

AZUSA PACIFIC UNIVERSITY

POLICIES AND PROCEDURES

Title: Privacy of Education Records Policy
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Replacing Policy Number: No prior policy
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Issuing Authority: Office of the President
Responsible Office: Graduate and Professional Registrar, Undergraduate Registrar
("Registrars")

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Policy Statement

Azusa Pacific University (the "University" or "APU") recognizes that the protection of the rights of students requires adherence to clearly formulated institutional policies governing the maintenance of student records. As provided more fully below, the privacy and confidentiality of all student records shall be preserved. Administrators, members of the faculty, staff, and student workers of the University are morally bound to respect the rights of a student to good reputation and privacy by holding in confidence information they acquire in the course of their work.

Definitions

- A. A student:** any person who attends or has attended the University.
- B. Education records:** any records maintained by the University or an agent of the University which are directly related to a student except:
1. A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record and is not used for purposes other than a memory or reference tool.
 2. Records created and maintained by a University law enforcement unit for law enforcement purposes.
 3. An employment record of an individual, who is not employed as a result of his or her status as a student that is maintained in the ordinary course of business, that relates exclusively to the individual in that individual's capacity as an employee, and that is not available for use for any other purpose.

4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.

5. Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.

Federal Student Records Law

Annually, the University informs students of the Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67). This act, with which the institution endeavors to fully comply, was designed to protect the privacy of educational records, and to establish the right of students to inspect and review their nonprivileged educational records. The act also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the institution to comply with the act. An informal complaint may be filed within the institution by contacting the relevant Registrar. This University policy statement explains in detail the procedures to be used by the institution for compliance with the provisions of the act. Questions concerning the Family Educational Rights and Privacy Act may be referred to the Registrars or the Office of the General Counsel.

This Policy is intended to implement FERPA and its implementing regulations. To the extent that this Policy is in conflict, FERPA and its implementing regulations shall apply and govern the conduct of APU officials.

University Maintained Education Records

The education records maintained by the University are classified as follows. Any education records not described below will be maintained in the office designated by the Registrars.

1. Official academic records are maintained in the offices of the Registrars. They include admissions applications and associated documentation; the registration records for each semester in residence; the records of grades and credits received in courses at this University or accepted here from another institution; and other documents directly relating to academic progress and status. The dean of each school or college is the custodian of records for all school and departmental records regarding students that are not kept in the registrar's office. Records regarding grievances filed pursuant to the Graduate and Professional Grievance Policy and Undergraduate Grievance Policies are maintained by the applicable Vice Provost.
2. Disciplinary records for traditional undergraduate students are maintained under the authority of the Vice President for Student Life. They include information about the investigation, adjudication and imposition of sanctions by the University against a

student for breach of the University's Student Standards of Conduct or other written policies. Disciplinary records do not include work product or thought processes of University adjudicators or student complaints made to a law enforcement unit of the University or that resulted in an investigation.

3. Academic integrity records for traditional undergraduate students are maintained by the Vice Provost and any academic integrity records for graduate and professional students are maintained by the graduate and professional department chairs.
4. Student account and financial aid records are maintained by the relevant office of Student Financial Services. All required financial aid forms, including tax forms, are maintained by those offices.
5. Employment records of students who are employed as a result of their status as students (a) consist of records maintained in the Office of Student Employment and in the department where employed, and (b) for students receiving financial aid, also consist of work-study authorizations and are maintained by the relevant Office of Student Financial Services.
6. Medical, psychological and counseling records are maintained under the authority of the Vice President for Student Life. They include records of examinations and treatments.
7. Student disability records are maintained by the Learning Enrichment Center. They include the accommodation memo and any medical and mental health records originally provided by the student.

Student educational records maintained on the computing systems and networks managed by Azusa Pacific University ("APU Network") are fully covered by this policy. However, not all electronic records identifying students are "maintained" under FERPA. E-mails, for example, are not maintained under FERPA unless they are printed and placed in a student's hard copy file or scanned to an electronically-maintained student file. Users of the APU Network are considered custodians of those student records to which they have access. Records must not be accessed by the user unless a legitimate educational interest exists or some other provision of the policy authorizing release applies. The process for managing access to student educational records in the APU Network, the security of such records, and training expectations for those who access such records is set forth in a separate document entitled APU FERPA Manual: Information for APU Faculty and Staff, which is available to employees on the APU FERPA website.

No record shall be kept of the political views of students or of student membership in any organization other than academic, honorary, professional and social organizations directly related to University life. Records maintained by student organizations are not considered University records, but such organizations are expected to protect students from unwarranted invasions of privacy and to permit them to have access to their records.

Student Access to Records

Access to a student's official academic record, disciplinary record and financial aid record is guaranteed to him or her subject only to reasonable regulation as to time, place and supervision with the following exceptions:

1. Any and all documents written or solicited prior to Jan. 1, 1975, on the presumption that they were intended to remain confidential and privileged.
2. Any and all documents to which access has been waived by the student. Since documents written or solicited after Jan. 1, 1975, may be kept confidential only if the student has waived access thereto in writing, a form of waiver shall be provided for the voluntary use of applicants in their request for recommendations. Any recommendation submitted under condition of confidentiality but without written waiver of access by the applicant shall be returned to the sender. The placement records maintained by the Office of Career Services may be inspected by the subject of the file, with the exception of recommendations or evaluations which have been received with the student's written waiver of access.
3. Any and all records which are excluded from the FERPA definition of "education records".
4. Any and all financial data and income tax forms submitted in confidence by the student's parents in connection with an application for, or receipt of, financial aid.
5. Any and all records connected with an application to attend the University, or a component unit of the University if that application was denied, or accepted and the applicant never enrolled. FERPA rights are provided only to applicants upon actual acceptance and subsequent enrollment.
6. Those records which contain information on more than one student. The requesting student has the right to view only those portions of the record which pertain to his or her own educational records.

Student inspection of records is granted only upon written request, presented in person with appropriate identification, and must be made in the presence of designated personnel of the office maintaining the records. All requests shall be granted as soon as practicable, but in no event later than 45 calendar days after the date of request. No documents or files may be altered or removed once a request has been filed; however, non-education records may be removed and records that identify other students may be redacted.

A student may receive a copy of any and all records to which he or she has lawful access, upon payment of the announced fee except when a hold has been placed on his or her record pending the payment of debts owed the University, or when he or she requests a copy of a transcript, the original of which is held elsewhere.

Challenge Hearings

If, upon inspection and review of his or her record, the student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she may ask that the record be changed or may insert a statement in the file. Any disagreement should be resolved informally, if possible.

Only the registrar, upon consultation with the respective dean, may authorize a correction in a record within the academic file of a student. Similar responsibility is exercised by the Vice Provost, Vice President for Student Life, the Vice President for Enrollment Management/Chief Enrollment Officer, the respective departmental deans and the Executive Director of Human Resources for the records which are maintained under their authority.

Should the request for a change or to insert a statement be denied the student will be notified of the University's decisions and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The student has 30 days to appeal the decision to the Provost and ask for a hearing. On behalf of the President of the University, the Provost shall refer the appeal to an existing committee or designate a hearing committee. The latter will include one administrator other than the one who has denied the request, two faculty members and two students. The University will notify the student, reasonably in advance, of the date, place and time of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the student's original request to amend the student's education records. The University will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision of the hearing committee shall be final. If as a result of the hearing, the University decides that the challenged information in the student's education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the chair of the hearing committee shall advise the student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the University.

Addition to Records

No entry may be made on a student's official records and no document or entry may be placed in such records without written notice to the student by the responsible administrative officials mentioned above.

Notification of grades, written communication to a student of school or departmental evaluation and announcement of honors constitute adequate notice. A document or entry supplied by or at the request of the student may be placed in the student's record without additional notice to him/her. In the case of student records maintained in deans' offices and departmental offices, additions other than those mentioned in this paragraph require the permission of the Registrar,

who is responsible for notification of the student.

Release of Information

A. **When Written Consent Is Not Required.** The University will disclose information from a student's education records only with the written consent of the student, except that the records may be disclosed without consent when the disclosure is:

1. To school officials who have a legitimate educational interest in the records. A school official is:
 - A person employed by the University in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
 - A person elected to the Board of Trustees.
 - A person or entity employed by or under contract to the University to perform a special task, such as an attorney, auditor or outside vendor.
 - A person who is employed by the University law enforcement unit.
 - A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

A school official has a legitimate education interest if the official is:

- Performing a task that is specified in his or her position description or contract agreement, or that law, regulation, or school policy or procedure requires to be performed by the official.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
- Maintaining the safety and security of the campus.

The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis. When the custodian has any question regarding the request the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released. Student educational records may not be used for marketing purposes without the written consent of any students who would be identified in such disclosures.

2. To officials of another school, upon request, in which a student is enrolled or seeks or intends to enroll. The student shall receive notification of the disclosure unless the student initiated the disclosure.

3. Subject to the conditions set forth in 34 CFR 99.35 authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education,

authorized representatives of the attorney general for law enforcement purposes (investigation or enforcement of federal legal requirements of federally supported education programs), or state and local educational authorities.

4. To school officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received , if the information is necessary for such purposes as to:

- Determine eligibility for the aid;
- Determine the amount of the aid;
- Determine the conditions for the aid; or
- Enforce the terms and conditions of the aid

5. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

6. To accrediting organizations in order to carry out their accrediting functions.

7. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. The parents must provide a copy of their most recent federal income tax return establishing the student's dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights. APU does not have an obligation to disclose any financial information about one parent to another. If a parent claims a student as a dependent and does not want his/her financial information disclosed to his/her spouse or former spouse, the parent may make that request to the institution.

8. In connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.

9. To comply with a judicial order or lawfully issued subpoena, provided the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the University receives a federal grand jury subpoena or any other subpoena which states that the student should not be notified. The Office of the General Counsel shall be consulted prior to release of the record. See below for further details on the University's policy in dealing with subpoenas.

10. To an alleged victim of any crime of violence as that term is defined in Section 16 of Title 18, United States Code, or a nonforcible sex offense, the final results of any disciplinary

proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense. The Office of the General Counsel shall be consulted prior to release of the record.

11. To Veterans Administration Officials pursuant to 38 USC 3690(c).

12. Information the University has designated as “directory information,” unless a hold has been placed upon the release of the information by the student. The following data is considered to be directory information and may be given to an inquirer, either in person, by mail or by telephone, and may be otherwise made public: name of student, e-mail address, telephone number (both local and permanent), photographs, dates of registered attendance, enrollment status (e.g. full-time or part-time), school or division of enrollment, major field of study, nature and dates of degrees and awards received, participation in officially recognized activities and sports, and weight and height of members of athletic teams. As a matter of California law, the student’s address and class schedules may not be disclosed as “directory information”.

The policy that such information will be made generally available will be communicated to presently enrolled students through the publication of these guidelines. An individual student currently enrolled may request that such directory information not be disclosed by completing the Student Request to Release Directory and/or Education Records form which is available online and giving the form to the Registrar for their program. By default, only a student’s campus e-mail address will be displayed on the APU web page. If a student wishes to release more, less or different information, he/she may do so by logging into home.apu.edu and changing the displayed information, or specifying that no information be displayed.

13. To the court those records that are necessary to defend the institution when a student initiates legal action against the institution. The Office of the General Counsel must make the determination as to which records should be disclosed to the court.

B. What Constitutes Written Consent. A student may authorize the disclosure of specified information from their educational records by indicating this on the self-service FERPA section of the PeopleSoft student system (accessible through home.apu.edu) and may revoke such consent by the same means. In all instances where written consent is required, this online system satisfies the requirement of such; it specifies the records that may be disclosed, the purpose of the disclosure, and the parties or class of parties to whom disclosure may be made.

C. Provisions Concerning Specific Records. A transcript of a student’s official academic record contains information about his or her academic attainment and status exclusively. Only the Registrar is authorized to issue transcripts or to certify in any way the official academic record of a student. An official transcript is issued only when requested by the student through Azusa Pacific University’s online transcript request system.

Where a student has not approved a release of information, copies of transcripts, like other record information, may be issued to parents of a student only when financial dependency of the student on the parent, as that phrase is defined in the Internal Revenue Code, has been proven. Copies may also be issued with the written consent of the student as indicated upon his or her registration form or application for financial aid, to persons or agencies financially responsible for a student's tuition, such as a governmental agency or a scholarship fund.

In general, information from disciplinary records, as defined above, shall not be made available to persons on or off campus, without the express consent of the nondependent student involved. A number of exceptions exist. Disciplinary records may be released without the student's permission:

1. To administrators within the Office of Student Life or Graduate/Professional Student Services;
2. Pursuant to legal process as defined herein, or
3. To APU school officials or to school officials at other institutions who have been determined to have a legitimate educational interest in the behavior of the student, when the education records contain information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students or members of the school community.

In addition to those instances noted above, the University has the discretion to disclose the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of any crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a nonforcible sex offense if the university determines as a result of the disciplinary proceeding that the student committed a violation of the University's rules or policies with respect to such crime or offense.

For the purpose of disclosure under this section, the final results of any disciplinary proceeding shall include only the name of the student, the violation committed and any sanction imposed by the institution on that student and may include the name of any other student, such as a victim or witness, only with the written consent of that other student. The University also has the discretion to disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

Information from financial aid and employment records, as defined above, shall not be made available to anyone without the prior express written consent of the student involved except to confirm employment or to supply appropriate references to subsequent employers upon request of the student. Any and all financial data and income tax forms submitted in confidence by the student's parents shall not be released without their prior express written consent.

Medical, psychological and counseling records, as defined in Section II.B.4 above, are governed by the strictest canons of professional conduct and confidentiality. Information from these records shall not be made available to anyone other than the persons providing the medical, psychological and counseling treatment except that they can be reviewed by a physician or other appropriate professional of a student's choice. Nothing in this provision is intended to deny a student the right to inspect medical, counseling or psychological records as provided under California or federal law.

D. **Legal Process.** Persons from outside the academic community shall not be permitted personal access to a student's records or greater information than provided herein or in FERPA without the prior express written consent of the student or unless subpoena, judicial order or other legal process is served on the University or unless release is pursuant to disciplinary exception stated above. The University will comply with such process only upon the advice of counsel. To fully protect the confidentiality of student records, APU, upon receipt of a subpoena in the Office of the General Counsel, will evaluate the validity of the subpoena, and in the case of a subpoena which can be disclosed to a student, the Office of the General Counsel will inform the student of the subpoena and give the student an opportunity to resist the subpoena.

E. **Conditions For Disclosure.** Education Records shall be disclosed to a third party only on the condition that such a party will not permit any other party to have access to such information without the written consent of the student.

Recordkeeping Requirements

The University will maintain a record of requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom it may be re-disclosed, and the legitimate interest the additional party had in requesting or obtaining the information. The record may be reviewed by the student. This recordkeeping is not required if the request was from, or the disclosure was to:

- The student;
- A school official determined to have a legitimate educational interest;
- A party with written consent from the student;
- A party seeking directory information; or
- A federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

Information about this Policy as Noted above

The Office of the General Counsel and the Registrars will maintain general information concerning the federal law and the University's policy as contained in these guidelines. Additional information on FERPA, including online access to the law and regulations is

available at <http://www.apu.edu/generalcounsel/>. The Registrars will refer students desirous of examining their records to the office of the appropriate administrative official.