



## Policy on Disclosure of Student Records

Effective Date: March 20, 2014

Approval: March 20, 2014

Maintenance of Policy: Office of the Registrar and Office of Community Standards and Civility

**PURPOSE:** This policy serves to notify students of their rights regarding their education records in accordance with the Family Educational Rights and Privacy Act (FERPA or Act) and provide University of Dayton constituents guidelines for maintenance of, access to and release of such records.

**SCOPE:** This policy applies to all University of Dayton (“University”) faculty, staff, school officials and students.

### DEFINITIONS:

- (a) “Directory information” Under this policy, directory information includes: name, address, telephone number; date and place of birth; height and weight of members of athletic teams; major; participation in officially recognized athletics and student activities; dates of attendance; degrees, awards and honors; and the most recent institution attended.
- (b) “Education record” An education record is one that (1) contains personally identifiable information about and is directly related to a student; and (2) is maintained by the University. Education records include any information recorded about a student in any way, including but not limited to handwritten, print, computer media, email, video or audio tape, film, microfilm and microfiche. Such records include, but are not limited to, education records obtained from another educational institution that the University maintains.
- (c) “Gatekeeper” For purposes of this policy, a gatekeeper is a University employee who, in the performance of his or her employment duties for the University, has regular and broad access to education records, and makes determinations regarding access to education records. Such people include, but are not limited to, records custodians and the Director of Institutional Reporting. Such individuals are trained regularly regarding FERPA’s requirements and how to process requests for education records. Current gatekeepers are listed on Appendix A.

### REFERENCE DOCUMENTS:

1. 20 U.S.C. § 1232g
2. 34 C.F.R. Subtitle A, Part 5b
3. U.S. Department of Education’s “Model Notification of Rights under FERPA for Postsecondary Institutions”

### POLICY HISTORY:

The University-wide FERPA policy was first issued in March 2014; however, the University of Dayton has over the prior decades provided students their notification of rights by annually publishing those rights in the Student Handbook.

## Policy on Disclosure of Student Records, (continued)

### DEFINITIONS (continued):

(d) “Legitimate educational interest” A legitimate educational interest exists when a school official needs to review an education record in order to fulfill his or her professional responsibilities for the University of Dayton, including but not limited to the following reasons:

- (1) To perform appropriate tasks that are specified in his/her position description or by a contract agreement or pursuant to written/oral direction from appropriate supervisory personnel;
- (2) To perform a task related to a student’s education;
- (3) To perform a task related to the conduct and/or discipline of a student;
- (4) To perform a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, honor societies and academic honors consideration, or financial aid (including scholarships); or
- (5) To maintain the safety and security of the campus.

Examples of where a legitimate educational interest would exist include when a University employee has a role in creating an education record (e.g., a faculty member grading papers or otherwise handling/processing educational records created as part of the class he or she teaches) or maintaining a record (such as an administrative assistant assisting in student disciplinary procedures, including the processing and storing of disciplinary paperwork). Examples of where a legitimate educational interest would not exist include if a University employee who is not a gatekeeper wanted to see a student’s past performance to assess how the student would perform in a particular course; if a building contractor were simply curious about a student’s disciplinary record; if a researcher wanted education records in order to conduct a personal, narrow research project; or if an employee wanted to know how his neighbor’s son was doing in a particular course.

(e) “Records custodian” For purposes of this policy, a records custodian is a person employed by the University of Dayton who maintains the records of a particular type within his or her area of responsibility and to whom students should direct requests for their own education records. Current records custodians are listed in Appendix A.

(f) “School official” For purposes of this policy, a school official is a person employed by the University of Dayton in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee with supervision, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor who performs a specific institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. For the avoidance of doubt, a school official only has access to educational records to the extent that, and only so long as, the official has a legitimate educational interest in the record.

### POLICY:

*The Family Educational Rights and Privacy Act of 1974 (FERPA)* is a federal law that sets forth certain rights students have regarding their education records.

In accordance with the Act, the University of Dayton will notify students of their FERPA rights annually. The annual notification will include procedures for students to inspect and review their education records; how to request an amendment to certain education records; how the University defines “school officials” and “legitimate educational interests;” and what the University designates as directory information.

The records most frequently requested by students, and the corresponding records custodians, are listed in Appendix A. This policy is organized with Section A addressing students’ rights (including under what circumstances the

## Policy on Disclosure of Student Records, (continued)

### POLICY (continued):

University generally releases records without first obtaining student consent, as well as those circumstances where the University generally requires student consent), and Section B addressing University officials' access to records maintained by a University gatekeeper.

#### A. STUDENT RIGHTS

Students at the University of Dayton are granted the following rights:

- I. **The right to inspect and review education records within 45 days after the day the University receives a request for access.** A student should submit to the registrar, dean, head of the academic department, dean of students, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

There are, however, limitations on a student's right to inspection. The University of Dayton will not provide access to the following:

- a. Financial information submitted by parents.
- b. Confidential letters of recommendation submitted prior to January 1, 1975.
- c. Confidential letters and recommendations to which students have waived their rights of inspection.
- d. Any part of a record pertaining to another student.
- e. Information specifically excluded under the Act's definition of "education records," including:
  1. Records created and maintained by and in the sole possession of the University official who made them for their personal use only, *e.g.*, memory aids that are not performance-related.
  2. Employment records not related to student status.
  3. Alumni records (*i.e.*, records about a person *after* he/she was a student).
  4. Student health, psychiatric, and counseling records maintained in connection with the treatment of the student.
  5. Records created and separately maintained by the University's Department of Public Safety solely for law enforcement purposes.

- II. **The right to request an amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA.** A student that requests the University to amend a record must do so in writing to the University registrar, dean, head of the academic department, dean of students, or other appropriate official, and specify the part of the record that the student wants amended and why it should be amended. If the request to amend the record is denied, the student may appeal that denial by submitting to the University registrar a written explanation of why the record should have been amended.

- III. **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.** The University of Dayton will not permit access to or release of any education records or personally identifiable information without the written consent of the student, except as outlined below. Note that the below lists are generalities; the University at all times retains the discretion to make a different determination, depending on the circumstances.

## Policy on Disclosure of Student Records, (continued)

### POLICY (continued):

- a. Consent not required: The University ordinarily will release education records in the following circumstances without first securing consent from a student, as described:
  1. To school officials within the University with a legitimate educational interest in such information, on a “need to know” basis in the performance of their University duties.
  2. To third parties seeking directory information who have a legitimate interest in the information. Students who wish to have their directory information withheld must notify the Registrar in writing at the Flyers First Office in St Mary's Hall, Room 411. (Please note that such a notification will prevent the University of Dayton from providing your directory information to your friends, prospective employers, arts organizations, and others with whom you may wish us to share such information, so make your decision carefully.) You may give such notification at any time, but it will be effective only prospectively.
  3. To the complainant and respondent involved in a disciplinary proceeding, the (i) final results of a University disciplinary proceeding against a student who is an alleged perpetrator of an act of violence (as defined in Section 16 of title 18, United States Code); and (ii) final results of a University disciplinary proceeding against a student who is an alleged perpetrator of a non-forcible sex offense.
  4. To parents or legal guardians of a student under the age of 21 years of age information regarding the violation of any federal, state, or local law and institutional disciplinary rule or policies related to the use or possession of alcohol or a controlled substance.
  5. To accrediting agencies to carry out their accrediting functions.
  6. To appropriate parties in an emergency in order to protect the health and safety of the student or of others.
  7. In compliance with a judicial order or subpoena after a reasonable attempt to notify the student whose education records are affected by the order or subpoena of such impending release (typically 10 days advance notice).
  8. To government officials seeking information in connection with the audit and evaluation of federal and state supported education programs.
  9. To persons and organizations from which student financial aid is sought by the student.
  10. To persons involved in the University's defense in a lawsuit brought by a student (as well as to court officials and persons involved in presenting the plaintiff's case, as necessary in the University's defense of the lawsuit).
- b. Consent preferred: The University's preferred approach, before releasing personally identifiable information contained in a student's records in the following instances, is to secure written consent from the student prior to the release. However, the University may release on a case by case basis certain relevant personally identifiable information contained in a student's record without written consent in such situations. These circumstances include:
  1. To officials of other institutions in which a student seeks to enroll with notice to the student of such release.
  2. To persons or organizations conducting research for the development of tests, administration of financial aid, or the improvement of instruction (provided that, at the University's discretion, consent routinely would not be required for research that benefits or is particularly important for the University as a whole).

## Policy on Disclosure of Student Records, (continued)

### POLICY (continued):

3. To parents of dependent students as defined by the Internal Revenue Code of 1954.

**IV. The right to file a complaint to the U.S. Department of Education concerning alleged failures by the University of Dayton 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, DC 20202-5920

### **B. SEEKING RECORDS FROM GATEKEEPERS**

If a school official does not ordinarily have access to education records in his or her day-to-day duties for the University, yet believes he or she needs access to records because of a legitimate educational interest, then such records may be sought from a gatekeeper. To seek records from a gatekeeper, follow the directions and fill out request the form in Appendix B. Each gatekeeper will assess the request and disclose the record if the student has consented to the disclosure, or if the gatekeeper determines there is a legitimate educational interest for the request. All other requests will be denied. Denials may be appealed to the Registrar's Office or the Office of Legal Affairs, who will exercise their discretion in whether to overturn the initial denial (with documentation of such determination).

If a request involves electronic systems access, the school official will also be required to sign a confidentiality agreement before access is granted.

## APPENDIX A

To

### Policy on Disclosure of Education Records

The University of Dayton does not maintain education records in one central office. The following is a list of offices/departments where the education records that are most frequently requested by students are maintained by the corresponding records custodians; it is not an exhaustive list. Just because a category of records is on the list does not mean that it is covered by FERPA (*i.e.*, an education record afforded certain protections from release). Further, some listed categories of records are protected from release (or have conditions that must be satisfied prior to release) under laws other than FERPA.

Record	Custodian/ Gatekeeper	University phone number, email
Permanent Academic Record†	Registrar (Tom Westendorf)	9-4130, <a href="mailto:twestend@udayton.edu">twestend@udayton.edu</a>
Academic Progress Records	Dean of College/School or Chair	Varies
Disciplinary Records†	Dean of Students (Christine Schramm) <i>and</i> Associate Dean of Students & Director of Community Standards and Civility (Debra Monk)	Ms. Schramm: 9-1212, <a href="mailto:cschramm1@udayton.edu">cschramm1@udayton.edu</a>  Ms. Monk: 9-4627, <a href="mailto:dmonk1@udayton.edu">dmonk1@udayton.edu</a>
Financial Aid Records†	Director of Financial Aid (Kathy Harmon)	9-2751, <a href="mailto:jharmon1@udayton.edu">jharmon1@udayton.edu</a>
Financial Records†	Bursar (Beth Gloekler)	9-4111, <a href="mailto:mgloekler1@udayton.edu">mgloekler1@udayton.edu</a>
Career Information, Outcome and Student Employment Records†	Director of Career Services (Jason Eckert)	9-5537, <a href="mailto:jeckert1@udayton.edu">jeckert1@udayton.edu</a>
Health & Medical Records	Director of Student Health Center (Mary Buchwalder)	9-3131, <a href="mailto:mbuchwalder1@udayton.edu">mbuchwalder1@udayton.edu</a>
Counseling Records	Director of Counseling Center (Steve Mueller)	9-3141, <a href="mailto:smueller1@udayton.edu">smueller1@udayton.edu</a>
Disability Services Records	Director of Office of Learning Resources (Beth Harrison)	9-2066, <a href="mailto:eharrison1@udayton.edu">eharrison1@udayton.edu</a>
Co-Curricular Transcript	Executive Director of Center for Student Involvement (Amy Lopez-Matthews)	9-3364, <a href="mailto:alopezmatthews1@udayton.edu">alopezmatthews1@udayton.edu</a>

Athlete Records	Director of Compliance, Department of Athletics (Angie Petrovic)	9-1285, <a href="mailto:apetrovic1@udayton.edu">apetrovic1@udayton.edu</a>
International Student and Study Abroad Records	Director of the Center for International Programs (Amy Anderson)	9-3516, <a href="mailto:aanderson2@udayton.edu">aanderson2@udayton.edu</a>
Housing Information	Assistant Dean of Students and Executive Director of Housing & Residence Life (Steve Herndon)	9-3317, <a href="mailto:sherndon1@udayton.edu">sherndon1@udayton.edu</a>
Title IX / 504 and Equity Compliance Records	Title IX / 504 Coordinator and Equity Compliance Officer	9-2749, <a href="mailto:lshaw1@udayton.edu">lshaw1@udayton.edu</a>
Human Resources Information About Student Employees	Manager of HR Operations (Steve Perucca)	9-2289, <a href="mailto:sperucca1@udayton.edu">sperucca1@udayton.edu</a>
Institutional Data	Director of Institutional Reporting (Susan Sexton)*	9-4347, <a href="mailto:ssexton1@udayton.edu">ssexton1@udayton.edu</a>

† The University of Dayton School of Law (“UDSL”) has its own counterparts to the offices and individuals listed here. For UDSL registrar documentation (other than official transcripts), contact the UDSL Registrar’s Office (Mary Beth Miller at 9-4187, [mmiller2@udayton.edu](mailto:mmiller2@udayton.edu)); for education records that are in the form of UDSL honor council documentation, contact the Associate Dean for Academic Affairs & Professor of Lawyering Skills (Maria Crist at 9-3794, [mcrist1@udayton.edu](mailto:mcrist1@udayton.edu)); for UDSL financial aid records, see the Assistant Director of Admissions and Financial Aid (Helen Hart at 9-3555, [hhart1@udayton.edu](mailto:hhart1@udayton.edu)); for UDSL financial records, contact the Director of Operations and Finance (Peggy Wilson at 9-4681, [mwilson3@udayton.edu](mailto:mwilson3@udayton.edu)); and for UDSL career placement records, contact the Assistant Dean and Director, Career Services Office (Tim Swensen at 9-3214, [tswensen1@udayton.edu](mailto:tswensen1@udayton.edu)).

\* Serves Gatekeeper role only (i.e., students should not seek access to their educational records from this individual or corresponding office).

# APPENDIX B

To

## Policy on Disclosure of Education Records:

### RECORDS REQUEST FORM

To obtain educational records from a FERPA Gatekeeper, fill out items 1-9 of this form and give to the appropriate gatekeeper listed on Appendix A. If your request is approved, you may then be asked to fill out the information on the second page of this form.

1. Name of requestor: \_\_\_\_\_

2. Department: \_\_\_\_\_

3. Contact Information (phone, email, campus +4): \_\_\_\_\_  
\_\_\_\_\_

4. Records requested (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Purpose for seeking records: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have you considered seeking student consent? (explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Requestor's Signature: \_\_\_\_\_

(Date)

8. Signature of Vice President or Dean: \_\_\_\_\_

(Date)

9. Gatekeeper to whom request submitted: \_\_\_\_\_  
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Name of gatekeeper handling request: \_\_\_\_\_

- Request is:     Approved  
                   Denied  
                   Approved with modification

Explanation of action: \_\_\_\_\_  
\_\_\_\_\_

Gatekeeper signature: \_\_\_\_\_

(Date)