

BUCKLEY AMENDMENT  
DISCLOSURE OF STUDENT & EDUCATIONAL RECORDS POLICY

FROSTBURG STATE UNIVERSITY POLICY ON  
DISCLOSURE OF STUDENT RECORDS

Frostburg State University adheres to a policy of compliance with the Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), hereafter, FERPA.

I. Definitions

- A. "Student" means an individual who is or who has been in attendance at Frostburg State University (until 1987, Frostburg State College). It does not include any applicant for admission to the University who does not matriculate.
- B. "Education records" include those records that contain information directly related to a student and that are maintained as official working files by the University. The following are not education records:
  - (1) records about students made by professors and administrators for their own use and not shown to others;
  - (2) campus police records maintained solely for law enforcement purposes and kept separate from the education records described above and not shown to others except to law enforcement officials of the same jurisdiction;
  - (3) employment records, except where a currently-enrolled student is employed as a result of his or her status as a student;
  - (4) records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment. However, these records may be reviewed by an appropriate professional of the student's choice.

II. Student Rights Under FERPA

Students are informed annually of their rights under FERPA through printed notice disseminated by the staff of the Office of Enrollment Services to every registrant at each registration. The "Student Records Annual Notification" is also included in The Pathfinder, the student handbook.

The rights outlined in this document are afforded to all students. These rights include the following:

The right to inspect and review education records;

The right to request the amendment of records to insure that they are not inaccurate, misleading, or otherwise in violation of privacy or other rights;

The right to consent to disclosures of personally identifiable information contained in educational records, except to the extent that FERPA authorizes disclosure without consent;

The right to obtain a copy of the University's policy regarding how it meets requirements of FERPA;

The right to file with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with the requirements of FERPA. A student alleging University noncompliance may file a written complaint with the Family Policy and Regulations Office, U.S. Department of Education, Washington, DC 20202.

### III. Inspection and Review of Records

A student may inspect and review education records by requesting such a review or inspection. Requests for access should be made in writing to the Dean of Enrollment Management regardless of where the records are located.

The University will provide the requested record(s) for review within a reasonable period of time but no later than 45 days of receiving the written request. The Dean of Enrollment Management or designated staff member will respond to reasonable requests for explanations and interpretation of the record(s).

The inspection and review of the record(s) will take place in the Enrollment Services Office. The University will provide the student with a copy of the record upon request if failure to give the student a copy of the record(s) would effectively prevent him or her from exercising the right to inspect and review the record(s).

To secure a copy of the record(s), the student must provide evidence that denial of the request would effectively prevent the exercise of the right to inspect and review. A fee will be charged for making copies of documents.

The personnel of the University may not destroy any education record(s) for which there is an outstanding request to inspect and review. FERPA allows the University to deny the inspection of financial records and confidential letters and/or recommendations if the student has waived his/her right to inspect or review them.

### IV. Records covered by FERPA

"Education records" maintained by the University include but are not limited to the following:

**Business Office:** Follow-up cards on teacher education students for tuition waiver program purposes. Appropriate University and State Officials have access to these records.

**Assistant to V.P. Academic Affairs:** Academic records of and correspondence to students placed on probation and dismissed by the Academic Standards Subcommittee. Faculty and administrative members of the Academic Standards Subcommittee office personnel, admission officers, and appeal officers have access to these records.

**Student Support Services:** Information relating to admission and participation in the Student Support Services Program including: application and referral forms, income eligibility documentation, high school transcripts, standard test scores, financial aid data, diagnostic test records, progress evaluations, and other pertinent documents required by state and/or federal regulations. Office personnel, participating faculty, and Office of Education officials monitoring the administration of the Student Support Services Program have access to these records.

**Student and Educational Services Office:** Autobiographical and identifying information furnished by students, statement of admissions, grades, correspondence from Academic Standards Subcommittee, Academic Advising records and Judicial System records. Office personnel, administrators, Judicial board members and faculty working with students in an advising capacity have access to these records.

**Residence Life:** Applications, statements of recommendation, unless a signed waiver of access form exists and rating data related to selection of Resident Assistant Administrators. Office personnel have access to these records.

**Financial Aid:** Financial aid applications, occasional statements from a social service agency, award and acceptance letters, and IRS 1040 forms (maintained for 5 years as required by law). Office personnel, Student Support Services Staff, state and federal auditors have access to these records.

**Career Services:** Transcripts, statements of recommendations unless a signed waiver of access form exists, resumes, and related personal data provided for placement services. Office personnel, employers and graduate schools as authorized by individual students.

**Administrative Services:** Student employee timesheets for payroll purposes, tuition waiver records, other information for accounts receivable purposes such as transcripts, refunds, statements of fees, parking and library fines. Office personnel, appropriate administrators and state and federal auditors have access to these records.

University Advancement and Alumni: Alumni data. Office personnel have access to these records.

Admissions: Application data, high school and university transcripts, statements of recommendation unless a signed waiver of access form exists, and standard test scores for admissions purposes. Personnel involved in recruitment and admissions process have access to these records. Records of enrolling students are released to the Office of Enrollment Services for maintenance.

Office of Enrollment Services: Academic grades and transfer credit (constituting transcript), basic personal information and records transferred by the Admissions Office. Non-personal statistical data used for studies, evaluations and reports, reports distributed to administrators, faculty and the appropriate State agencies. Office personnel, administrators and faculty with an appropriate interest have access to these records.

Veterans Affairs: Certifications, correspondence and related materials involving veteran students. Office personnel and Veterans Administration have access to these records.

Campus Police: Parking registration and violation records; criminal complaints. Office personnel and, with respect to criminal records, officials with a legally recognized interest have access to these records.

Academic Department: Academic advisee files, including grades; statement of recommendation unless a signed waiver access form exists; correspondence with students. Faculty and support personnel in respective academic departments have access to these records.

Office of Field Experiences Teacher Education: Teaching internship application; credentials file which includes: personal data, evaluations of teaching internship, student's philosophy of teaching and unofficial statement of credit. Office personnel and faculty associated with the Teacher Education program have access to these records.

Except as permitted by FERPA, no personally identifiable information from a student's education records will be released without the prior written consent of the student.

## V. Prior Consent Limitations and Exclusions

### A. Director Information

1. The following categories of information have been designated directory information:

Name  
Address

Home Town  
Telephone listing  
Date of birth  
Major field of study

Participation in officially recognized  
activities and sports  
Weight and height of members of athletic teams  
Dates of attendance  
Degrees and awards received  
Most recent previous educational agency or  
institution attended  
Classification (i.e., freshman, sophomore,  
junior, senior, graduate)

2. This information will be disclosed unless the student files written notice requesting the University not to disclose any or all of the categories no later than the end of the fall semester drop/add period. Students entering in January must file notice no later than the end of the spring semester drop/add period. This notice must be filed annually within the allotted time. The notice should be filed with the Office of Enrollment Services.

3. Student directory information may appear in public documents and otherwise be disclosed without student consent unless the student submits annual notification as provided in #2 above.
  4. All requests for non-disclosure of directory information will be implemented as soon as publication schedules will reasonably allow.
  5. Notwithstanding #2-#4 above, the University may disclose directory information about former students.
- B. Prior consent will not be required for disclosure of education records to the following parties:
1. School officials of Frostburg State University who have been determined to have legitimate educational interests;
    - a. A school official is: 1) a person employed by the University in an administrative, supervisory, academic or research, or support staff position; or 2) a person employed by or under contract to the University to perform a special task, such as an attorney or auditor.
    - b. A school official has a legitimate educational interest if the official is: 1) performing a task that is specified in his or her position description or by a contract agreement; 2) performing a task related to a student's education; 3) performing a task related to the discipline of a student; or 4) providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
  2. Officials of other schools in which a student seeks or intends to enroll or is enrolled. Upon request, and at his or her expense, the student will be provided with a copy of the records that have been transferred;
  3. Authorized representatives of the Federal government, but only in connection with the audit or evaluation of federally supported education programs, or in connection with the enforcement of or compliance with Federal legal requirements relating to these programs. Subject to controlling Federal law or prior consent, these officials will protect information received so as not to permit personal identification of students to outsiders and destroy such information when it is no longer needed for these purposes;
  4. Authorized persons and organizations that are given work in connection with a student's application for, or receipt of,

financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms and conditions;

5. State and local officials to which such information is specifically required to be reported by effective state law adopted prior to November 19, 1974;
6. Organizations conducting educational studies for the purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to outsiders, and the information will be destroyed when no longer needed for these purposes;
7. Accrediting organizations for purposes necessary to carry out their functions;
8. Parents of a student who is a dependent for income tax purposes;
9. Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals);
10. In response to a court order or lawfully issued subpoena, the University will make reasonable efforts to notify the student before complying with the judicial order or subpoena.

In all other cases, the University will not release personally identifiable information in education records without prior consent of the student. The student's consent must be written, signed, and dated, and must specify the records to be disclosed, the identity of the recipient, and the purpose of disclosure. A copy of the record disclosed will be provided to the student upon request and at the student's expense.

The University will maintain with the student's education records an information sheet or electronic notation in the Student Information System, which may be inspected by the student, the official custodian of the records, and other University and governmental officials, of each request and each disclosure, except for the following:

1. disclosure to the student;
2. disclosures pursuant to the written consent of the student (the written consent itself will suffice as a record);
3. disclosures to instructional or administrative officials of the University;

4. disclosures to a party with written consent from the student;
5. disclosures of directory information

## VI. Opportunity to Seek Amendment of Education Records

### A. Request to Amend Records

A student who believes that information contained in his or her education records is inaccurate, misleading, or violative of privacy or other rights may submit a written request to the Dean of Enrollment Management specifying the document(s) sought to be amended and the basis for the complaint. The request will be sent to the person responsible for the record in question. Within a reasonable period of time of receipt of the request, the University will decide whether to amend the record(s) in accordance with the request within five (5) business days. If the decision is to refuse to amend, the student will be so notified and will be advised of the right to a hearing. The student may then exercise that right by written request to the Dean of Enrollment Management.

### B. Right to a Hearing

Upon written request by a student, the University will provide an opportunity for a hearing to challenge the content of the student's record(s). Within a reasonable time of receipt of the request, the student will be notified in writing of the date, place, and time reasonably in advance of the hearing by the Office of Enrollment Services.

#### 1. Conduct of the Hearing

The hearing will be conducted by a University official, selected by the Dean of Enrollment Management, who does not have a direct interest in the outcome. The student will have a full and fair opportunity to present evidence relevant to the issues

raised under Section VI.A above and may be assisted or represented by individuals of his or her choice, including an attorney, at his or her own expense. At all times the burden is on the student to show by a preponderance of evidence that the information contained in the education record is inaccurate, misleading, or in violation of the FERPA law or other rights.

#### 2. Decision

Within a reasonable period of time after the conclusion of the hearing, the Dean of Enrollment Management will notify the student in writing of



the University's decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the hearing officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Dean of Enrollment Management will amend the records accordingly.

C. Right to Place an Explanation in the Records

If, as a result of the hearing, the University determined that the information is not inaccurate, misleading, or otherwise in violation of the student's rights, the Dean of Enrollment Management will inform the student of the right to place in his or her record a statement commenting on the contested information and/or explaining any reasons for disagreeing with the decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the records is disclosed.

VII. Right of University to Refuse Access

Frostburg State University reserves the right to refuse to permit a student to inspect the following records:

- The financial statement of the student's parents.
- Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975.
- Records connected with an application to attend Frostburg State University if that application was denied.
- Those records which are excluded from the FERPA definition of education records.

VIII. Refusal to Provide Copies

Frostburg State University reserves the right to deny transcripts

or copies of records not required to be made available by the FERPA in any of the following situations:

- The student has an unpaid financial obligation to the University.
- There is an unresolved disciplinary action against the student.

IX. Fee for Copies of Records

A fee of \$1.00 will be charged for copies up to 2 pages in length, with additional pages provided at a rate of \$.25 per page.