ACCESS TO STUDENT RECORDS

I. POLICY IMPLEMENTATION OF FERPA
The Family Educational Rights and Privacy Act (FERPA) regulates access to student educational records at colleges and universities receiving federal financial assistance. This Act is applicable to BYU-Hawaii as a recipient of federal funds under the Pell Grant and Guaranteed Student Loan programs.

This policy, in compliance with FERPA, governs access to student educational records and identifies the procedures students may follow to obtain or restrict access to their educational records. This document is not intended, however, to fully implement the University Access to Student Records Policy. Individual academic departments and administrative areas should prepare their own policies and procedures consistent with this comprehensive University policy.

The Dean of Admissions and Records is responsible for University compliance with this policy. This policy applies to the records of students who are both admitted and enrolled or who have previously attended the University. It does not apply to applications of persons who were not admitted, nor to other correspondence with the University.

A. Educational Records. This policy applies to any educational record (in handwriting, print, tapes, film, or other medium) maintained by BYUH which is directly related to a student. The following are not classified as educational records under FERPA:

1. Records kept by faculty, staff, administrative, or auxiliary personnel for their own use if kept in the personal possession of the person who made them and the record has not been made available to any other person except the maker's temporary substitute. These personal notes are to be referred to in departmental and administrative records policies as "sole possession" records.

2. An employment related record which does not result from student status. (Example — Records of student performance in work study or teaching assistant settings are education records, but the employment records of students hired for positions unrelated to academic performance such as grounds or building maintenance are not education records provided the record is used only in relation to employment.)
3. University law enforcement records that are created and maintained by University Security for a law enforcement purpose. University law enforcement records do not include any records generated or maintained by University Security relating to matters internal to BYUH. (See LAW ENFORCEMENT policy of this handbook.)

4. Parents' confidential financial statements, income tax records, and reports received by the University.

5. Records maintained by BYUH health or counseling services which are used only for treatment and made available only to those individuals providing the diagnosis and treatment. Patient access to medical or counseling records is provided upon submission of written patient authorization according to University policy.

6. Alumni records which contain only information about a student after he/she is no longer attending the University and do not relate to the person as a student.

B. Annual Notification. The University General Catalog shall include a notice which shall contain the following information:

1. The right of a student to inspect and review education records.

2. The right to Petition BYUH to amend or correct any part of the education record believed to be inaccurate, misleading, or in violation of their privacy or other rights of students through application to the Office of Admissions and Records.

3. The right of the student to consent to disclosure of personally identifiable information contained in the student's educational records, except as otherwise authorized by law.

4. The right of any person to file a complaint with the Family Policy and Regulations Office, U.S. Department of Education, Washington, D.C. 20202, if BYUH violates FERPA.

5. The right of the student to obtain a copy of this policy.
C. The following is a summary notice of student rights to their educational records at BYU-Hawaii under FERPA as required by law, eligible students, admitted and enrolled at BYU-Hawaii, generally have the right to:

1. Inspect and review their educational records within a reasonable period of time upon submitting to the appropriate department managing their educational records a written request, with proof of identification, specifying the records to be inspected. The department will notify the student of the time and place that the records may be inspected.

2. Petition BYUH to amend or correct any part of the education record believed to be inaccurate, misleading, or in violation of their privacy rights. Students may submit a written request to the department holding the record, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading. If the department decides not to amend the record as requested, the department will notify the student of the decision and advise them of their right to a hearing regarding their request for amendment. Additional information regarding the hearing procedures as outlined in the University policy will be provided to the student.

3. Consent to disclosure of personally identifiable information contained in the student’s educational record, except as otherwise authorized by law. Examples of exceptions to consent of disclosure include:

   a. Access of educational records by University officials and agents having a legitimate educational interest in the records. This category generally includes any BYU-Hawaii official or agents who accesses student educational records for the purpose of performing a task or responsibility at the University. These individuals may include faculty, administration, staff and other persons who manage student educational record information including, but not limited to, student education, discipline, and financial aid.

   b. Parents who establish the student’s dependency for federal income tax purposes.
c. Educational records without consent to officials of another college or university to which the student seeks or intends to enroll.

4. File a complaint with the U.S. Department of Education concerning failures by BYU-Hawaii to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605.

C. Statement of Rights BYUH encourages students to exercise all of their rights under FERPA and this policy. Since the student's education record will be repeatedly used by University officials and others to make important decisions affecting the student's academic program and future career, the student should certify that his/her education record is complete and accurate. This policy is intended to inform students about BYUH's procedures to provide students the rights to:

1. Inspect and review their education records.

2. Exercise control, with some limitations, over disclosures of information contained in their education records.

3. Correct errors or omissions in their education records and to a hearing if necessary when they believe that their records are inaccurate, misleading, or in violation of the privacy or other rights of students.

4. Be informed about their FERPA rights.

5. Report violations of FERPA to the Family Educational Rights and Privacy Act Office, Department of Education.

D. Procedure to Inspect Education Records

1. FERPA controls access to student education records. BYUH will make a reasonable effort to provide eligible students and qualifying parents the rights granted by the act. On presentation of appropriate identification and under circumstances that prevent alteration or mutilation of records, a
student with proper identification will be permitted to inspect all education records not restricted by a pledge of confidentiality or considered to be private records of University personnel. Those with legitimate access to the records will be charged a reasonable fee for copies.

2. Students are encouraged to submit to the record custodian or to appropriate University personnel a written request which identifies as precisely as possible the record the student wishes to inspect. However, oral requests may be honored upon proper presentation of identification and in circumstances where a written request would be burdensome or impractical.

3. The record custodian or appropriate University personnel will make reasonably prompt arrangements for access and notify the student of the time and place where the records may be inspected.

4. When a record contains information about more than one student, the student may inspect and review only that portion relating to the requesting student.

E. Right of University to Refuse Access. The following records are not available for review by students:

1. The financial statements and tax returns of the student's parents.

2. Letters and statements of recommendations to which the student has waived the right of access, or which were placed in the student's file before Jan. 1, 1975.

3. Records connected with an application to attend BYUH or a component unit of BYUH if that application was denied.

4. Any records which are not education records as defined by FERPA or this policy and which are not otherwise accessible pursuant to law.

F. Refusal to Provide Copies BYUH reserves the right to deny transcripts or copies of educational records for any one of the following reasons:

1. The student has an unpaid financial obligation to the University.

2. There is an unresolved disciplinary action against the student.
3. There is unresolved litigation between the student and the University.

4. The student has failed to comply with the decision of the BYUH Housing Arbitration Board.

5. Other cases as determined by the University policy on Registration and Academic Holds or as determined appropriate by the University.

G. Copies of Records If for any valid reason such as work hours, distance from a student's place of residence to a record location, distance between record location sites, or health, a student cannot inspect and review his/her education record in person, BYUH will arrange for the student to obtain copies. A reasonable fee for copies will be charged. There is no charge for search or retrieval of education records or for personal inspection of education records.

H. Disclosure of Student Education Records BYUH will disclose student educational records without the written consent of the student in the following limited circumstances:

1. School officials and specified agents of the University who have a legitimate educational interest in the records.

   a. A school official or specified agent of the University is:

      (1) A member of the Board of Trustees;

      (2) A person employed by the University in an administrative, supervisory, academic, research, or support staff position; or

      (3) A person employed by, under contract to, or designated by the University to perform a specific task.

   b. A school official or specified agent has a legitimate educational interest if the official is:

      (1) Performing a task that is specified in his/her position description or by contract agreement;

      (2) Performing a task related to a student's education;
3. Performing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement or financial aid.

2. To officials of another school, upon request, in which a student seeks or intends to enroll.

3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.

4. 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.

5. As required by state law disclosure that was adopted before Nov. 19, 1974.

6. To organizations conducting certain studies for or on behalf of the University on condition that the organizations conducting the studies not permit the personal identification of students by anyone other than the organizations' representatives. Additionally, all information provided must be destroyed by the requesting organizations when no longer needed for the studies purposes.

7. To accrediting organizations to carry out their functions.

8. To parents of an eligible student who claim the student as a dependent for income tax purposes. Parents requesting information from a student's file shall be responsible to demonstrate that the student in question is a dependent pursuant to Section 152 of the Internal Revenue Code.

9. To comply with a judicial order or a lawfully issued subpoena in which case the order or subpoena shall be directed to the Office of General Counsel for review prior to dissemination of the education record. The University will make a reasonable attempt to notify the student in advance of disclosure when non-directory information is released in response to subpoenas or court orders.
10. To appropriate parties in a health or safety emergency.

I. **Record of Request for Disclosure** Each custodian of educational records at BYUH will maintain a record of all off-campus requests for and disclosures of information from a student's applicable education records file. The record will indicate the name of the party making the request and the legitimate interest the party had in requesting or obtaining the information. The record of the request for disclosure may be reviewed by an eligible student or qualifying parents.

J. **Disclosable Student Information** BYU-Hawaii has designated the following student information as directory information that it may disclose to the public without the consent of the student:

- Name
- Address and phone numbers
- Month, date, and place of birth
- Names of parents or spouse
- Major and minor field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Current class schedule
- Pictures
- Dates of attendance (current and past)
- Number of months/semesters enrolled
- Class standing (freshman, sophomore, etc.)
- Total hours earned
- Enrollment status (full-time, part-time, etc.)
- Degrees and awards received
- Previous educational institutions attended
- Anticipated future enrollments
- Course registrations prior to the beginning of a semester or term
- Expected date of graduation
- Deferred registration eligibility
- Religious affiliation to a student’s local church or congregation

Students have the right to restrict disclosure of the above directory information. To request restriction of disclosure, students must file a written request on or before the tenth day of a semester or the sixth day of a term. Forms are available in the Office of the Registrar.
K. **Correction of Education Records** Students have the right to ask to have education records corrected that are inaccurate, misleading, or maintained in violation of their privacy or other rights. In cases of alleged academic dishonesty or of an unfair or mistaken evaluation, students must pursue redress under the ACADEMIC GRIEVANCE policy. In cases of alleged violations of the University Honor Code, the student must pursue redress under the applicable policies and procedures of the Honor Code Office. In cases of other non-academic, extenuating circumstances or emergencies potentially affecting a student's educational records, students must pursue redress under BYUH's ADJUDICATORY policy. In all other cases of challenge to the content of a student's educational records not otherwise governed by established University policy, this policy will apply. Under this policy, the process must be initiated within one year from the semester or term in question. The following are the applicable procedures:

1. A student must file a written request with the custodian of the applicable BYUH education record to amend the record. The request should identify the part of the record requested to be changed and specify why the student believes it to be inaccurate, misleading, or in violation of the student's privacy or other rights.

2. The Dean/Associate Dean or supervisor of the University area maintaining the records shall promptly review the facts and seek to resolve the complaint by informal discussions with the student.

3. If the Dean/Associate Dean or supervisor decides not to comply with the request, BYUH will notify the student in writing.

4. A student who disagrees with the decision has a right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights. Upon written request to the Dean of Admissions and Records, a hearing will be scheduled and the student will be provided reasonable advance notification of the date, place, and time of the hearing. The University FERPA Committee consisting of three disinterested individuals appointed from the Office of the Vice-President for Student Life and the Office of Admissions and Records or other appropriate custodian of the student educational records will conduct the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The hearing panel will be advised
on matters of procedure and law by the Vice-President for Administrative Services. The hearing panel 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.

If the hearing panel finds that the information is not inaccurate, misleading, or in violation of the student's right of privacy or other rights, the record will be maintained, but the student will be notified of the right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If BYUH discloses the contested portion of the record, it will also disclose the statement. If the hearing panel decides that the information is inaccurate, misleading, or in violation of the student's right of privacy or other rights, it will amend the record and notify the student, in writing, that the record has been amended.