



EAST TENNESSEE STATE
UNIVERSITY

Student Education Records Policy

Policy Name: Student Education Records Policy

Policy Purpose

This policy specifies what is considered a student Education Record and Confidential Information.

Applicability

This policy applies to all students enrolled or previously enrolled at ETSU and all ETSU employees.

Responsible Official, Office, and Interpretation

The Registrar is responsible for the review and revision of this policy. For questions about this policy, please contact the Office of the Registrar. The Provost, in consultation with the Office of University Counsel, has the final authority to interpret this policy.

Defined Terms

A defined term has a specific meaning within the context of this policy.

Access

The right to inspect and review an Education Record during university business hours. If circumstances effectively prevent a student from exercising the right to inspect and review Education Records, “Access” may also include the student’s right to obtain copies of the Education Record. Pursuant to ETSU’s [Rule 0240-06-05 on Public Records](#), Access does not include records made confidential by the Tennessee Public Records Act T.C.A. §§ 10-7-501 et seq. or other state law, or records ETSU is required to keep confidential by federal statute or regulation as a condition for receipt of federal funds or for participation in a federally funded program.

Confidential Information

Under T.C.A. § 10-7-504(a)(4), this includes records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing.

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Directory Information

Information contained in a Student's Education Record that would not generally be considered harmful or an invasion of privacy if disclosed. The University has designated the following as directory information: name; phone numbers; email address; mailing address; campus box address; major; enrollment status; dates of attendance; classification; previous institution(s) attended; awards and honors (including Dean's List); degrees conferred (including dates); and sports participation information.

Education Record

Records, files, documents, and other materials that: (1) contain information directly related to a student; and (2) are maintained by the University or by a person acting for the University. FERPA does not include the following items as part of the Education Record: (1) personal notes; (2) records maintained by law enforcement personnel solely for law enforcement purposes; (3) employment records (except those of student employees); (4) treatment records; (5) records containing only information relating to a person after that person is no longer a student at the University (e.g., a record of accomplishments of an alum of the University); and (6) grades on peer-reviewed papers before they are collected and recorded by a teacher.

Education Records do not include information disclosed to East Tennessee State School Officials and staff who have Legitimate Educational Interests, officials of other schools in which the student seeks or intends to enroll, appropriate persons in connection with a student's application for or receipt of financial aid, Federal or State officials as defined in the FERPA regulations, organizations conducting studies for or providing service for, or on behalf of, East Tennessee State University for the purpose of assisting in accomplishing the University's mission, and when such information will be used only by such organizations and subsequently destroyed when no longer needed for the intended purpose, accrediting organizations to carry out their accrediting functions, parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986, the courts, in compliance with judicial order or subpoena, appropriate persons in connection with an emergency if knowledge is necessary to protect the health or safety of a student or other persons. It also does not include the final results of the disciplinary proceeding to the victim of an alleged perpetrator of a crime of violence or a non-forceable sex offense, the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of any crime of violence or a non-forcible sex offense, if the University determines as a result of the disciplinary proceeding that the

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student committed a violation of ETSU's rules or policies with respect to such crime or offense, notification to a parent or legal guardian of a student who is younger than 21 and is found guilty of a university disciplinary violation governing the use or possession of alcohol or drugs.

Legitimate Educational Interests

A School Official has a Legitimate Educational Interest if the official needs to review an Education Record in order to fulfill his or her professional responsibilities to the University. This includes interests that are essential to the general process of higher education prescribed by various legislative acts and the body of policy adopted by the governing board, such as teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, and academic assistance activities. In addition, the University officially recognizes appropriate co-curricular activities which are generally supportive of overall goals of the institution and contribute to the general well-being of the entire student body and specifically to include varsity and intramural sports, social fraternities and sororities, honorary and academic fraternities and sororities, departmental clubs, professional fraternities, special interest clubs and student government.

Official Custodian

School Officials maintaining Education Records. The offices that are most likely to maintain Education Records are the Registrar, Office of the Provost, Office of Student Life and Enrollment, Office of Administration, Senior Vice President for Academic Affairs, Senior Vice President for Academics, and Office of Business and Finance. All University offices and officials are listed in the [ETSU Organizational Charts](#).

Personally Identifiable Information

Information including, but not limited to: The name of the student's parent or other family members; The address of the student or student's family; A personal identifier, such as the student's social security number, student number, or biometric record; Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or Information requested by a person who ETSU reasonably believes knows the identity of the student to whom the education record relates.

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School Official

A person employed by East Tennessee State University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks; or a contractor, consultant, volunteer, or other outside party to whom the University has outsourced University services or functions that would otherwise be performed by University employees, if the party under the direct control of the University with respect to the use and maintenance of PII from education records, and the party is subject to the same conditions governing the use and redisclosure of education records that apply to other school officials.

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East Tennessee State University (ETSU) makes every effort to comply with the Family Educational Rights and Privacy Act of 1974 as amended, 20.U.S.C. 1232g, and the rules of the U.S. Department of Education, 34 C.F.R. Part 99 (collectively hereinafter referred to as FERPA), as well as T.C.A. § 10-7-504(a)(4) concerning the confidentiality of Student Education Records and Confidential Information.

ETSU employees must comply with FERPA and T.C.A. § 10-7-504(a)(4) regarding Education Records and Confidential Information. Violations of this policy may result in disciplinary action, including and up to termination.

Students shall be informed annually of their rights related to their Education Records. Confidential Records may be destroyed pursuant to the University's [Records Disposal Policy](#), except that, upon request, a student shall be granted Access prior to destruction.

1. Access to Education Records.

ETSU shall not permit Access to, or the release of, any Education Record of any student without the prior written consent of the student, unless the consent is not required pursuant to FERPA, T.C.A § 10-7-504, or this policy.

1.1 Student Access.

Except as provided by FERPA, ETSU shall provide students with Access to their Education Records. A student's right of Access to Education Records does not include access to a parent's financial records, confidential letters, and confidential statements of recommendation which were placed in ETSU's records prior to January 1, 1975 as long as the statements are used only for the purposes for which they are specifically intended, confidential letters, and confidential statements of recommendation placed in the student's education records after January 1, 1975 respecting their admission to ETSU, application for employment, or receipt of an honor or honorary recognition if the student has waived their right to inspect and review those letters and statements. ETSU shall not require students to waive access rights, but a party from which a recommendation is sought may require such a waiver. A student shall not be permitted to inspect records that personally identify other students, even if the student is personally identified. In such case, the student shall be informed of the information contained in the record.

To request access to their Education Record, a student must submit to the Office of the Registrar, Dean, Department, or other appropriate official, a written request that

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identifies the record(s) the student wishes to inspect. The School Official will make access arrangements and notify the student of the time and place where the records may be inspected. If the records are not maintained by the School Official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. Access will be provided within a reasonable time not to exceed forty-five (45) calendar days from the date the request was received by ETSU.

1.2 Eligible Access.

The parent of a minor student or a parent, guardian, or individual acting as a parent in the absence of a parent or guardian, who meets the requirements of Section 152 of the Internal Revenue Code, may access a student's Education Record.

To request access to their child's Education Record, a parent, guardian, or individual acting as a parent must submit to the Office of the Registrar, Dean, Department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The School Official will make access arrangements and notify the requestor of the time and place where the records may be inspected. If the records are not maintained by the School Official to whom the request was submitted, that official shall advise who is the correct official to whom the request should be addressed. Access will be provided within a reasonable time not to exceed forty-five (45) calendar days from the date the request was received by ETSU.

1.3 Third Party Access.

A student may elect to release their Confidential Information or Education Record to a specific third-party by completing a [First Mate Form or by providing a written authorization to the appropriate School Official](#). The written authorization must include; (1) third party who may receive the information; (2) the record(s) that may be disclosed to the third party; (3) the purpose of the disclosure; and (4) must be signed and dated by the student or if the student is a minor by their parent.

1.4 Exceptions.

A third-party requesting access to a student's Education Record must submit the request in writing and include a statement as to the reason for the request.

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The appropriate official receiving the request will determine, in consultation with the University Counsel, as necessary, whether Access to the requested information is permissible under FERPA and Tennessee law. If the official determines that Access to either the entire record requested or a portion of that record is not permissible, the official will notify the requestor of the denial and the basis on which such denial is being made. If Access is permissible, the official will make arrangements at a reasonable time and place and notify the requester of the time and place where the records may be inspected.

Requests for inspection under T.C.A. § 10-7-503 may also be made using the Public Records Request Form. Requests for copies may only be made in writing using the [Public Records Request Form](#). Access will be granted or denied based on the law. Access will not be granted to Confidential Information in a student's Education Record.

1.5 Employee Access to Student Records.

In the event, a School Official or staff member needs access to Confidential Information related to a Student Record, the requesting employee must submit a written request to the Office of the Registrar or the department with the record. The employee must include a Legitimate Educational Interest for needing access to the information. Access to Confidential Information will be granted on a case-by-case basis, after consulting with the Office of University Counsel. If the information is released to the employee, the employee may not release it to any other person and shall at all times keep the information received confidential. Release of said information is a violation of this policy.

2. Directory Information

Directory Information may be disclosed by ETSU to any party for any purpose without the student's prior written consent. ETSU shall notify students annually of their rights regarding Directory Information. If a student does not want Directory Information released, the student must submit [Request to Prevent Disclosure of Directory Information](#) to the Office of the Registrar. This form is available at the Office of the Registrar and must be submitted no later than the last day to add a course for the Fall term. A new form for non-disclosure must be completed each academic year. A form submitted during the last term a student enrolls will remain in effect until the student re-enrolls.

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3. Records of Disclosures.

Except in circumstances where the custodian of the Education Record discloses an Education Record to School Officials who have Legitimate Educational Interests, prior written consent is obtained, disclosure of Directory Information, or any other circumstances excepted by FERPA, the official that discloses the record will make a record, as defined by 34 CFR 99.32, of such disclosure and maintain the record with the student's Education Record.

4. Amendment to Education Records.

Except as provided in 34 C.F.R. Part 99, ETSU shall provide students the right to request an amendment to their Education Record. To request an amendment, the student submits a written request to the School Official responsible for the record. The request must describe the change and why it is needed. Requests may be made related to the accuracy of an Education Record are permitted, but not for the judgments the records contain. For example, the accuracy of the recording of an earned grade may be challenged, but the grade itself may not be challenged under the process in this policy.

If ETSU does not amend the record, the applicable School Official will notify the student in writing of the decision and the student's right to request a hearing. If the student elects a hearing, ETSU will inform the student in writing of the committee's decision after the hearing. If ETSU denies the student's request to amend their record, ETSU will inform the student of the right to place in the Education Record a statement commenting upon the information at issue. The committee's decision is final.

5. Complaints.

Students wishing to allege violations of FERPA by employees of the University may file a complaint with either East Tennessee State University, Office of the Registrar, or the Family Policy Compliance Office, U.S. Department of Education.

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Procedures

1. Requesting a Hearing to Challenge the Content of an Education Record.

Upon receipt of a denial to amend an Education Record, the student may file a request in writing for a hearing. The request is filed with the Office of the Registrar within ten (10) business days of receipt of the appropriate Official Custodian's denial of the request to amend the record.

2. Appointment of Committee.

The Registrar appoints a committee consisting of four Official Custodians (none of whom is the Official Custodian of the Record in question), with one of the four designated as chair, and the committee designates a time and place for the first meeting and inform the student of the same.

3. Hearing.

The committee will convene within forty-five (45) calendar days from the date of the request. At the hearing, the student or the student's parents if the student is a minor, presents their reasons for appeal and any relevant evidence. If the student is unable to attend, they may submit a written statement for their reason for appeal. The Official Custodian, who originally denied the request, explains their reason for denying the request.

4. Decision.

The committee provides a written decision to the student within 15 business days after the hearing, which will include a summary of the evidence and reasons for the decision and notification of the student's right to place a statement in the Education Record.

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Applicable Forms and Websites

Authority and Revisions

Authority: Focus Act TCA § 49-8-203 et seq.; TCA § 10-7-504(a)(4); the Family Educational Rights and Privacy Act of 1974 as amended, 20.U.S.C. § 1232g; 34 C.F.R. Part § 99.

Previous Policy: *Confidentiality of Student Records*; Board of Trustees - 3/24/2017

The ETSU Board of Trustees is charged with policy making pursuant to TCA § 49-8-203, et seq. On March 24, 2017, the Board delegated its authority to ETSU's President to establish certain policies and procedures for educational program and other operations of the University, including this policy. The delegation of authority and required process for revision to this policy can be found on the [Policy Development and Rule Making Policy webpage](#).

To suggest a revision to this policy, please contact the responsible official indicated in this policy. Before a substantive change to the policy section may take effect, the requested changes must be: (1) approved by the responsible office; (2) reviewed by the Office of University Counsel for legal sufficiency; (3) posted for public comment; (4) approved by either Academic Council or University Council; and (5) approved by ETSU's President.