

# ACCESS TO STUDENT RECORDS PROCEDURES

These procedures, in compliance with the Family Educational Rights and Privacy Act (FERPA), govern access to student education records and identify the procedures students may follow to obtain or restrict access to their education records. These procedures are also designed to be in compliance with the Solomon Amendment which governs the rights of the military services to obtain student recruiting information. Individual academic departments and administrative areas may prepare their own policies and procedures consistent with these comprehensive university procedures.

The University Registrar is responsible for university compliance with these procedures. These procedures apply to the records of students who are both admitted and enrolled or who have previously attended the university on campus or via video conferences, satellite, internet, or by other electronic means. The rights are effective on the first day of the semester/term. They do not apply to applications of persons who were not admitted nor to other correspondence with the university.

## EDUCATION RECORDS

These procedures apply to any education record (in handwriting, print, tapes, film, electronic or other media) maintained by BYU, regardless of its date of origin, which is directly related to a student. The following are NOT classified as education records under FERPA:

- Records kept by faculty, staff, administrative or auxiliary personnel for their own use as memory aids or reference tools if kept in the personal possession of the person who made them and the record has not been made available to any other person except the maker's temporary substitute. These personal notes are to be referred to in departmental and administrative records policies as "sole possession" records. Records that contain information taken directly from a student or that are used to make decisions about the student are not sole possession records.
- An employment-related record which does NOT result from student status.
- University law enforcement records that are created and maintained by University Police for a law enforcement purpose.
- Parents' confidential financial statements, income tax records and reports received by the university.
- Records maintained by BYU health or counseling services that are used only for treatment and made available only to those individuals providing the diagnosis and treatment. Patient access to medical or counseling records is provided upon submission of written patient authorization according to university policy.
- Alumni records which contain only information about a student after he or she is no longer attending the university and do not relate to the person as a student.

## ANNUAL NOTIFICATION

Student education records at BYU are generally accessible to eligible students according to the provisions of the Family Educational Rights and Privacy Act (FERPA). BYU has adopted Access to Student Records Procedures that explain in detail student rights relating to their education records.

The following explains student rights to their education records, summarizes the procedures for exercising those rights, and describes student directory information that may be disclosed to the public without the student's consent as required by law.

Eligible students, admitted and enrolled at BYU, generally have the right to:

1. Inspect and review their education records within a reasonable period of time upon submitting to the appropriate department managing their education records a written request, with proof of identification, specifying the records to be inspected. The department will notify the student of the time and place the records may be inspected.
2. Petition BYU to amend or correct any part of the education record believed to be inaccurate, misleading, or in violation of their privacy rights. Students may submit a written request to the department holding the record, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading. If the department decides not to amend the record as requested, the department will notify the student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures as outlined in university procedures will be provided to the student when notified of the right to a hearing.
3. Control the disclosure of personally identifiable information contained in the student's education record, except as otherwise authorized by law. Examples of exceptions to consent for disclosure include:
  - Access of education records by BYU officials and agents having a legitimate educational interest in the records. This category generally includes any BYU official or agent who accesses student education records for the purpose of performing a task or responsibility relating to his or her employment or professional responsibility at the university. These individuals may include faculty, administration, staff and other university agents who manage student education record information including, but not limited to, student education, discipline, and financial aid.
  - Parents who establish the student's dependency for federal income tax purposes.
  - Upon request, BYU will disclose education records or information without consent to officials of another college or university to which the student seeks or intends to enroll, or to a school in which the student is currently enrolled.
4. File a complaint with the U.S. Department of Education if it is believed BYU has failed to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Office of the Chief Privacy Officer, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605. [www2.ed.gov/policy/gen/guid/fpco/index.html](http://www2.ed.gov/policy/gen/guid/fpco/index.html)

## **DIRECTORY INFORMATION**

BYU has designated the following student information as directory information that it may disclose to the public without the consent of the student:

- Name
- Unique Person Identifiers (BYU ID, Net ID, Person ID, CMIS ID)
- Addresses and telephone numbers
- E-mail address
- Month, day and place of birth
- Names of parents or spouse
- Major and minor fields of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Pictures
- Dates of attendance (current and past)
- Number of months/semesters enrolled
- Class standing (freshman, sophomore, etc.)
- Enrollment status (full-time, part-time, less than half-time)
- Degrees and awards received
- Previous educational institutions attended
- Dates of employment and job title for student employment positions
- Anticipated future enrollments
- Course registrations prior to the beginning of a semester/term
- Expected date of graduation
- Deferred registration eligibility

Students have the right to restrict disclosure of the above directory information. To request restriction of disclosure, students must file a written request in the Registrar's Office. This restriction will remain until the student specifically rescinds it in writing.

Students may un-list individual addresses or phone numbers online through MyBYU.

Directory information is not provided to third parties in the form of mailing lists or labels.

Departments or colleges requesting mailing list information or other directory information may do so by contacting the Registrar's Office. Departments or colleges should provide a written request with the signature of the dean, department chair, or director explaining the need for the information and how it will be used.

## **MILITARY RECRUITERS AND THE SOLOMON AMENDMENT**

BYU supports and complies with the Solomon Amendment. Requests for student recruiting information from military recruiters are made with the Registrar's Office. Student recruiting information will not be supplied with respect to students who have not reached the age of 17. Additionally, if a student has formally requested

BYU to withhold FERPA directory information from third parties, BYU will withhold this information from military recruiters as well. This file will contain all students enrolled in day school for the year term in which the request is made. The file will contain the following information: name; street; city; state; zip; telephone; birth date; class standing; department; major; emphasis; first degree from BYU; degree name; degree year; second and third degrees from BYU by name and year, last college/university attended; credit hours; citizenship; email, and anticipated graduation date.

## LOCATIONS OF STUDENT EDUCATION RECORDS

The following list describing the type, location and custodian of university student education records is illustrative and not comprehensive. Other student education records may be found in a variety of locations throughout campus. A student having questions concerning the location of education records should direct an inquiry to the applicable department or college.

TYPE	LOCATION	CUSTODIAN
Admissions, Registration, Records, and Graduation Evaluation Services	B-150 ASB	Registrar
Student Life	3500 WSC	Dean of Student Life
Honor Code	4440 WSC	Director of Honor Code Office
Academic Support	2500 WSC	Director of Academic Support
Financial Aid	A-41 ASB	Director of Financial Aid
Housing	100 SASB	Director of Housing
Placement Center	2400 WSC	Director of Placement
Progress Reports, Graduate Admissions	Dean's Office or Student Advisement Center of each College or Department	Dean or Student Advisement Coordinator
Faculty Records	Faculty Office at each College or Department	Instructor
Law School	341 JRCB	Law School Records Custodian
Graduate Studies	105 FPH	Dean of Graduate Studies
Student Financial Account	A-153 ASB	Director of Student Financial Services
Occasional Records (student education records not included in the types listed above.)	The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review.	University personnel who maintain such occasional system records.

## PROCEDURE TO INSPECT EDUCATION RECORDS

FERPA controls access to student education records. BYU will make a reasonable effort to provide eligible students and qualifying parents the rights granted by the Act. On presentation of appropriate identification and under circumstances that prevent alteration or mutilation of records, a student with proper identification will be permitted to inspect all education records not restricted by a pledge of confidentiality or considered to

be private records of university personnel. In those instances when the university is willing to allow copies, those with legitimate access to the records will be charged a reasonable fee for the copies.

Students are encouraged to submit to the record custodian or to appropriate university personnel a written request that identifies as precisely as possible the record the student wishes to inspect. However, oral requests may be honored upon proper presentation of identification and in circumstances where a written request would be burdensome or impractical.

The record custodian or appropriate university personnel will make arrangements for access, within a reasonable period of time, but not more than 45 days, and will notify the student of the time and place where the records may be inspected.

When a record contains information about more than one student, the student may inspect and review only that portion relating to the requesting student.

### **RIGHT OF UNIVERSITY TO REFUSE ACCESS**

The following records are not available for review by students:

- The financial statements and tax returns of the student's parents.
- Letters and statements of recommendations to which the student has waived the right of access, or which were placed in the student's file before January 1, 1975.
- Records connected with an application to attend BYU or a component unit of BYU if that application was denied.
- Any records which are not education records as defined by FERPA or these procedures and which are not otherwise accessible pursuant to law.

### **REFUSAL TO PROVIDE COPIES**

BYU reserves the right to deny transcripts or copies of education records if:

- The student has an unpaid financial obligation to the university;
- The student has failed to comply with the decision of the arbitrator(s) under the Arbitration Rules of the BYU Center for Conflict Resolution; or
- Other cases as determined by the university procedures on Registration and Academic Holds;
- Or as otherwise determined appropriate by the university.

BYU will not provide copies of those education records related to disciplinary action taken against a student, even at that student's request, unless refusal of such a request would unreasonably limit the student's right to inspect and review those records.

### **COPIES OF RECORDS**

If for any valid reason such as work hours, distance from a student's place of residence to a record location, distance between record location sites, or health, a student cannot inspect and review his or her education record in person, BYU may arrange for the student to obtain copies. A reasonable fee for copies will be

charged. There is no charge for search or retrieval of education records nor for personal inspection of education records.

## **DISCLOSURE OF STUDENT EDUCATION RECORDS**

BYU will disclose student education records to a third party with written consent from the student. This written consent must:

- Specify the records to be released,
- State the purpose of the disclosure,
- Identify the party or class of parties to whom disclosure may be made, and
- Be signed and dated by the student.

BYU will disclose student education records without the written consent of the student in the following limited circumstances:

- To school officials and to specified agents of the university who have a legitimate educational interest in the records.
  - A school official or specified agent of the university is:
    - the Board of Trustees or its agents; or
    - a person employed by the university in an administrative, supervisory, academic, research or support staff position, (including law enforcement unit personnel and health staff); or
    - a person or company, with whom the university has contracted as its agent to provide a service instead of using university employees or officials (such as Student Clearinghouse, an attorney, auditor or collection agent); (the contracted party is subject to the same conditions of use and redisclosure of education records that govern other school officials); or
    - a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks; or
    - a person employed by, under contract to, or designated by the university to perform a specific task.
  - A school official or specified agent has a legitimate educational interest if the official is:
    - performing a task that is specified in his or her position description or by contract agreement;
    - performing a task related to a student's education;
    - performing a task related to student discipline; or
    - performing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement or financial aid.
- To officials of another school, upon request, in which a student is enrolled, or seeks or intends to enroll.
- To the Secretary of the U.S. Department of Education, the Attorney General of the United States, the Comptroller General of the United States, and state and local educational authorities, in connection with certain state or federally supported education programs.
- In situations where a student has sued the university, or the university has taken legal action against a student, as necessary for the university to proceed with legal action as a plaintiff or to defend itself.

- 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 aid.
- As required by state law disclosure that was adopted before November 19, 1974.
- To organizations conducting certain studies for or on behalf of the university on condition that the organizations conducting the studies not permit the personal identification of students by anyone other than the organizations' representatives. Additionally, all information provided must be destroyed by the requesting organizations when no longer needed for the study's purposes.
- To accrediting organizations to carry out their functions.
- To either parent of an eligible student if the student is claimed as a dependent for income tax purposes regardless of which parent claims the student as a dependent. Parents requesting information from a student's file shall be responsible to demonstrate that the student in question is a dependent pursuant to Section 152 of the Internal Revenue Code. In addition, BYU may disclose to parents of an eligible student information regarding violations of local, state or federal law or of the Church Educational System Honor Code regarding the use or possession of controlled substances for student violators under the age of 21.
- To comply with a judicial order or a lawfully issued subpoena in which case the order or subpoena shall be directed to the Office of the General Counsel for review prior to dissemination of the education record. The university will make a reasonable attempt to notify the student in advance of disclosure when non-directory information is released in response to subpoenas or court orders.
- To appropriate parties, including parents or guardians, in a health or safety emergency.

BYU may (without the consent of the perpetrating student) disclose to the victim of a crime of violence or a non-forcible sex offense, (as defined in the Clery Act) the results of any disciplinary proceeding conducted by BYU against the alleged student perpetrator regardless of the outcome of the proceeding.

BYU may (without the consent of the perpetrating student) disclose records in making a general announcement of final results of a school disciplinary proceeding in the case of a violent crime or non-forcible sex offense if a student is found to have violated school rules or policies (limited to student name, violation committed, and sanction imposed).

Upon request, information received from the state of registered sex offenders pursuant to the Campus Sex Crime Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act who are employed, carry on a vocation, or who are students enrolled at BYU will be made available to the requesting party.

## **RECORD OF REQUEST FOR DISCLOSURE**

Each custodian of education records at BYU will maintain a record of all requests for and disclosures of information from a student's education records file made by anyone other than a school official or the student. The record will indicate the name of the party making the request and the reason for the release. The record of the request for disclosure may be reviewed by an eligible student.

Redisclosure of education records by a third party is prohibited.

## **CORRECTION OF EDUCATION RECORDS**

Students have the right to ask to have education records corrected that are inaccurate, misleading or maintained in violation of their privacy or other rights. In cases of alleged academic dishonesty or of an unfair or mistaken evaluation, the students must pursue redress under the Student Academic Grievance Policy. In cases of alleged violations of the Church Educational System Honor Code, the student must pursue redress under the applicable policies and procedures of the Honor Code Office. In cases of other non-academic, extenuating circumstances or emergencies potentially affecting a student's education records, students must pursue redress through BYU's Student Academic/Registration Record Appeals Committee. In all other cases of challenge to the content of a student's education records, not otherwise governed by established university policy, these procedures will apply. Under these procedures, the process must be initiated within one year from the semester or term in question. The following are the applicable procedures:

- A student must file a written request with the custodian of the applicable BYU education record to amend the record. The request should identify the part of the record requested to be changed and specify why the student believes it to be inaccurate, misleading or in violation of the student's privacy or other rights.
- The dean or supervisor of the university area maintaining the records shall promptly review the facts and seek to resolve the complaint by informal discussions with the student.
- If the dean or supervisor decides not to comply with the request, BYU will notify the student in writing.
- A student who disagrees with the decision has a right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights. Upon written request to the University Registrar, a hearing will be scheduled and the student will be provided reasonable advance notification of the date, place and time of the hearing. The hearing will be conducted by the University FERPA Committee consisting of three disinterested individuals appointed from the Office of the Dean of Students and the Office of the University Registrar or another appropriate custodian of the student education records. The student shall be afforded a meaningful opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may have one or two individuals, including an attorney, physically present at the hearing panel to confer with him or her. Because the hearing is not intended to be adversarial, however, such individuals will not be allowed to address the hearing panel nor advocate, unless specifically invited to do so by the Chair. The hearing panel will be advised on matters of procedure and law by the Office of the General Counsel. The hearing panel will prepare a written decision based solely on the evidence presented and/or considered at the hearing. The decision will include a summary of the evidence and the reasons for the decision.
- The hearing panel will strive to ascertain the truth and to make determinations that are reasonably supported by the evidence. Note: this hearing is an administrative proceeding and no attempt shall be made to apply the formal rules of evidence applicable in judicial proceedings. In general, any evidence, whether oral testimony or documentary, which is considered by the hearing panel to be relevant should be received subject to the discretion of the hearing panel to exclude frivolous, repetitive or merely cumulative testimony.
- If the hearing panel finds that the education record is not inaccurate, misleading, or in violation of the



student's right of privacy or other rights, the record will be maintained, but the student will be notified of the right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If BYU discloses the contested portion of the record, it will also disclose the statement. If the hearing panel decides that the education record is inaccurate, misleading or in violation of the student's right of privacy or other rights, it will amend the record and notify the student, in writing, that the record has been amended.

- Generally, the university will follow the procedural guidelines as outlined above. However, the procedures set forth above are merely guidelines and are not intended to create any contractual obligations or expectations. The university reserves the right, at its reasonable discretion, to vary these procedures according to the circumstances of individual matters, provided that the student is not significantly prejudiced.

## **INTERPRETATION**

Questions concerning the application of these procedures should be addressed to the Office of the Registrar, B-150 ASB, Provo, UT 84602. The Registrar, in consultation with the BYU Office of the General Counsel, will determine all questions of interpretation.

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