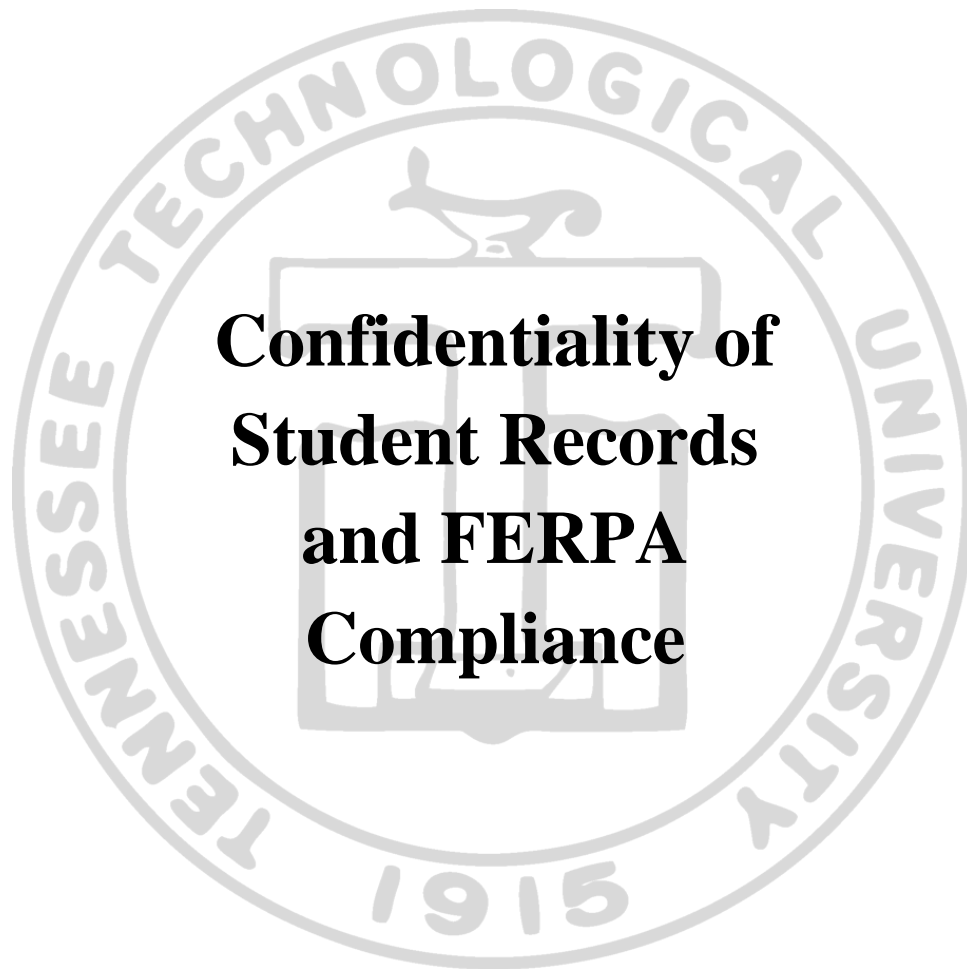


**Tennessee Technological University
Policy No. 1206**



**Confidentiality of
Student Records
and FERPA
Compliance**

Effective Date: July 1, 2017

Policy No.: 1206

Policy Name: Confidentiality of Student Records and FERPA Compliance

I. Purpose

This policy establishes and details Tennessee Tech’s policy regarding the confidentiality of Student Education Records and compliance with the Family Education Rights and Privacy Act (FERPA).

II. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the Vice President for Enrollment Management and Career Placement, with recommendations for revision presented to the Administrative Council and University Assembly.

III. Scope

This policy does not apply to Records until the first day of class of the Student’s first semester of attendance or to Records specifically exempted by 34 Code of Federal Regulations 99.3, as may be amended from time to time.

IV. Definitions

- A. Access—right to inspect and review an Education Record. 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.
- B. Directory Information—the Student’s name; the student’s address (electronic mail address, home and campus address) if the disclosure relates to a Tennessee Tech activity, including, but not limited to, a student organization or alumni affairs activity, or for law enforcement purposes; student ID number if the disclosure relates to Tennessee Tech business; home town or city at the time the application for admission was filed by the student; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; enrollment status (e.g. undergraduate or graduate, full-time or part-time), including progress towards degree (grade level); degrees, honors, and awards received; the most recent previous educational agency or institution attended by the Student, and photographs or video when related to Tennessee Tech activities.
- C. Education Record(s)—personally identifiable information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche, that are:
 - 1. Directly related to a Student; and

2. Maintained by Tennessee Tech or by a party acting for Tennessee Tech.
- D.** Eligible Parent—a parent, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian, who has satisfied Section 152 of the Internal Revenue Code of 1986, and who presents proof of such by way of current income tax return, current FAFSA, or similar documentation to the custodian of the record that the parent wishes disclosed.
- E.** Legitimate Education Interest—any event that requires a School Official to review an Education Record in order to fulfill his/her professional responsibilities to Tennessee Tech.
- F.** Personally Identifiable Information—information including, but not limited to:
1. The student's name;
 2. The name of the student's parent or other family members;
 3. The address of the student or student's family;
 4. A personal identifier, such as the student's social security number, student number, or biometric record;
 5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
 6. 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
 7. Information requested by a person who Tennessee Tech reasonably believes knows the identity of the student to whom the education record relates.
- G.** School Official—a person employed by Tennessee Tech in an administrative, supervisory, academic, research, or support staff position, including, but not limited to, law enforcement, human resources, academic affairs, and health center positions; a person or company with whom Tennessee Tech has contracted as its agent to provide a service instead of using Tennessee Tech employees or officials (e.g., attorney, auditor, or collection agent); library administrators and circulation staff at other institutions for the purpose of providing or receiving library resources or assistance; a person serving on the Board; a person employed with or contracted to the Board; a person serving on the Tennessee Higher Education Commission; a person employed with or contracted to the Tennessee Higher Education Commission; a student or employee serving on an official committee,

such as a disciplinary or grievance committee; or a person volunteering services to Tennessee Tech, including service on an academic scholarship committee or review panel.

- H. Student—any person who is or has been in attendance at Tennessee Tech and regarding whom Tennessee Tech maintains Education Records.

V. Policy

- A. Except as provided in 34 Code of Federal Regulations Section 99, Tennessee Tech shall provide a Student the opportunity to inspect and review the Student's Education Records.
- B. Except as provided in 34 Code of Federal Regulations Section 99, Tennessee Tech will grant Access to a Student's Education Record to an Eligible Parent, unless providing the Education Record would be considered harmful or an invasion of privacy. Students who wish to prevent such Access must request and receive written permission from the Associate Vice President for Enrollment Management and Student Success.
- C. Tennessee Tech shall not permit Access to, or the release of, any Education Record of any Student without the prior written consent of the Student, unless consent is not required pursuant to 34 Code of Federal Regulations Section 99 or this policy.
- D. 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, disclosure of Directory Information, or any other circumstances excepted by 34 Code of Federal Regulations Section 99, the Registrar will make a record, as defined by 34 Code of Federal Regulations Section 99.32, of such disclosure and maintain the record with the Student's Education Record.
- E. Directory Information
 1. Directory Information may, at Tennessee Tech's sole discretion, be disclosed without obtaining the prior written consent of the Student.
 2. Tennessee Tech annually shall notify Students of their rights under FERPA regarding Directory Information.
 3. Students may restrict the release of this Directory Information by annually notifying the Registrar in writing on or before the seventh calendar day of any given semester or term.

VI. Procedure for a Student to Access Education Records

- A.** A Student has a right to Access his/her Education Records within forty-five (45) calendar days of requesting such records pursuant to this policy.
- B.** In order to request to Access his/her Education Records, a Student must submit to the custodian of the record a written request that identifies the record(s) the Student wishes to Access.
- C.** The official receiving the request will determine, in consultation with the University Counsel as necessary, whether any exception under FERPA exists to the right to Access the requested records.
- D.** If the official determines that an exception applies either to a portion of or to the entire request, the official shall notify the requestor of the denial of that portion of the request and the basis on which such denial is being made.
- E.** In the absence of an exception to Access, the official shall make arrangements for the Access to any records not covered by a FERPA exception at a reasonable time and place and shall notify the Student of the time and place where the records may be inspected. Access shall be provided within a reasonable time that in no event shall exceed forty-five (45) calendar days from the date the request was received by Tennessee Tech.
- F.** Tennessee Tech may charge the requestor a fee for any copies provided to the requestor. This fee shall not exceed Tennessee Tech's normal fee for copies.
- G.** In addition to the Access provided to the Student's record, upon request of the Student, the appropriate Tennessee Tech official shall provide a Student with an explanation and/or interpretation of his or her record.
- H.** If the Education Records are not maintained by the Tennessee Tech official to whom the request was submitted, that official shall advise the Student of the correct official to whom the request should be addressed.
- I.** A Student's right of Access to Education Records does not include access to records excepted from disclosure pursuant to 34 Code of Federal Regulations Section 99.12 or any other relevant statute, rule, regulation, or order.

VII. Student's Right To Request Amendment of Education Records and Related Procedures

- A.** A Student has the right to request the amendment of Education Records that the Student believes are inaccurate, misleading, or otherwise in violation of the Student's privacy rights under FERPA.
- B.** To request Tennessee Tech to amend an Education Record, the Student must submit a written request to the custodian of the record. This written request must clearly identify the portion of the record the Student wants amended and must detail the reason(s) for the requested amendment.
- C.** Such reason(s) shall be limited to the issues of whether the record is inaccurate or misleading in recording the underlying action or whether Tennessee Tech's placement of the information in the Student's record is in violation of the Student's rights.
- D.** A Student may not use the request for amendment and related procedures to contest the underlying action taken by Tennessee Tech that has been recorded in the Student's record and under no circumstances shall this procedure be used to contest the assignment of an academic grade.
- E.** The custodian receiving the request shall review the request and, in consultation with the University Counsel as necessary, determine whether to grant the Student's request for amendment.
- F.** Within a reasonable amount of time, the custodian must notify the Student in writing of his/her decision regarding whether to grant or deny the requested amendment.
- G.** If the custodian grants and makes the requested amendment and the Student then believes the Education Record to be accurate in content, he/she should acknowledge such accuracy in the manner prescribed by the custodian of the Education Record.
- H.** If the custodian denies the requested amendment, in addition to providing written notification of the denial, the custodian shall provide the Student with written notification of his/her right to a hearing regarding the request for amendment.
- I.** Appeal of a denial of a request to amend an Education Record
 - 1.** A Student may appeal the denial of a request to amend an Education Record and request a hearing by submitting in writing an appeal to the Registrar within ten (10) business days of receipt of the custodian's denial of the request to amend the record.
 - 2.** Following receipt of a written request for a hearing, the Registrar, in his/her sole discretion and in consultation with the Associate Vice President of

Enrollment Management and Student Success, shall appoint a hearing officer or an Appeals Hearing Committee (“Committee”) consisting of four Education Record custodians with one of the four designated by the Registrar as chairperson.

3. Neither the hearing officer nor Committee members shall have a direct interest in the outcome of the hearing.
 4. The hearing officer or Committee chairperson shall set the date for an appeals hearing to be held within forty-five (45) calendar days from the date of the hearing request.
 5. The hearing officer or Committee chairperson shall give the Student reasonable notice of no less than ten (10) business days of the date, time, and place of the hearing.
 6. At the appeals hearing, the Student shall be allowed to present relevant evidence.
 7. A Student may be assisted or represented at the hearing by individual(s) of his/her choice, including but not limited to an attorney.
 8. The hearing officer or Committee chairperson will provide to the Student a written decision within forty-five (45) calendar days after the conclusion of the hearing.
 9. The hearing officer’s or Committee’s decision must be based solely on evidence presented at the hearing.
 10. The hearing officer’s or Committee’s written decision must include both a summary of the evidence considered and a detailed explanation of the rationale for the decision.
 11. The hearing officer’s or Committee’s decision shall be final.
 12. If the hearing officer or Committee denies the requested amendment, the hearing officer or Committee chairperson must also inform the Student in writing of the Student’s right to place a statement in the file commenting on the information in the file and setting forth any reasons for disagreeing with the decision. This statement must then be maintained in the Education Record and a copy must be provided to anyone to whom the record is provided.
- J.** Education Records may be destroyed pursuant to the record retention policy, except that, upon request, a Student shall be granted Access prior to destruction.
- K.** Tennessee Tech shall inform Students of this policy by publishing it on its

[website](#).

L. Students wishing to complain of alleged violations of FERPA by Tennessee Tech may file a complaint with either

1. Office of the Registrar
Tennessee Tech University
P.O. Box 5026
Cookeville, TN 38505
registrar@tntech.edu.
2. Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

VIII. Interpretation

The Vice President for Enrollment Management and Career Placement or his/her designee has the final authority to interpret the terms of this policy.

IX. Citation of Authority for Policy

T.C.A. § 49-8-203(a)(1)(E); 20 USC § 1232g et seq.

Approved by:

Administrative Council: November 9, 2016

University Assembly: November 16, 2016