
STUDENT RECORDS AND PRIVACY REGULATIONS

*(Based on and, in part, taken from the
Family Educational Rights and Privacy Act)*

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, affords students certain rights with respect to their education records; 1) the right to inspect and review education records, 2) the right to request the amendment of an education record, 3) the right to provide written consent before the university discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent; and 4) the right to file a complaint with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of FERPA. The following policy outlines in more detail students' rights and the Westfield State University procedures available to students in securing those rights under FERPA.

A. TO WHOM DO THESE REGULATIONS APPLY?

1. These regulations apply to all presently or formerly enrolled students, but not to applicants currently seeking, having been denied admission, or choosing not to enroll at the university.
2. These regulations are published annually in the Student Handbook.

B. TO WHAT RECORDS DO THESE REGULATIONS APPLY?

1. These regulations apply to "education records" originating from the university or from other educational institutions and are defined as "records, files, documents, and other materials which...contain information directly related to a student" and "are maintained by an educational agency or institution."
2. Broadly defined and outlined below is a description of the types of records maintained by the university and the designated custodian of each type of record:

Type of Record	Custodian of Record
Academic, Undergraduate	Registrar
Academic, Graduate	Dean, Graduate and Continuing Education
Admission, Graduate	Dean, Graduate and Continuing

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Admission, Undergraduate	Education
Athletics	Director of Admission
Disciplinary	Director of Athletics
Student Accounts	Dean, Student Affairs
Financial	Director of Student Accounts
Financial Aid	Vice President, Finance
Career Services	Director of Financial Aid
Veterans	Director of Career Services
	Veteran and Military Service Coordinator
Education (Student Teaching)	Dean of Education
Personal	Dean, Student Affairs
Residential Life	Director of Residential Life
Title IX/Discrimination	Director, Non-Discrimination Compliance

3. The term “education records” does not include:
- a. Personal files of faculty and administrative staff personnel which are in the maker’s sole possession and not accessible or revealed to any other person except to a substitute who performs the maker’s duties for a temporary period.
 - b. Law enforcement records created by Campus Police which are kept separate from education records, are maintained for law enforcement purposes only, and are available only to law enforcement officials. Records created by Campus Police but maintained or used by another component of the university, for non-law enforcement purposes, are not considered law enforcement records.
 - c. Medical, psychiatric, or psychological records created and used only for the treatment of a student and available only to those providing the treatment, however, a physician or other appropriate professional of the student’s choice may review such records. (Note: The University Notice of Privacy Practices are available through Health Services and can be reviewed on the university website at [www.westfield.ma.edu/privacy policy](http://www.westfield.ma.edu/privacy%20policy)).
 - d. Employment records of nonstudent employees of the university which relate exclusively to said employee in his/her occupational capacity and are not available for use for any other purpose.

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- e. Alumni records that the university receives or creates after an individual no longer attends the institution and that do not directly relate to the individual's attendance as a student.
 - f. Grades on peer graded papers before they are collected and recorded by an instructor.
4. The university maintains records in many mediums including, but not limited to, handwriting, e-mail, electronic, print, tapes, microfilm, and microfiche.

C. PUBLIC/DIRECTORY INFORMATION

The university may, at its discretion, make public the following "directory information" about a student unless the student specifically requests in writing that his/her prior consent be obtained. "Directory information" includes: a student's name, campus address, campus telephone listing, home address, home telephone listing, date and place of birth, school or college, major field of study, photograph, participation in officially recognized activities and sports, weight and height of member of athletic teams, dates of attendance, degrees and awards received, campus e-mail, enrollment status (full time or part time), and the most recent previous educational agency or institution attended by the student.

Requests to suppress from public distribution the above-mentioned directory information are to be made in writing by the student and submitted to the Office of the Registrar. Requests to suppress directory information remain in effect until the student notifies the Office of the Registrar, in writing, of their decision to reverse their original request to suppress.

D. ACCESS RIGHTS OF STUDENTS

1. Parent's Financial Records and related parental financial information shall not be released to students. Any university office maintaining such records shall either store such records in a file separate from records subject to review or conspicuously stamp records "CONFIDENTIAL-NOT TO BE RELEASED."
2. Confidential evaluations and recommendations of students placed in education records prior to January 1, 1975, need not be released to students. All other education records of a particular student shall be open for inspection by that student unless access is restricted under paragraph

3 of this section.

3. A student may waive his/her right of access to evaluations and recommendations submitted on or after January 1, 1975, with regard to admission to any educational agency or institution, an application for employment, or the receipt of an honor or honorary recognition, provided however, that the student must, upon request, be notified of the name of each person who has submitted such a confidential evaluation or recommendation; such evaluations and recommendations to be used only for the purpose intended; and a waiver may not be required as a precondition of admission to the institution or receipt from the institution of financial aid or any other services or benefits.

E. DISCLOSURE OF EDUCATIONAL RECORDS

1. The university will disclose information from a student's education records with the signed and dated written consent of the student, which includes the specific record to be disclosed, the purpose of the disclosure, and the parties to whom the disclosure should be made.
2. The university may disclose information from a student's record without their consent under the following exceptions:
 - a. To teacher and school officials who have a legitimate educational interest in the records. A school official is:
 - i. a person employed by the university in an administrative, supervisory, academic or research, or support staff position;
 - ii. a person appointed to the Board of Trustees; or
 - iii. a person/agency employed by or under contract to the university to perform an institutional service or function for which the university would otherwise use employees.
 - b. A teacher or school official has a legitimate educational interest if the official is:
 - i. performing a task that is specified in his or her position description or by a contract agreement;
 - ii. performing a task related to a student's education;

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- iii. performing a task related to the discipline of a student; or
- iv. providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- c. To teachers and officials of another school, upon request, in which a student seeks or intends to enroll.
- d. To certain officials of the U. S. Department of Education, the Comptroller General, the Attorney General of the United States, 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 conditions of the financial aid, or to enforce the terms and conditions of the aid.
- f. If required by a state law requiring disclosure that was adopted before November 19, 1974.
- g. To organizations or other outside researchers conducting certain studies for or on behalf of the university.
- h. To accrediting organizations to carry out their functions.
- i. To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- j. To comply with a judicial order, lawfully issued subpoena, and/or applicable sections of the US Patriot Act.
- k. To appropriate parties in a health or safety emergency.
- l. In connection with public information provided to the institution concerning registered sex offenders.
- m. To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding conducted by the university. The university may disclose the results of the disciplinary proceeding,

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regardless of whether the university concluded a violation was committed.

- n. The university may disclose only the final results of a disciplinary proceeding at the university if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has been found responsible for a violation of the university policies. The university may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
 - o. Notification to the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for university alcohol and/or other drug policy violations. The university shall exercise discretion not to notify the parents/guardian based on documented evidence of an abusive family situation.
 - p. If the university initiates legal action against a parent or student or if the university is the subject of legal action, the university may disclose to the court the student's educational records that are relevant to proceed with legal action as either the plaintiff or the defendant.
3. Records released to any organization, agency, or individual shall be forwarded with notification that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the student except as provided by law.
 4. Each office which maintains education records shall maintain a record of each student which shall list all individual agencies or organizations which have requested or obtained access to such student's education record, except as provided by law.

F. PROCEDURES TO FOLLOW TO ACCESS A RECORD

1. A request by a student or agency to inspect a record shall be made in writing to the custodian of the record or to the university's Records Liaison Officer.
2. If necessary, the Records Liaison Officer will contact the custodian of the education record requested.
3. The student or agency will contact the Records Liaison Officer in approximately seven (7) days from the date of request to inquire about the

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completion of the processing procedure. (This date must be no more than forty-five (45) days after the receipt of the request.)

4. The student or agency will contact the custodian of the education record requested to inspect his/her education record.
5. Every office is obligated to tell a student who has accessed his/her record and why, except as provided by law.
6. Every office is obligated to maintain a record of the persons or agencies who have had access to the record, except as provided by law.
7. Students are obligated to properly identify themselves (student ID) before being shown their records.
8. Students are obligated not to interfere with the operation of the office in which the record is being maintained.
9. Students are obligated to examine the record during reasonable hours at the place the record is being maintained.
10. Prior to giving a student his/her record for examination, all confidential data as outlined in Section D above will be removed.
11. The examination of the record shall be supervised.
12. The student may request and receive copies of his/her education record at a cost of \$1 for first sheet and \$.50 per additional page.

G. DESTRUCTION OF RECORDS

1. Only the permanent card (transcript) containing a student's academic record will be considered a "permanent educational record" and will be retained.
2. The destruction of student education records shall be consistent with Massachusetts state law and the current Massachusetts State Records Retention Schedule. In the event that state law and the Records Retention Schedule differ, state law shall prevail.

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3. Information regarding the procedures and timetable for the destruction of each specific type of education record are available through the custodian of that record.

H. CHALLENGE TO CONTENTS OF RECORD

1. After reviewing a record, a student has the right to challenge the contents of the record as being inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A student may not challenge the correctness of a grade which has been assigned to his/her performance in a course but may challenge the accuracy of the recording of the grade. Challenge to the contents of records can be made as follows:
 - a. Upon deciding that some aspect of his/her records is inappropriate, the student shall so inform the designated person in the office where his/her records are maintained and shall attempt to resolve the problem through informal discussion with such person and the person in charge of that office.
 - b. If no agreement is reached through informal discussions, the student may submit in writing to the Vice President of the division responsible for the record, a request for a hearing, in order to challenge the contents of the record.
 - c. The hearing date will be scheduled within two (2) weeks (fourteen days) of the receipt of challenge request. All parties (student, custodian, author) will be notified. (Student may be accompanied by counsel of his/her choice.)
 - d. All parties to the hearing will be requested to be present (student, custodian, author).
 - e. The hearing will be conducted by the Vice President of the division responsible for the record with all parties given the opportunity to present evidence and to ask questions of each other. The hearing officer (the Vice President of the division responsible for the record or his/her designee) may ask questions of each party and request any information not provided. The hearing will be audio taped.
 - f. The decision of the hearing officer will be communicated to all parties in writing within two (2) weeks (fourteen days) after the hearing.

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- g. The decision of the hearing officer may be appealed in writing to the President of the university within two (2) weeks (fourteen days) of notice of the decision by any of the parties. The tape will be made available in a supervised setting to the individual appealing the decision.
- h. The President will review the tape of the hearing, all written material presented, and any additional written material similarly made available to all parties.
- i. The decision of the President regarding the appeal will be communicated to all the parties in writing within two (2) weeks (fourteen days) of receipt of the written appeal.
- j. If the decision of the President does not result in an alteration of the education record as requested by the student, the student has the right to place with the education record a statement outlining their concern with the information contained in the education record and/or their reasons for disagreeing with the outcomes of the hearing and appeal. This statement shall remain a part of the record as long as that record is maintained by the institution and shall always be released with the record to an authorized party.

I. SPECIAL NOTE

If you have any questions about the Family Education Rights and Privacy Act (FERPA), or if you have problems in securing your rights under this Act, you may call (202) 732-2057 or write to: Family Policy and Regulations Office, Department of Education, 400 Maryland Avenue, S.W., Room 1087, Washington, DC 20202-4605. The contact person for inquiries regarding FERPA or the university's Student Records and Privacy Regulations are Susan J. LaMontagne, Dean of Student Affairs, 572-5421 and John Ohotnicky, Registrar, 572-5218.