

GOVERNORS STATE UNIVERSITY

ACCESS TO STUDENT EDUCATION AND TREATMENT RECORDS

Policy 12

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**Approved By:** Interim President Corey Bradford

**History:**

**First Approved Date:** AY 1981-1982

**Revised:** 11/1/1999; 4/27/2000; Interim Revision Winter 2002; 11/11/2020

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**Responsible University Office(s):** Office of the Registrar

**Policy Category(ies):** Academic

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**I. Purpose**

In compliance with Section 438 of the General Education Provisions Act (as amended) entitled "Family Educational Rights and Privacy Act of 1974" (FERPA) the following policy outlines University policy regarding accessibility of student education and treatment records while protecting their confidentiality.

**II. Definitions**

- A. Directory Information:** information contained in an education record that would not generally be considered harmful or an invasion of privacy if released. This includes name, campus address, university-issued email address, telephone number, photo, dates of attendance, enrollment status, classification, previous educational institutions attended, participation in officially recognized activities and sports, weight and height of members of athletic teams, fields of study, awards, honors, and degrees conferred with dates. Directory information shall not include a student's (i) social security number or (ii) student identification number except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- B. Education Records:** those records that are directly related to a student and maintained by the institution or by a party acting for the institution. The following are not considered education records: records made by and kept in the sole possession of the maker that are not accessible or revealed to any other person (except a temporary substitute for the maker of the record) that are used only as a personal memory aid; law enforcement records of the Department of Public Safety created for a law enforcement purpose and maintained by the Department of Public Safety; records relating to a University employee that are made and maintained in the normal course of business, relate exclusively to that person in the person's individual capacity as an employee, and

are not available for use for any other purpose, except where such person is employed as a result of the person's status as a student; treatment records (as defined herein); records created or received by the University after an individual is no longer a student in attendance that are not directly related to the person's attendance as a student; and grades on peer-graded papers before they are collected and recorded by an instructor.

- C. Record:** any information or data recorded in any medium, including but not limited to handwriting, electronic, print, tapes, files, disks, microfilm, and microfiche.
- D. Records custodian:** the office or administrative officer (or their designee) who is responsible for maintaining student records.
- E. School official:** any trustee, officer, agent, or employee of the institution. This includes a person or organization employed by or under contract with the University to perform a special administrative or professional task, such as an attorney or auditor, or the National Student Clearinghouse.
- F. Student:** one who has attended or who is attending Governors State University and whose education records are in the files of the University.
- G. Treatment Records:** records on a student made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity that are made, maintained or used only in connection with treatment of the student and disclosed only to individuals providing treatment where "treatment" does not include remedial educational activities or activities that are part of the program of University instruction.

### III. The Policy

#### A. Scope

This policy applies to education and treatment records at Governors State University.

#### B. Location of Records

1. All students have education records in the Office of the Registrar that are maintained by the Office of the Registrar. In addition, students may have one or more of the following records: admissions; cumulative academic records; health; accounting/financial; financial aid; student insurance; and student conduct/disciplinary. These may be maintained by one or more of the records custodians listed below:

OFFICE	Administrative Officer
Academic Resource Center	Executive Director
Admissions	AVP/Director
Athletics	Director
Career Services	AVP/Director
Center for Student Engagement and Intercultural Programs	Executive Director
Counseling and Wellness Center	Director
Student Affairs	Dean of Students

Disability Services	Director
College of Arts and Sciences	Dean
College of Business	Dean
College of Education	Dean
College of Health & Human Services	Dean
Honors College	Dean
College of Graduate Studies	Dean
Financial Aid	Director
University Housing	Director
International Services	Director
Office of the Registrar	Registrar
Student Accounts	Assistant Director
Veterans Resource Center	Director
Undergraduate Academic Advising Center	Director

2. Some colleges and departments/divisions may maintain records separately. A list of colleges and departments that have separate records, their location, and the person responsible for the record may be obtained from the office of the dean of the college in which the department/division is located.

#### **C. Availability of Records to Students**

1. A student's education records are open to the student with the following exceptions:
  - a. Confidential letters of recommendation placed in the files before January 1, 1975 as long as the letters are used only for the purposes for which they were specifically intended.
  - b. Confidential letters and confidential recommendations subject to waivers signed by the student relinquishing the document's access right if they relate to (i) admission to an educational institution, (ii) application for employment, or (iii) receipt of an honor or honorary recognition.
  - c. Record of parents' financial status.
  - d. If the education records of a student contain information on more than one student, the eligible student may inspect and review or be informed of only the specific information about that student.
2. A student's treatment records are not available to the student for review or inspection, except that a student may choose to have the student's treatment records reviewed by a physician or other appropriate professional of the student's choice.

#### **D. Availability of Records to University Personnel**

1. School officials with a legitimate interest in a student's education records may access those records without the student's consent.
2. The determination of a "legitimate need to know" will be made by the records custodian responsible for the maintenance of the record. If there are questions or concerns about an individual's educational interest or need to have access to

specific information, please consult with the Provost (or designee), or the Office of the Registrar.

3. Treatment Records may be accessed internally solely by those providing treatment services except as otherwise permitted by law.

#### **E. Release of Information to Third Parties**

1. Directory information may be released to agencies or persons outside the university unless the student completes the appropriate form which indicates that this information should be withheld. This form is available in the Office of the Registrar.
2. Other information in the education record can be released, or access is given to third parties (i.e., anyone not the student or a school official) only with the written signed and dated consent of the student. A written consent must (a) specify the records that may be disclosed; (b) state the purpose of the disclosure; and (c) identify the party or class of parties to whom the disclosure may be made.
3. Other information in the education record may be released to third parties without the consent of the student:
  - a. To third parties, including contractors, consultants, and volunteers, retained by the University to conduct institutional services or functions for which the University would otherwise use employees who are under the direct control of the University with respect to the use and maintenance of the education records and are subject to confidentiality requirements.
  - b. To officials of another institution, upon request, in which a student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for the purpose related to the student's enrollment or transfer.
  - c. To certain officials of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education, and state and local educational authorities, in connection with the audit and evaluation of certain state or federally-supported education programs and to enforce laws.
  - d. To determine eligibility, amount, or conditions of financial aid or to enforce the terms and conditions of financial aid for which the student has applied or received.
  - e. To organizations conducting certain studies for or on behalf of the University.
  - f. To accrediting organizations to carry out their functions.
  - g. To parents or guardians of dependent students as defined in section 152 of the Internal Revenue Code of 1954.
  - h. To comply with a judicial order or a lawfully issued subpoena.
  - i. To appropriate parties in a health or safety emergency if the information is necessary to protect the health or safety of the student or other persons.
  - j. The final results of any disciplinary proceeding conducted by the University against an alleged perpetrator of a crime of violence or a

non-forcible sex offense to the alleged victim of that crime.

4. Except for education records released pursuant to Subsection E(3)(a) of this part, education records will be released to third parties only by the University General Counsel, Office of the Registrar, Director of Financial Aid, Provost, or the Vice President of Student Affairs (or their designees). No other University office will directly release education record information to third parties except in the case of institutional audits. Third-party requests to other University offices shall be referred to one of the forementioned office(s).
5. Except for education records released pursuant to Subsection E(3)(a) of this part, the third party must submit the request in writing and must specify a legitimate reason. A copy will be housed with the Office of the Registrar.
6. A reasonable attempt will be made to notify the student before the release of information if:
  - a. the request for information takes the form of a subpoena or court order (excluding law enforcement subpoenas and ex parte orders), and
  - b. disclosure without notice would infringe upon the student's rights under the Family Educational Rights and Privacy Act.
7. Except for education records released pursuant to Subsection E(3)(a) of this part, a notation of the release made to third parties will be kept in the student's record by the Office of the Registrar, Director of Financial Aid, or the Vice President for Student Affairs (or their designees) except when the reason for the request is an institutional audit, procedural evaluation, or research.

#### **F. Access Procedure**

1. The University has established procedures enabling students to have access to their education records by requesting access from the records custodian and providing for interpretation and correction/amendment of records.
2. These procedures are established and maintained by the Office of the Registrar.

#### **G. Correction of Education Records**

1. Students have the right to ask to have education records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights by requesting the records custodian to amend the records.
2. These procedures are established and maintained by the Office of the Registrar.

#### **H. Student Complaints about Rights Violations under FERPA**

If a student has a complaint about securing his or her rights under FERPA, the student may contact:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202-8520

#### **I. Annual Notification**

Annual notification of this policy is published through the University catalog and the Student Handbook.

### **IV. Related Policies, Procedures, Forms and Other Resources (Optional)**

## Policy 91: Email Use Policy

### **V. Acknowledgements**

The University acknowledges and credits policies from the following in the rewriting of this document: Northeastern Illinois University, Northern Illinois University, Western Illinois University, and the University of Illinois at Springfield.