

**AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL**

Policy Number: 3:024	Supersedes Policy Number: 3:024
Date: August 6, 1992	Dated: August 29, 1988
Subject: Confidentiality of Student Records	
Initiating Authority: Vice President for Student Affairs	TBR Policy/Guideline Reference: 3:02:03:00
Approved: President: Signature on File	

I. POLICY STATEMENT

It is the policy of the Tennessee Board of Regents and Austin Peay State University to comply with the Family Educational Rights and Privacy Act ("Buckley Amendment") and, in so doing, to protect the confidentiality of personally identifiable educational records of students and former students. A copy of the federal regulations, "Privacy Rights of Parents and Students" from 34 CFR Subtitle A Part 99 as developed under the authority of the Family Educational and Privacy Rights Act, and state regulations, "Confidential Records" from T.C.A. Section 10-7-504, are appended to and considered part of this policy (see Attachment A). Each school official (as defined herein) is individually responsible for complying with this policy and all federal and state statutes. Violations shall subject the school official to appropriate disciplinary action. Appropriate references to this policy shall be included in all faculty, staff, and student handbooks and shall be included in orientation sessions for new employees who work with or have access to student records.

Annually, Austin Peay State University students shall be informed of their rights under the "Buckley Amendment" through the APSU Student Handbook and Calendar and the APSU Bulletin. A complete copy of this policy shall be made available upon request at the Office of Student Affairs (free of charge) and the University Library (at a nominal per sheet charge).

II. EDUCATIONAL RECORDS

A. Definitions

The following definitions shall apply to this policy. For definitions not included below consult 34 CFR Subtitle A Part 99.3 appended to this policy.

1. Directory Information - This includes the following information relating to a student: the student's name, address, telephone number, date and place 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, and the most recent previous educational agency or institution attended by the student.
2. Disclosure - This means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.
3. Education Records - This means those records which are directly related to a student and are maintained by the University or by a party acting for the University (see 34 CFR Subtitle A Part 99.3 for exceptions). This includes but is not limited to those records listed in section II.B.
4. Legitimate Educational Interest - This is defined as that specific student information which is needed by a school official to fulfill his/her responsibilities to the University and/or to better serve the student's needs.
5. Parent - This means a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.
6. Record - This means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm, and microfiche.
7. School Official - This is defined as anyone with tort coverage under the Tennessee Commission of Claims and includes, but is not limited to, all paid employees including administrators, clerical and support staff, faculty, plus approved official volunteers whose names are on file with the Personnel Office of the University. Students employed by the University to work in various offices also are included.
8. Student - This means any individual who has applied for admission, been accepted for admission, or pays the appropriate fees for enrollment. "Eligible student" means a student who has attained eighteen years of age and is attending the University.

B. Records Maintained by the University

The following types of educational records are maintained by Austin Peay State University at the location(s) and under the supervision of the individual(s) as indicated below:

1. Abbreviations Code, Contact Person, and Location

Adm = Admissions, Director of Admissions, Ellington Student Services Bldg.

R/R = Records and Registration, Director of Records and Registration, Ellington Student Services Bldg.

Grad Schl = Graduate Programs, Dean of Graduate Programs, Kimbrough Bldg.

VA = Veterans Affairs, Director of Veterans Affairs, Ellington Student Services Bldg.

SFA = Student Financial Aid Office, Director of Student Financial Aid, Ellington Student Services Bldg.

AA/EO = Affirmative Action/Equal Opportunity, Affirmative Action Officer, Browning Bldg.

BO = Business Office, Business Manager, Browning Bldg.

C/T = Counseling and Testing, Counseling Services Coordinator, Ellington Student Services Bldg.

P = Career Planning and Placement, Director of Counseling and Career Services, Ellington Student Services Bldg.

SA = Student Affairs, Vice President for Student Affairs or Associate Dean of Students, Ellington Student Services Bldg.

CS = Computer Services, Director of Computer Services, Browning Bldg.

AA = Academic Advising, Academic Affairs Office, Browning Bldg.

DSP = Developmental Studies Program, Director of Developmental Studies Program, Clement Bldg.

Ac Dept = Respective Academic Department Chairperson.

Instr = Classroom Instructor.

SHS = Student Health Services, Director of Student Health Services, Ellington Student Services Bldg.

Pub Saf = Public Safety, Director of Public Safety, Shasteen Bldg.

Spec Ser = Special Services, Director of Developmental Studies Program, Clement Bldg.

Pers Off = Personnel Officer, Director of Personnel, Browning Bldg.

2. Types of Records Maintained

Adm & RR Undergraduate admission application plus all supporting documents (including but not limited to high school transcripts, transfer transcripts, admission test scores, assessment test scores, etc.) registration records including course enrollment, grades, names of instructors and advisers, etc.

Grad Schl Graduate admission application plus supporting documents (including but not limited to undergraduate transcripts, admission test scores, letters of recommendation, etc.).

RR Permanent record of all undergraduate and graduate students which includes grade reports and transcripts (permanent academic records).

RR Student-athlete eligibility records.

SFA Student Financial Aid records including, but not limited to, income support documents, loan/grant/scholarship award documents, certification and verification documents, student payroll records, etc.

VA Veteran certification documentation.

CS All computer records.

BO Student accounts receivable records and NDSL records.

C/T Counseling records and special test results.

- P Student placement credential files including letters of recommendation.
- SA Student disciplinary files.
- SHS Student medical/health records.
- DSP Assessment test scores and supporting documents.
- Ac Dept Academic department or program required tests and/or certification records, academic advisement records.
- Pub Saf Incident reports and miscellaneous reports of on-campus crime and discipline code violations.
- Instr Student class attendance records, class assignments and requirements information, and academic advisement records.
- Spec Serv Test scores, evaluations and other documents.
- Pers Off Student grievances against academic and non-academic personnel.
- AA/EO Affirmative Action information.
- AA Academic advising information and mid-term grade reports.

III. STUDENT RIGHTS

A. Rights Statement

1. A student's record may not be disclosed to the parent or to anyone else, except as defined in this policy, without prior consent.
2. Prior consent for disclosure of a student's record to the parent is not required if the student is considered a dependent as defined by Section 152 of the Internal Revenue Code of 1954. A dependent is defined as an individual who receives half of his/her support for the calendar year from the taxpayer (parent). Such a request from a parent for disclosure should be forwarded to the Vice President for Student Affairs for a response.

B. Right to Access

1. Except as provided herein, a student has the right to inspect, review and obtain a copy of his/her education records. The following procedures shall apply:
 - a. A student desiring to inspect, review, and obtain a copy of specific education record(s) shall contact the office and administrator named in Section II above.
 - b. The administrator or his/her designee shall comply with the student's request within five (5) class days but no later than thirty (30) days.
 - c. The cost per page to be charged a student for his/her record shall not exceed \$.10 per page.
 - d. If a student requests an explanation/interpretation of a specific record the administrator or his/her designee shall respond in writing within five (5) class days but not to exceed thirty (30) days.
2. A student's right to access, inspect, review and/or obtain a copy of his/her education records is subject to the following exceptions:
 - a. For records pertaining to more than one student, a student may view only the portion of the record pertaining to himself/herself and may not view the portion pertaining to the other student(s).
 - b. A student may not have access to financial records and statements of his/her parents or any information contained therein.
 - c. Students may not have access to confidential letters and confidential statements of recommendation which were placed in the student's records prior to January 1, 1975; provided that:
 - (1) The letters and statements were solicited with a written assurance of confidentiality or were sent and retained with a documented understanding of confidentiality, and
 - (2) The letters and statements are used only for the purposes for which they were specifically intended.

- d. Students may not have access to confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975 which are either:
- (1) respecting admission to an educational institution;
 - (2) respecting an application for employment; or
 - (3) respecting the receipt of an honor or honorary recognition; provided that the student has waived his/her right to inspect and review the letters/statements in a signed written waiver. A separate waiver must be provided for each category of letters/statements. The waiver may be revoked at any time; however the revocation will not affect the student's rights as to letters previously provided under the waiver. The institution may not require such a waiver of students as a condition or prerequisite to eligibility for a program or service. The letters or statements provided under the waiver may be used only for the purpose designated on the waiver, and the student must be notified of the receipt by the institution of all letters/statements provided under the waiver.

C. Right to Request Amendment

A student may request that an amendment be made to his/her record if he/she feels it is inaccurate, leading or in violation of his/her rights. The procedures for requesting an amendment shall be as follows:

1. The student shall contact the administrator or his/her designee in charge of the specific record with a written request.
2. The administrator or his/her designee shall meet with the student and review the request.
3. A decision as to whether or not to grant the request shall be made within five (5) class days.
4. The student has a right to appeal the decision provided he/she does so in writing within five (5) class days of the decision. An appeal should be addressed to the senior administrator with overall supervisory responsibility for the specific record.

5. The senior administrator shall respond within five (5) class days by meeting with the student to review his/her request. A decision, once made, shall be delivered to the student in writing.
6. Should the student desire to appeal the senior administrator's decision, a written notification must be sent to the President requesting a hearing. The President shall appoint a senior administrator, other administrator, or faculty member not having a direct interest in the outcome to hear the case.
7. The procedures and rights to be used prior to and during a requested hearing are as follows:
 - a. The student shall receive written notice of the time and place of the hearing at least three (3) class days in advance. A justified delay may be granted.
 - b. The hearing will be held no later than (5) five class days from receipt of the request.
 - c. The student has the right to present evidence in support of his/her appeal.
 - d. The student has the right to be accompanied by an adviser of the student's choice, but such participation shall be limited to advising the student.
 - e. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.
 - f. The student has a right to be informed in writing of the final decision. Notification shall take place within five (5) class days.
8. If, as a result of the hearing, the request to amend is denied, the student has the right to place a statement in the file commenting on the information in the file and setting forth any reasons for disagreeing with the information and/or decision. The statement must be maintained with the record and a copy provided to anyone to whom the record is provided.
9. The hearing procedures and amendment procedures outlined above shall not be used by the student to contest the underlying action

taken by the University which has been recorded in the student's record but shall be limited to the issues of whether the record is inaccurate or misleading in recording the underlying action or whether the University's placement of the information in the student's record is in violation of the student's rights.

D. Right to File a Complaint

If a student feels that one or more violations of the Family Educational and Privacy Rights Act has occurred, he/she may report these complaints to the Vice President for Student Affairs or the University President. Also, complaints of violations by the University may be filed with the Secretary of the U.S. Department of Education.

IV. DISCLOSURE OF RECORDS

Except as is otherwise provided by this policy, all personally identifiable records (by name, identifier or characteristics) directly related to a student or former student shall be kept confidential unless the student signs a consent form similar to that provided in PPM FORM 3:024a. Such confidential records include, but are not limited to, all records listed in Section II above. Disclosure of such records shall be permitted only under one of the exceptions described below.

A. Directory Information

1. Except as provided herein, the University may disclose directory information consistent with this policy to any person requesting such information without the consent of the student. The University publishes in its Bulletin and Student Handbook and Calendar the information which shall be considered directory information, and is limited to those items identified in Section II and other information of the type specifically approved by the Office of General Counsel to the Tennessee Board of Regents as acceptable directory information.
2. The University provides each student the opportunity to refuse to allow disclosure of any designated directory information. The student will be given this opportunity at the beginning of each academic term. Should a student decide not to allow disclosure, a "Hold Flag" to prevent the release of information will be placed in the SIS record. This "Hold" will be valid only for the academic term requested and will be removed prior to the beginning of the next term. If the student is not enrolled the next term, the "Hold" will be removed unless circumstances warrant otherwise as determined by the Office of Student Affairs or the Office of Records and Registration.

B. Disclosure in Bona Fide Emergency

Disclosure of student records is permitted if necessary to protect the student against threat to his/her safety or health. Such disclosure may be made only in the case of immediate bona fide emergency such that consent cannot be obtained. Such disclosure shall be limited to only necessary information and to those persons in a position to render assistance in the emergency situation.

C. Disclosure Within the Institution

Those school officials and/or persons employed by the University who exhibit a genuine need to know based on a legitimate educational interest may have access to a student's record.

D. Disclosure With Consent

The University may disclose confidential information with the assigned written consent of the student. The consent form must be dated and must specifically identify the particular records to be disclosed, the purpose of the disclosure and the persons to whom such disclosure is to be made. A copy of the consent must be maintained with the student's record to which it pertains. If information is disclosed pursuant to a consent, a record of the disclosure shall also be maintained and a copy provided to the student upon request. Information disclosed pursuant to a consent shall be accompanied by a statement that the information is provided to the named recipient on the condition that it be used for the purpose designated in the consent (specify purpose). Unless the consent form specifies that the information may be disclosed further, the statement attached to the disclosed information shall also include a warning against further disclosure by the recipient. A sample statement is as follows:

"The education records/information attached have been released by Austin Peay State University with the written consent of the student as provided for under the Family Educational Rights and Privacy Act. This disclosure may only be used by you and shall not be released by you to any other person without the written consent of the student."

E. Disclosure Pursuant to a Subpoena

The University must disclose confidential student records pursuant to a lawfully issued subpoena or judicial order. Upon receipt of such a subpoena or judicial order, the University shall examine the subpoena or order to verify that it has been executed by an officer of the court or other authorized official. (The Office of General Counsel for the Tennessee

Board of Regents may be contacted for assistance in verification.) Prior to disclosure, the University must use reasonable efforts to notify the student of the receipt of the subpoena or order and of the University's intent to comply. If the institution is unable to contact the student prior to the disclosure, it must do so as soon thereafter as is feasible. Oral notification should be followed by a written confirmation, a copy of which shall be maintained along with a copy of the subpoena and record of the disclosure with the student's record.

F. Other Exceptions for Disclosure Without Prior Consent

Federal regulations (see 34 CFR Subtitle A Part 99.199.67) provide for disclosure upon certain other limited circumstances. These exceptions are narrow in scope and are strictly construed. Disclosure pursuant to these exceptions shall not be made unless specifically approved by the appropriate University administrator.

V. RECORD OF REQUESTS AND DISCLOSURES

The University shall retain copies of requests for disclosures and a record of the information disclosed. These items will be retained with the student records for all disclosures made except those for directory information, disclosures made pursuant to consent, and disclosures to other school officials. The record of disclosures may be inspected by the student, the officials responsible for the records and by persons responsible for auditing the records.

AUSTIN PEAY STATE UNIVERSITY

Student Information Disclosure Consent Form

Name: _____

S.S.# _____

Permanent Address: _____

Description of the Records/Information to be Disclosed:

Purpose for Disclosing Above Records/Information:

Person(s) to Whom Above Described Records/Information are to be Disclosed:

Name _____

Address _____

Name _____

Address _____

I hereby grant consent for the above described records/information to be released by the University to the person(s) names above.

Signature: _____

Date: _____

PPM Form 3:024a