University FERPA Records Access Policy

Family Educational Rights and Privacy Act (FERPA)

I. Introduction

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA rights are provided only to University applicants upon actual acceptance to and subsequent enrollment for classes at the University. Under FERPA, students attending an institution of postsecondary education may:

A. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such disclosures are authorized without consent as more fully described below in Paragraph IX (A);
B. Choose to suppress (i.e., keep from being disclosed) their directory information per the process identified below in Paragraph IX (B);
C. Inspect and review their education records;
D. Seek amendment of those education records believed to be inaccurate, misleading or otherwise in violation of their privacy rights; and
E. File complaints with the Department of Education about alleged failures by the University to comply with the requirements of FERPA.

II. Definitions

A. Student: any person who attends or has attended the University. For purposes of FERPA, Georgia State University considers an admitted student to be “in attendance” upon enrollment/registration for classes. Note: The definition of “student” set forth above is only for use in connection with this guidance. For the official University definition of “student”, please refer to the Georgia State University Student Code of Conduct.
B. Education Records: any records (in handwriting, print, tapes, film, computer or other medium) maintained by the University or an agent of the University which are directly related to a student except:

1. A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except by a temporary substitute for the maker of the record and is not used for purposes other than a memory or reference tool.
2. Records created and maintained by the Georgia State University Police Department for law enforcement purposes.
3. An employment record of an individual whose employment is not contingent on the fact that he or she is a student.
4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.

C. Directory Information: Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Georgia State University has designated the following types of information to be directory information: student name, mailing addresses, telephone number, date and place of birth, major field of study, full or part-time status, participation in officially recognized activities and sports, degrees and awards applied for and/or
III. Federal Student Records Law

Annually, Georgia State University informs students of the protections afforded by the Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67). This Act, which the institution endeavors to fully comply, was designed to protect the privacy of educational records, and to establish the right of students to inspect and review their non-privileged educational records. The Act also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the U.S. Department of Education Family Policy Compliance Office concerning alleged failures by the University to comply with the Act. An informal complaint may be filed within the University by contacting the Registrar. This guidance explains in detail the procedures to be used by the University for compliance with the provisions of the Act. Questions concerning the Family Educational Rights and Privacy Act may be referred to the Office of the Registrar or the Office of Legal Affairs.

IV. University-Maintained Student Records

The student records maintained by the University are classified as follows:

A. Official academic records are maintained in the Office of the Registrar. They include admission applications and associated documentation; the registration records for each semester in residence; the records of grades and credits received in courses at this University or accepted here from another institution; and other documents directly relating to academic progress and status. The dean of each college is the custodian of records for all college and departmental records regarding students not of the type maintained by the Registrar’s Office.

B. Disciplinary records are maintained by the Office of the Dean of Students. They include information about the investigation, adjudication and imposition of sanctions by the University against an individual student for breach of the University’s Code of Conduct or other written policies.

C. Financial records: Fee payment records are maintained by the Office of Student Accounts. Financial aid application records, including tax forms, are maintained by the Financial Aid Office.

D. Employment records of students receiving financial aid consist of work-study authorizations and are maintained by the Financial Aid Office. Non-work study employment records of students are maintained by the Office of Human Resources. Graduate student teaching and research appointment records are maintained by the Involved College or department. Some employment records of students with graduate teaching and research appointments may also be maintained by the Office of Human Resources.

E. Medical, psychological and counseling records are maintained by the University department providing the involved health care (i.e., Health Clinic, University Counseling & Testing Center). They include records of examinations and treatments.

F. Career and Job search records are maintained by University Career Services.

G. Housing records are maintained by University Housing. They include housing applications/agreements and related information.

H. Panther Card and parking records are maintained by Auxiliary and Support Services.

Student educational records maintained on Banner are covered by this guide and should be accessed by authorized employees with a legitimate educational interest or whose access is otherwise undertaken to comply with FERPA. Unauthorized access is a violation of federal law and University policy.

No record shall be kept of the political views of students or of student membership in any organization except for academic, honorary, professional and social organizations directly related to University life. Records maintained by student organizations are not considered University records. Student organizations are, however, expected to take reasonable steps to protect student information they maintain from unwarranted invasions of privacy and to permit students to access their records.

V. Student Access to Records
Access to a student's official academic record, disciplinary record and financial aid record is guaranteed to him or her subject only to reasonable regulation as to time, place and supervision with the exceptions of those types of documents identified below:

- Any and all documents written or solicited prior to Jan. 1, 1975, on the presumption that they were intended to remain confidential and privileged.
- Any and all documents to which access has been waived by the student.
- Any and all records which are excluded from the FERPA definition of educational records.
- Any and all financial data and income tax forms submitted in confidence by a student's parent(s) in connection with an application for or receipt of financial aid.
- Any and all records connected with an application to attend Georgia State University or a component unit of Georgia State University if that application was denied or, in the alternative, if the application was accepted but the applicant never enrolled (FERPA rights extend only to applicants upon actual acceptance and subsequent enrollment).
- Those records which contain information on more than one student to the extent that a requesting student has the right to view only those portions of the record which pertain to his or her own educational records.
- Confidential recommendations and evaluations (Placement records maintained by the Office of Career Services may be inspected by the subject of the file with the exception of recommendations or evaluations to which the student has waived his or her access. Confidential recommendations and evaluations are only included in a student's placement file if the student has voluntarily submitted a written waiver of access to the recommendations and evaluations. If a student has not waived access, then recommendations and evaluations submitted on condition of confidentiality are returned to the sender).

A. Inspection of records is granted only upon written request, presented in person with appropriate identification, and must be made in the presence of designated personnel of the office maintaining the records. All requests shall be granted as soon as practicable, but in no event later than 45 days after the date of request. No documents or files may be altered or removed once a request has been filed. When an original record is shown to the student, examination will be permitted only in the presence of a University employee and any other conditions deemed necessary to prevent the alteration, mutilation, or loss of such original records. Upon reasonable request by the student, verbal explanations and interpretations of education records will be promptly provided except where a verbal response is not practical or appropriate. Requests for written explanations/interpretations of education records must be made in writing. If an education record is not in a form readily reviewable by the student (e.g., records stored in microfilm or electronically), a true and correct copy of the record will be provided for the student's inspection.

B. Copies of Records

1. Copies to students will be provided to students in good standing upon written request and payment of fees for copies (see the Request for Access to Student Record Form), with the exception of transcripts received from other educational institutions and any documents the student has waived his or her right to see. Copies of education records may be withheld by the University when the student is not in good standing as a result of such conditions as unmet financial obligations and violations of institutional regulations. Such records to be withheld may include, but are not limited to, grade reports, transcripts, and certifications of student achievement and performance. A transcript of a student's official academic record contains information about his or her academic attainment and status exclusively. Only the Registrar is authorized to issue transcripts or to certify in any way the official academic record of a student. An official transcript is issued only when requested by the student in writing.

2. Copies to third parties will be provided upon receipt of the student's written and signed consent for disclosure of the records. Such a written consent must:
   a. Identify the records to be disclosed,
   b. Identify the person or class of persons to whom the disclosure may be made,
   c. Specify the time period during which consent is applicable, and*
   d. Be signed and dated.

* A Consent to Release Information to Third Parties form is available online at http://registrar.gsu.edu/academic-records/.

VI. Requests for Amendment and Challenge Hearings
If, upon inspection and review of his or her record, a student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she may request that the record be corrected. A request for correction must be submitted in writing and must specify the information being questioned, the revision requested, and the reasons the student has for disagreeing with the entry in question. Any supporting documentation should be attached to the request. Where possible, disagreements should be resolved informally. This provision does not apply to grade appeals, and students wishing to appeal the assignment of a grade should refer to the Policy and Procedures for Student Complaints, Petitions for Policy Waivers and Variances, and Appeals.

Only the Registrar, upon consultation with the respective dean, may authorize a correction in a record within the academic file of a student. Similar authority is held by the Vice President for Student Affairs, the Director of Admissions, the Director of Financial Aid, the respective College Dean and the Director of Personnel for the records which are maintained under the authority of these various University officials.

The University representative to whom a request for correction of an academic file is properly addressed will notify the student of his or her decision within 21 days after receipt of the written request. If the University decides that the information in a student’s education record is inaccurate, misleading or in violation of the student’s right of privacy, it will amend the record and notify the student, in writing, that the record has been amended. If the University decides that the challenged information is not inaccurate, misleading or in violation of the student’s right of privacy, it will notify the student of the right to place in the record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the education record and will be disclosed with it.

Should the University decide the challenged information is not inaccurate, misleading or in violation of the student’s right of privacy, then the student will also be advised of the right to appeal the University’s decision and challenge the information believed to be inaccurate, misleading or in violation of the student’s privacy rights. The appeal may extend only to the material in the respective University file. While it may extend to the error of recording of a grade, it may not include a challenge to the assignment by the instructor of the grade. The student has 20 days to appeal the decision in writing to the Provost and ask for a hearing. On behalf of the President of the University, the Provost shall refer the appeal to an existing committee or designate a hearing committee comprised of University officials who do not have a direct interest in the outcome of the hearing. Georgia State University will notify the student, reasonably in advance, of the date, place and time of the hearing. 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 bring one individual to act as an advisor but the individual may not address the committee. The committee will prepare a written recommendation based solely on the evidence presented at the hearing and submit it to the Provost who will make a determination on the matter. The recommendation will include a brief summary of the evidence presented and the reasons for the decision. The decision of the Provost may be appealed in writing to the President within 20 days of the date of the decision. The appeal to the President shall be made on the record.

VII. Career Services

The file of a student maintained in the Office of Career Services is assembled at the initiative of the student. The extent of disclosure to prospective employers, graduate schools, organizations awarding fellowships and the like shall be made clear to the student when he or she requests that the file be assembled and shall be agreed to by him or her on a form specifically provided for that purpose.

The student may make a specific waiver of access to evaluations solicited and/or received under condition of confidentiality, but the waiver must be made by the student without pressure or coercion. Any evaluation received under such condition of confidentiality without the student’s waiver of access or without the student’s knowledge shall not be incorporated in the file but shall be returned to the sender.

VIII. Addition to Records

No entry may be made on a student’s official records and no document or entry may be placed in such records without written notice to the student by the administrative officials responsible for the specific category of information, as identified in Paragraph IV. For purposes of this guidance, notification of grades, written communication to a student of school or departmental evaluation and
announcement of honors shall constitute adequate notice. A document or entry supplied by or at the request of the student may be placed in the student’s record without additional notice to him or her. In the case of student records maintained in deans’ offices and departmental offices, additions other than those mentioned in the preceding paragraph require the permission of the Registrar, who in turn is responsible for notification of the student.

IX. Release of Student Information

A. Georgia State University will disclose information from a student’s education records only with the written consent of the student, except that the records may be disclosed without consent when the disclosure is:

1. To school officials who have a legitimate educational interest in the records.
   a. A school official is:
      ○ A person employed by the University (which, for purposes of this guidance includes persons employed by the Board of Regents of the University System of Georgia) in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
      ○ A person or entity employed by or under contract to the University to perform a special task, such as a University affiliated organization, attorney, auditor, or outside vendor.
      ○ A person who is employed by the Georgia State University law enforcement unit.
      ○ 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.
   b. A school official has a legitimate educational interest if the official is:
      ○ Performing a task that is specified in his or her position description or contract agreement.
      ○ Performing a task on behalf of the University/Board of Regents in connection with his or her job responsibilities.
      ○ Performing a task related to a student’s education.
      ○ Performing a task related to the discipline of a student.
      ○ Providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement or financial aid.
      ○ Maintaining the safety and security of the campus.

The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released.

2. Upon request of officials of another school at which a student seeks or intends to enroll, the University will attempt to notify the student of the disclosure unless the student initiated the disclosure.

3. Information the University has designated as “directory information,” unless the student has made a written request to suppress (i.e., to refuse to allow disclosure of) their directory information as more fully described below in Paragraph IX (B).

4. To school officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
   ○ Determine eligibility for the aid;
   ○ Determine the amount of the aid;
   ○ Determine the conditions for the aid; or
   ○ Enforce the terms and conditions of the aid.

5. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. The parents must provide a copy of their most recent federal income tax return establishing the student’s dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights. Georgia State University does not have an obligation to disclose any financial information about one parent to another. If a parent claims a student as a dependent and does not want his or her financial information disclosed to his or her spouse or former spouse, the parent may make that request to the institution.

6. In connection with an emergency, to appropriate persons if the knowledge of such information is believed necessary to protect the health or safety of the student or others.
7. To comply with a judicial order or a lawfully issued subpoena, provided the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the University receives a federal grand jury subpoena or any other subpoena which states that the student should not be notified. The University will comply with such process only upon the advice of counsel. All subpoenas received by the University should be immediately forwarded in person or by facsimile (404-413-0518) to the Office of Legal Affairs to evaluate the validity of the subpoena. In the case of a subpoena which can be disclosed to a student, the Office of Legal Affairs will inform the student of the subpoena and give the student an opportunity to file an objection to the subpoena before responding on behalf of the University.

8. To an alleged victim of any crime of violence, as that term is defined in Section 16 of Title 18, United States Code, or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime or offense with respect to that crime or offense. For the purpose of disclosure under this paragraph, the final results of any disciplinary proceeding shall include only the name of the student, the violation committed and any sanction imposed by the institution on that student and may include the name of any other student, such as a victim or witness, only with the written consent of that other student. The Office of Legal Affairs shall be consulted prior to release of the record.

9. Subject to the conditions set forth in 34 CFR 99.35 authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, authorized representatives of the Attorney General for law enforcement purposes (Investigation or enforcement of federal legal requirements of federally supported education programs), or state and local educational authorities.

10. To state and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to the state statute adopted prior to Nov. 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or information that is allowed to be reported pursuant to a state statute adopted after 1974, which concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials who will continue to have access hereunder.

11. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

12. To accrediting organizations in order to carry out their accrediting functions.

13. To Department of Veterans Affairs Officials pursuant to 38 USC 3690c.

14. To the court those records that are necessary to defend the institution when a student initiates legal action against the institution.

B. Choosing to Suppress Directory Information - Directory Information is treated as public information. Students may choose to keep their directory information from being disclosed ("suppressed") by submitting a written request to the University’s Registrar at any time. However, to keep the directory information from being included in various printed University publications, such requests should be made before the end of the drop/add period for Fall Semester. Information cannot be deleted after printed publications have gone to press and information previously released in printed publications cannot be recalled. Information contained in electronic publications may generally be changed upon 48 hours notice. Students having opted to suppress their directory information may change their position at a later date by notifying the Office of the Registrar in writing. Please note: refusing to permit the release of directory information means that a student’s history at Georgia State will be suppressed in full, preventing the verification by future employers and others of degrees earned and dates of enrollment.

Exception to Directory Suppression: Due to system constraints, final graduation lists and official programs will include all students who are graduating, regardless of Directory Suppression, unless otherwise stated on the Graduation Application.

C. Records of Deceased Students will be made available to the parents of the deceased student and other authorized parties upon written request. The request must include the need for the records and
C. The University must identify the requestor's relationship to the deceased student. An official copy of the death certificate must accompany the request, if the University does not have prior notice of the student's death.

D. The University has the discretion to disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal, state or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

X. Recordkeeping Requirements

Georgia State University will maintain a record of requests for and/or disclosures of information from a student’s education records which record may be reviewed by the student. The record will indicate the name of the party making the request and what records, if any, were received, as well as the interest in the records. Such recordkeeping is not required if the request was from, or the disclosure was to:

1. The student;
2. A school official determined to have a legitimate educational interest;
3. A party with written consent from the student;
4. A party seeking directory information; or
5. A federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

Recognition is given to The Catholic University of America upon whose FERPA Policy Georgia State University's FERPA Policy was modeled.

Approved by Administrative Council on March 2, 2011.