

Faculty Senate Resolution #12-12

Approved by the Faculty Senate: January 24, 2012

Approved by the Chancellor: February 27, 2012

Proposed revisions to the *ECU Faculty Manual*, Part V. Section I.A. Access to Student Educational Records

Additions are noted in **bold** print and deletions in ~~strikethrough~~.

Revise and retain in the Faculty Manual.

A. Access to Student Educational Records

The university administers student educational records in accordance with the provisions of the Family Educational Rights and Privacy Act, also known as the Buckley Amendment or FERPA. This regulation provides that the student has a right of access to student educational records maintained by the university or any department or unit within the university, subject to certain exceptions which are outlined in this regulation maintained. This regulation also protects the confidentiality of personally identifiable information in student records. Except to the extent allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this regulation is maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this regulation and comply with its provisions.

- ~~—In compliance with the Family Educational Rights and Privacy Act of 1974, it is the policy of the university that students have the following rights in regard to official educational records maintained by the university:~~
- ~~1. Each student has the right to inspect and review any and all official educational records, files, and data maintained by the university and directly related to the student.~~
 - ~~2. The university will comply with the request from a student to review his or her records within a reasonable time but in any event not more than forty-five days after the request is made. Any inquiry pertaining to student records should be directed to the Office of the Registrar.~~
 - ~~3. A student who believes that his or her educational records contain inaccuracies or misleading information or that his or her right of privacy is violated on the basis of information contained in such records has the right to a hearing to challenge such information and to have it removed from his or her record or to include in the record his or her own statement of explanation. Any complaint pertaining to student records should be made directly to the office of the University Attorney.~~
 - ~~4. The university will not release any information from student records to anyone except those agencies noted below in item 5. without the prior written consent of the student. The consent must specify the records or information to be released, the reasons for the release, and the identity of the recipient of the records.~~
 - ~~5. Information from the student's records may be released without the written consent of the student in the following situations:~~
 - ~~a. in compliance with a court order or subpoena provided the student is notified of all such orders or subpoenas in advance of compliance by the university~~
 - ~~b. a request from the staff or faculty of the university who have a legitimate educational interest in the information or administrative duties which require the maintenance of records~~
 - ~~c. requests from other departments or educational agencies who have legitimate educational interest in the information~~
 - ~~d. requests from officials of other colleges or universities at which the student intends to enroll provided the student is furnished with a copy, if he or she so desires, so that he or she may have an opportunity to challenge the contents of the record~~
 - ~~e. requests from authorized representatives of the US comptroller general or the administrative head of a federal educational agency, in connection with an order or evaluation of federally supported educational programs~~
 - ~~f. requests in connection with a student's application for receipt of financial aid~~
 - ~~9. requests from parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954~~

~~h. requests from appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons. A student has the right to file a complaint at any time with the US Department of Education. However, it is expected that the student normally would exhaust the administrative remedies for relief available to him or her according to the university grievance procedures before filing such a complaint. See Privacy of Student Educational Records, Part V.I.O. for more information.~~