

(A) Introduction.

- (1) The purpose of the policy outlined in this document is to implement and comply with the provisions of the family educational rights and privacy act ("FERPA"). The university of Akron is committed to this policy.
- (2) In case any student believes that the university is violating "FERPA", the student has a right to file a complaint with the U. S. department of education. The address for a student to file a complaint is set forth in the annual notification published by the university via electronic mail.

(B) Definitions.

- (1) For purposes of this policy, the university uses the following definitions of terms.

university such as a candidate for admission, an alumnus, or a ~~post~~ graduate intern in another institution.

- (b) Education records. Any record (in handwriting, print, tape, film or maintained on any other medium) maintained by the university, an employee of the university, or an agent of the university which is directly related to a student, except:

- (i) A personal record kept by a university staff person or agent which meets the following test:

- (a) It was made as personal memory aid.

- (b) It is in the sole possession of the person who made it.

- (c) The information contained in it has never been revealed or made ~~to be~~ available to any other person.

- (ii) An employment record used only in relation to an individual's employoo21/--2(ou r)c0a

- (b) The student receives a grade or credit based upon his or her performance as an employee.
- (iii) Records connected with an individual's application for admission to the university prior to his or her actual attendance as an enrolled student. This includes records connected with an application for admission to one of the colleges within the university prior to the individual's actual enrollment and attendance in that college.
- (iv) Records which relate to an individual as an alumnus after the individual no longer attends or participates in an education activity for which the university awards a grade or credit.
- (v) Records maintained by the university police department used only for law enforcement purposes which shall only be disclosed as required by law. No university official or employee, other than persons involved with the university police department, shall have access to those law enforcement records.
- (vi) Records maintained by the university health services department used only

as health care, counseling, job placement or financial aid.

- (c) To officials of another school, upon written request by the student, in which a student seeks or intends to enroll.
- (d) To officials of the U.S. department of education, the comptroller general, and state and local educational authorities, in connection with certain state or federally supported education programs.
- (e) In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount or condition of the financial aid, or to enforce the terms and conditions of the aid.
- (f) If required by any Ohio law requiring disclosure that was adopted before November 19, 1974.
- (g) To organizations conducting certain studies for or on behalf of the university.
- (h) To accrediting organizations to carry out their functions.
- (i) To parents of an eligible student who claim the student as a dependent for income tax purposes. Parents will be required to provide documentation of this relationship. Such documentation includes, but is not limited to, a sworn affidavit stating the relevant facts and a copy of tax returns from the year(s) in question. This information should be provided to the "FERPA" coordinator.
- (j) To comply with a judicial order or a lawfully issued subpoena.
- (k) To appropriate parties in a health or safety emergency.
- (l) Directory information so designated by the university.
- (m) The result of any disciplinary proceeding conducted by the university against an alleged perpetrator of a crime of violence to the alleged victim of the crime upon request.
- (n) Location of educational records.

Type	Location	Custodian
admission records (undergraduate)	"Simmons" hall	director, undergraduate admissions

records.

- (3) The "FERPA" coordinator will make the needed arrangements and advise the student when and where the records will be available. The procedure will be completed as promptly as possible; but, in all cases the student will be permitted to inspect the record within fortyfive calendar days after the "FERPA" coordinator receives the student's request.
 - (4) When a record contains personally identifiable information about more than one student, a student may inspect only that information that relates to him or her.
 - (5) The university reserves the right to refuse to permit a student to inspect and review the following education records:
 - (a) The financial statement of the student's parents.
 - (b) Statements and records of recommendation prepared by university officials or submitted with the student's application for admission which were placed in the student's records before January 1, 1975, or which the student has waived his or her right of access in writing. Except that, if the above mentioned statement's letters have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them.
 - (c) Those records which are excluded from the definition of education records under policy.
- (E) Fees for copies of records.
- (1) The university will charge five cents per page for the reproduction and mailing of education records made available to the student, with mailing charges being additional. Such copies will not be signed or certified by the university in any way.
 - (2) The university reserves the right to deny transcripts or copies of records not required by "FERPA" in any of the following situations:
 - (a) The student has an unpaid financial obligation to the university.
 - (b) There is an unresolved disciplinary action pending against the student.
 - (c) While there is unresolved litigation between the student and the university.
 - (3) The university will furnish, at no cost, copies of records involved in a request to change them when the university asks the student to make a written request for the change.

directory information, will maintain in his or her office a record of these actions. This record will be the university's record of request and disclosures from education records as required by the code of federal regulations promulgated under "FERPA."

- (2) This record of request for and disclosures made from education records will be available only through the "FERPA" coordinator or the record custodians, the student or through federal, state or local officials for the purposes of auditing or enforcing the conditions of federally supported educational programs.
- (3) The record will include at a minimum
 - (a) The name of the person or agency that made the request
 - (b) The interest the person or agency had in the information
 - (c) The date the person or agency made the request
 - (d) Whether the request was granted and, if it was, the date access was permitted or

- (a) Provide the requestor a copy of the questioned record at no cost.
 - (b) Ask the requestor to initiate and provide the custodian a written request for the change.
- (5) The written request should at least identify the item the requestor believes is incorrect and state whether:
- (a) Is inaccurate and why.
 - (b) Is misleading and why.
 - (c) Violates the privacy or other rights of the student and why.
- (6) The requestor must date and sign the request.
- (7) The record custodian will then add material to support his or her refusal to change the record pursuant to the request and send it to the "FERPA" coordinator. The "FERPA" coordinator will examine the request, discuss it with appropriate university officials, the university's general counsel and other persons who might have an interest in the questioned item. At the conclusion of the investigation, the "FERPA" coordinator will summarize his or her findings, make a recommendation

- ~~(e)~~(d) Notice that he or she may request a hearing.
- (10) The "FERPA" coordinator will report to the university president or its designee if the requestor asks for a hearing and recommends a hearing officer, time and place. The president or its designee will formally appoint a hearing officer and advise the "FERPA" coordinator of the appointment. The "FERPA" coordinator will then arrange for the place, set a time for the hearing, and notify the requestor of the arrangements.
- (11) At the hearing, the requestor will be allowed a full and fair opportunity to present evidence and testimony to support his or her belief that the challenged material in his or her education record is inaccurate, misleading or in violation of the privacy or other rights of students. The university reserves the right to challenge evidence and cross-examine witnesses, and it will allow the requestor to challenge evidence it presents and cross-examine witnesses called in the hearing.
- (12) Within two weeks after the hearing, the hearing officer will prepare a summary of the evidence presented at the hearing and make a recommendation, based solely on evidence presented at the hearing, concerning the request to change the record. The hearing officer will present the summary of the evidence and a recommendation to the university president or its designee.
- (13) The university president or its designee will advise the "FERPA" coordinator of the university's decision and provide the coordinator with a copy of the summary of the evidence presented at the hearing.
- (14) If the university's decision is that it should change the student's record, the "FERPA" coordinator will advise the record custodian to make the change. The coordinator will then advise the requestor in writing outlining the exact changes which the custodian will make.
- (15) If the university decides that it will not change the record, the "FERPA" coordinator will provide a written notice to the requestor. That notice will include:
- (a) The university's decision not to change the record.
 - (b) A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the university's decision.
 - (c) Advice to the requestor that he or she may place in the record his or her explanatory statement giving any reasons he or she may have for disagreeing with the university's decision and the basis for his or her belief that the record is incorrect.

(16) When the university received an explanatory statement from a requestor after a hearing, it will maintain the statement as part of the student's education record as long as it maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

(I) Availability of Policies.

A copy of this policy will be available for student review in the office of general counsel of the university. Free copies will be made available to students upon request to the "FERPA" coordinator.

Replaces: 3359-11-08

Effective: 01/31/2015

Certification:

Ted A. Mallo
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359.01

Rule Amplifies: 3359.01

Prior Effective Dates: 08/27/96, 01/06/98, 05/03/99, 01/17/03, 05/28/05,
06/25/07, 03/24/08