



## The University of Toledo - Main Campus Policy

### **IV-2 3360-30-02 Policy on confidentiality of student records.**

#### (A) Introduction

The Family Educational Rights and Privacy Act of 1974, as amended, (the Act) is a federal law which requires that a written institutional policy complying with the Act be established and that a statement of adopted procedures covering the privacy rights of students be published. Reinforcing longstanding institutional policy, the Act and other laws require The University of Toledo to maintain the confidentiality of student educational records except as noted below. The University registrar is primarily responsible for the administration of this policy at The University of Toledo. Copies of this policy, the Act, and related laws and regulations may be reviewed in the Registrar's Office. This policy also conforms to the requirements of the Ohio Privacy Act, as amended.

#### (B) Definitions

The following definitions are applicable:

##### (1) Student

A student is any individual currently enrolled in any University academic offering. The term does not include applicants to any University program.

##### (2) Dependent students

The definition contained in the applicable provisions of the United States Internal Revenue Code of 1954, as amended, is adopted herein by reference. No student shall be presumed to be a dependent student.

##### (3) Student educational records

Student educational records include all records maintained by the University concerning a student, including admissions, academic, financial, and placement records. Student educational records do not include records maintained for law enforcement purposes which are kept separate and apart from academic, financial and placement records. Educational records include a university maintained list of requests by persons and offices external to the University for disclosure of educational records. The list will also indicate the basis upon which any disclosure is made.

After January 1, 1991, The University of Toledo placement and career services credential service will accept only letters of reference that are open for review by the candidate. The office will continue to honor confidential letters of reference submitted prior to January 1, 1991.

Educational records do not include:

- (a) Records of instructional, administrative, and educational personnel which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute,
- (b) The records of the department of campus security,
- (c) Student health records and certain records maintained by the University counseling center,
- (d) Employment records, or
- (e) Alumni records.

(4) Administrative personnel

Administrative personnel are those persons with supervisory or staff responsibility charged with the management of the University, or a part thereof, as well as those staff members assigned to maintain student educational records.

(5) Academic personnel

Academic personnel are those persons holding regular or adjunct appointments to the faculty of The University of Toledo.

(6) Need to know

Need to know means the necessity of knowing, due to a normal and customary need or function or pursuant to a University rule, regulation or authorized delegation of authority.

(7) Directory information

Directory information at the University includes:

- (a) Student name;
- (b) Local address and phone number;
- (c) College and major field of study;
- (d) Class rank (freshman, sophomore, etc.);
- (e) E-mail address;
- (f) Dates of attendance and
- (g) Degrees and awards received;
- (h) Full or part-time status.

(C) Disclosure of student education records

(1) External disclosures

No one external to the University shall have access to nor will the University disclose any information from students' education records without the written consent of students except as noted below.

- (a) In connection with a student's application for, or receipt of, financial aid;
- (b) To parents or legal guardians of dependent students;
- (c) To government officials, as required by statute, regulation, or rule;
- (d) To accrediting organizations;
- (e) Pursuant to a court subpoena after a reasonable attempt to notify the student of the disclosure;
- (f) In response to a request for internal disciplinary records;
- (g) To organizations or individuals conducting studies for, or on behalf of, local and state educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
- (h) In any emergency to protect the health and safety of the student or other individuals.

(2) Internal use of educational records

Within The University of Toledo community, only those members, individually or collectively, acting in the student's educational interest are allowed access to student educational records. These members include administrative and staff personnel, and within the limitations of their need to know, academic personnel.

(3) Directory information

At its discretion the University may provide "directory information" upon inquiry in accordance with the provisions of the Act. Students may prohibit the release of "directory information" by notifying the registrar's office in writing.

(D) Inspection and challenge of educational records

Students have the right to inspect and review most information contained in their educational records, to challenge the contents of their educational records, to have a hearing of the outcome if the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panel to be unacceptable. The University registrar at The University of Toledo is responsible for coordinating the inspection and review procedures for student educational records. Inquiries as to the extent and location of student educational records subject to inspection should be directed to the Registrar's Office. Students wishing to review their educational records must make written requests to the University registrar or a designee listing the item or items of interest. Student educational records covered by the Act will be made available as soon as possible, but within forty-five days of the request.

(1) Inspection

The right of inspection includes access to a University official capable of providing any necessary explanation or interpretation of the data contained in a student's educational record. The University may require that the inspection proceed in the presence of a University official. Students may have copies made of their educational records except that certified copies of transcripts shall be available only if their outstanding obligations to the University are paid or excused.

Students may not normally inspect and review the following records:

- (a) Financial information submitted by their parents;
- (b) Confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review;
- (c) Educational records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student.

The University does not permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under the established policies of confidentiality and were used only for the purpose for which they were collected. Health records, and certain records maintained by the University counseling center not defined as educational records may be reviewed by a licensed physician of the student's choosing and with the students' written consent.

(2) Challenge

Students who believe that their educational records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may discuss their problems informally with the University registrar or a designee. If such discussions result in a decision which is in agreement with a student's request, the University registrar or a designee shall take steps to see that the appropriate records are amended. If not, the student will be notified within a reasonable period of time that the records will not be amended and the student will be informed by the University registrar or a designee of the student's right to a formal hearing.

A request for a formal hearing must be made in writing to the University registrar and must contain a statement of the dispute. The University registrar within a reasonable period of time after receiving such request, will inform the student of the date, place, and the time of the hearing. A student may present evidence relevant to the issues raised and may be assisted or represented at the hearing to resolve problems concerning student educational records. Transcripts of the hearing may be made at the requesting party's expense. A copy of any such transcript must be supplied to the hearing council before it renders its decision.

The hearing panel which will adjudicate such challenges will be composed of the chief academic officer or designee, a member of the faculty designated by the chairperson of Faculty Senate, and a member of the student judiciary board designated by the chairperson of the board. No student or faculty member with prior involvement in the matter shall be designated.

Recommendations of the hearing panel will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reason for the decisions, and will be delivered to all parties concerned. The student's educational records will be corrected or amended in accordance with the recommendations of the hearing panel if the recommendations are in favor of the student. If the decisions are unsatisfactory to the student, the student may place with the disputed education records a brief statement commenting on the information in the records, or a statement setting forth any reasons for disagreeing with the decisions of the hearing panel. The statement must be reasonably concise, normally not more than one hundred words, and will be maintained with the student's educational records, and released whenever the records in question are disclosed.

At any time after a request for a formal hearing is made, a student may request in writing that the University registrar furnish a copy of the student's statement of dispute or the resolution thereof to any person specifically designated by the student.

Students who believe that adjudication of their challenges is unfair, or not in keeping with the provisions of the Act, may request, in writing, assistance from the office of the chief academic officer; however, if the incumbent of that office has served on the hearing panel in the matter, the request may be directed to the Office of the President of the University. Further, students who believe that their rights have been abridged, may file complaints with the Family Educational Rights and Privacy Act office 'FERPA', Department of Health and Human Services, Washington, D.C. 20201, concerning the alleged failures of The University of Toledo to comply with the Act.

### (3) Transcripts

Students who graduate with outstanding obligations to the University will be unable to obtain certified copies of their transcripts until the outstanding obligations have been satisfied.

### (E) Rules

The University registrar may adopt such rules and procedures as are necessary to place this policy into effect.

Replaces: Former 3360-5-06

Effective date: July 20, 2004

Certification: Sandra A. Drabik  
Secretary, Board of Trustees

Date: June 23, 2004

Promulgated under: RC section 111.15  
Statutory authority: RC section 3360  
Rule amplifies: RC section 3360

Prior effective dates: March 2, 1978