

GOVERNORS STATE UNIVERSITY

ACCESS TO STUDENT EDUCATIONAL RECORDS: POLICY AND PROCEDURES

FORMS

FEDERAL REGULATIONS (“Buckley”) 34 CFR Part 99

A. Purpose

The Family Educational Rights and Privacy Act of 1974[1], more commonly known as the “Buckley Amendment,” guarantees certain rights for students and eligible parents regarding access to, confidentiality of, and correction of the student’s education records. The purpose of this policy is to implement those statutory rights at Governors State University.

B. Definitions

For the purposes of this policy, Governors State University operationally defines the following:

1. A student is any person who is, or was, in attendance at Governors State University.
2. An education record is any record (written, printed, taped, filmed, etc.) maintained by Governors State University or by an agent or employee of the University, that is directly related to a student, with the following exceptions:
 - a. A record kept by a University employee if it is kept in the sole possession of the maker of the record and is not accessible or revealed to other persons except for a temporary substitute for the maker of the record.
 - b. Records created and maintained by Public Safety strictly for law enforcement purposes.
 - c. An employment record of an individual, whose employment is not contingent on the fact that the individual is a student, provided the record is used only in relation to the individual’s employment.
 - d. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized health professional/paraprofessional if the records are used only for the treatment of a student and are made available only to those persons providing the treatment.
 - e. Alumni records which contain information about a student after the student is no longer in attendance at the University and which do not relate to the person as a student.

3. A parent includes a natural parent of a student, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
4. An eligible parent is either (1) a parent of a student who has given written consent for the parent to review the student's education records or (2) a parent who has claimed the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1954 in the most recently ended tax year. [2]

C. Annual Notification

GSU students will be notified of their Family Educational Rights and Privacy Act rights annually through the following publications:

1. Student Handbook and GSU Catalog

D. Procedure to Inspect Education Records

1. Students may inspect and review their education records upon request to the appropriate record custodians who are listed in Section H. A student should submit to the appropriate record custodian a written request that specifies the record(s) the student wishes to inspect.
2. An eligible parent of a student may inspect the student's education records if (1) written consent is provided to the appropriate record custodian by the student, or (2) a copy of the 1040 series income tax form filed with IRS for the most recently ended tax year is submitted by the parent to the appropriate record custodian showing that the student is claimed as defined in section 152 of the Internal Revenue Code of 1954.
3. The record custodian will make the needed access arrangements as promptly as possible and notify the student or eligible parent of the time and location where the records may be inspected. Access must be provided within 45 days or less from receipt of the request.
4. When a record contains information about more than one student, the student or eligible parent may inspect and review only the records that relate to the student.
5. The review must be done in the presence of a University representative. Original records may not be removed from any office where they are maintained

E. Right of the University to Refuse Access

Governors State University reserves the right to refuse to permit a student (or eligible parent except with respect to the parent's financial records) to inspect the following records:

1. The financial statement of the student's parents
2. Letters and statements of recommendation for which the student has waived the right of access, or which were placed in the student's file before January 1, 1975.
3. Those records which are excluded from the Family Educational Rights and Privacy Act of 1974 definition of education records if such records do not fall within the definition of "public records".

F. Refusal to Provide Copies

1. Governors State University reserves the right to deny transcripts or copies of records not otherwise required to be made available by the Family Educational Rights and Privacy Act of 1974 in any of the following situations:
 - a. The student or eligible parent lives within commuting distance (presumed to be 50 miles) of the University.

- b. The student has an unpaid financial obligation to the University or an administrative hold on the academic record.
- c. There is an unresolved disciplinary action against the student.
- d. There is an unresolved academic action against the student.

G. Fees for Copies of Records

Students may have copies made of their education record upon payment of an appropriate charge established by the university.

H. Types, Locations, and Custodians of Education Records

- 1. The following is a list of the types of education records that GSU maintains, their locations, and their custodians.

Types	Location	Custodian
Academic Records	Office of the Registrar	Registrar
	College of Business & Public Administration	Dean
	College of Arts & Sciences	Dean
	College of Education	Dean
	College of Health Professions	Dean
	Board of Governors Degree Program	Program Director
Admission Records	Admissions Office	Director of Admissions
Career Related Records	Office of Career Services	Director of Career Services
Counseling/Testing/Tutoring Records	Student Development	Director of Student Development
Disabled Student Services	Student Development	Director of Student Development
Disciplinary Records	Office of the Dean	Dean of Student Affairs
Financial Records	Business Office	Director of Business Operations
	Financial Aid Office	Director of Financial Aid
International Student Records	Office of International Services	Coordinator of International Student Services
Professional Credential Records for Employment	Office of Career Services	Director of Career Services
M Miscellaneous Education Records (e.g., meetings with faculty)	The appropriate University employee official will locate and collect such records for inspection.	

I. Disclosure of Education Records

Governors State University will disclose information from a student's education records only with the written consent of the student, except:

- A. To University officials who have a legitimate educational interest in the records.
 - 1. A University official is defined as follows:
 - a. A person employed by the University in an administrative, supervisory, academic, research, or support staff position.
 - b. A person employed by or under contract to the University to perform a special administrative or professional task, such as an attorney or auditor.
 - 2. A University official has a legitimate educational interest in a record(s) if the University official is:
 - a. Performing a task that is specified in the official's position description or by a contract agreement, and;
 - b. Performing a task related to a student's education, or;
 - c. Performing a task related to the processing of a disciplinary charge involving the student or;
 - d. Providing a service or benefit relating to the student or the student's family (e.g., health care, counseling, job placement, financial aid).
- B. To officials of another school, upon request, in which a student seeks or intends to enroll.
- C. To certain officials of the United States Department of Education, and state and local educational authorities, in connection with certain state or federally supported education programs.
- D. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the financial aid, or to enforce the terms and conditions of the aid.
- 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 of a student who claim the student as a dependent for income tax purposes 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.

- J. Directory information so designated by the University.
- K. The results of any disciplinary proceeding conducted by the University against an alleged perpetrator of a crime of violence to the alleged victim of that crime.

II. Record of Requests for Disclosure

Governors State University will maintain a record of all requests for and/or disclosure of information from a student's education records, other than requests by or disclosures to the student, a University official as defined in Section I 1, a party with written consent of the student, or a party seeking only directory information. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by an eligible parent or by the student.

III. University Directory Information

- A. Directory information means information contained in the education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Governors State University defines the following as directory information.

Name, address, telephone number, date of birth, college and major field of study/concentration/minor, classification (graduate or undergraduate), previous institutions attended, participation in officially recognized activities, dates of attendance, degrees conferred with dates, current term hours enrolled and full-time/part-time status, awards, honors, and achievements (including distinguished academic performance) with dates, picture

- B. Under the Federal Educational Rights and Privacy Act, a student has the right to request that the disclosure of directory information be withheld and omitted from the University Directory as long as the student is enrolled or maintains continuing student status at the University. If a student wishes to have any or all directory information withheld, the student must submit a written request to the Registrar's Office. Directory information may be released without permission for students who are no longer enrolled, have graduated, or have lost continuing student status at GSU, unless otherwise requested. Students are advised of the disclosure of directory information in the Schedule of Classes, Student Handbook, and GSU Catalog each trimester.

IV. Correction of Education Records

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. The following are procedures for the correction of records:

- A. A student must ask the appropriate records custodian, listed in Section H, to amend a specific record. In so doing, the student should identify the part of the record the student wants changed and specify why the student believes it to be inaccurate, misleading, or in violation of the student's privacy or other rights.

- B. The custodian may comply with the request or may decide not to comply. If the custodian decides not to comply, the custodian will notify the student of the decision and advise the student of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
- C. Upon request, the custodian will arrange for a hearing and will notify the student reasonably in advance of the date, location, and time of the hearing.
- D. The hearing will be conducted by a hearing officer who is a disinterested party appointed by the Provost. The hearing officer may be an official of the University. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.
- E. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
- F. If the hearing officer decides that the contested information is not inaccurate, misleading, or in violation of the student's right of privacy, the hearing officer will notify the student that the student has a right to place in the record, a statement commenting on the contested information and/or a statement setting forth reasons for disagreeing with the decision.
- G. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If GSU discloses the contested portion of the record, it will also disclose the statement.
- H. If the hearing officer decides that the information is inaccurate, misleading, or in violation of the student's right to privacy, the appropriate record custodian will amend the record and notify the student, in writing, that the record has been amended.
- I. Students have the right to file complaints with The Family Educational Rights and Privacy Act Office (FERPA), Department of Education, Washington, D.C., 20201, concerning alleged failures of GSU to comply with the Act.

Forms

Request to Prevent Disclosure of Directory Information
Consent to Disclose Nondirectory Education Records
Student Request to Inspect and Review Education Records
Request by Parent or Guardian to Review Education Records
Request to Review Education Records by GSU Personnel or an Outside Agency

Contact the Registrar's Office to request the forms.
