may not challenge the judgement of a grade which has been assigned to his or her performance in a course but may challenge the accuracy of the recording of a grade.

The procedure to be followed should a student consider some aspect of his or her record as inappropriate is as follows:

1. The student should discuss his or her objection (submitted in writing) with the designated person in the office where his or her records are maintained and try to resolve the problem.
2. If no agreement is reached through the above, the student should submit his or her objection in writing to the official to whom that person reports.
3. If the student is still not satisfied, he or she should submit his or her objection in writing to the appropriate Dean or Director.
4. If no satisfactory solution is forthcoming, the student should file a written request for a formal hearing with the Vice President for Student Affairs. In cases where the student has already objected to the V.P. for Student Affairs, the Provost should receive a request.

Upon receipt of a written request for a formal hearing, the V.P. shall appoint a panel of three members to hear the objection. The V.P. will appoint one of the panelists to serve as chairperson. Responses to the student's objections must be made within a reasonable time, eligible students or parents of non-eligible students must be given notice of the right to a hearing, notice of the time and place of the hearing and an opportunity to present evidence at the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

OTHER GENERAL GUIDELINES

Questions of interpretations of the Confidentiality of Student Records Policy should be reported to the Chief Administrator responsible for the department in question. The University archives shall be permitted to collect information about students to be related for history and shall adhere to the guidelines set forth in the Policy of Confidentiality of Student Records.

Violations of the Confidentiality of Student Records Policy should be reported to the Chief Administrator responsible for the department in question.

ACCESS INVENTORY

Each office that maintains educational records shall maintain an inventory of access for each student. The record shall list all individuals (except institution officials described above), agencies or organizations which have requested or obtained access to the student's education record and also a list of the purpose of access.

Procedure to follow for access to a record

1. A request by a student or agency to inspect a record shall be made in writing to the office which maintains the record. Each office maintaining records has its own published procedures to receive and process such requests.
2. Every office is obligated to inform the student when the requested record will be made available. The office has up to 45 days to respond. In most instances, the response will be made promptly.
3. Every office is obligated upon request to show a student the access inventory of his or her records.
4. Students are obligated to properly identify themselves (Student I.D.) before being shown their records.
5. Students are obligated not to interfere with the normal operation of the office in which the record is being maintained.
6. Students are obligated to examine the record during regular hours maintained by the particular office.
7. Prior to giving a student his or her record for examination, all information waived by the student will be removed.
8. The examination of the record shall be supervised.
9. The University cannot charge the student for copying where such charges would have the effect of preventing access.

EXPUNGING RECORDS

The official academic record of a student is maintained in perpetuity by the institution. The Registrar's Office is the custodian of this record. No other record is officially designated as a permanent record and will be expunged at the discretion of the custodian of the record, unless there is an outstanding request to review the record.