

Policy on the Rights of Students Pursuant to FERPA

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Policy Title	Policy on the Rights of Students Pursuant to FERPA
Policy #	04.101.1
Policy Owner	Director, Enrollment Services
Contact Information	Questions regarding this policy should be directed to the Director, Enrollment Services at (401) 874-9500
Approved By	President of the University of Rhode Island
Effective Date	
Next Review Date	No later than
Who Needs to Know About this Policy	All University of Rhode Island ("University") faculty, staff, and students; University Affiliates; and third parties.
Definitions	<p>Directory Information. Personally identifiable information related to a Student that the University may make public without the Student's prior written consent.</p> <p>Education Records. Any records directly related to a Student and maintained by the University or by a party acting on behalf of the University. A record is any information recorded in any way in any media. As further detailed by FERPA and its implementing regulations (34 C.F.R. Part 99.3), Education Records include Student treatment records used for purposes other than treatment. Education Records DO NOT INCLUDE such things as:</p> <ul style="list-style-type: none"> • sole possession records, i.e., records/notes in the sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person • peer-graded papers before collected by the instructor • medical treatment records made or maintained by physicians, psychiatrists, and psychologists and used only in connection with the provision of treatment. • employment records unless employment is based on student status • law enforcement unit records, i.e. records created and maintained by a law enforcement unit for a law enforcement purpose • records created or received after an individual is no longer a student, i.e., alumni records, students separated from the University for any reason.

	<p>Personally Identifiable Information (“PII”). All personal information linked or linkable to a particular student. PII includes, but is not limited to: student name, name of student’s parent or other family members, address of the student or the student’s family, a personal identifier (Student ID, SSN, SID), biometric record, other indirect indicators (birth date, place of birth, mother’s maiden name), and other information that alone or in combination would make the student’s identity easily traceable.</p> <p>Records Custodian. For the purposes of this policy, any School Official that is responsible for maintaining records that include Education Records.</p> <p>School Official. A person employed by the University in an administrative, supervisory, academic, research, or support staff position, as well as a trustee or outside contractor, consultant, volunteer, or other party acting as an agent for the University. Examples of School Officials include, but are not limited to: attorneys, auditors, collection agents, health or medical staff, officials of the National Student Clearinghouse, members of the University of Rhode Island Board of Trustees; Reserve Officers’ Training Corps (“ROTC”) cadre members (limited to their relationship with students enrolled in the ROTC program and/or enrolled in ROTC courses), and students serving on an official committee, such as a disciplinary or grievance committee, or assisting another School Official in performing their tasks.</p> <p>Student. Any individual who is attending the University. An individual is considered to be attending the University from the first date they enroll in a credit-bearing course offered by the University and continuously thereafter until they graduate, withdraw or otherwise separate from the University, or fail to register for any courses by the last day for registration for any semester (barring the existence of an approved leave of absence).</p> <p>University Affiliate. Any individual who is not a faculty member, staff, or student who otherwise has a formal relationship with the University, including but not limited to visiting scholars, visiting students, research fellows, professional program participants, club sports coaches, and volunteers as well as employees and associates of the URI Foundation, URI Research Foundation, and members of the University of Rhode Island Board of Trustees. Vendors and contractors are not considered University Affiliates, except for those with an ongoing presence on the University campus as regular operations support staff.</p>
<p>Statutes, Regulations, and Policies Governing or Necessitating This Policy</p>	<p>20 U.S.C. § 1232g, and implementing regulations at 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act (FERPA)).</p> <p>10 U.S.C. § 983 (Solomon Amendment)</p> <p>R.I.G.L. §§ 38-2-1 to -16 (Access to Public Records Act)</p> <p>University Manual 6.12.21</p>

	Student Handbook
Reason for Policy / Purpose	This policy is intended to provide Students, and anyone who maintains, accesses, or otherwise uses Education Records on behalf of the University, clear expectations to ensure compliance with the Family Educational Rights and Privacy Act of 1974.
Forms Related to this Policy	None

Policy Statement

The University of Rhode Island ("University") complies with the Family Educational Rights and Privacy Act of 1974 ("FERPA"). This act is designed to protect the privacy of Education Records, to establish the right of Students to inspect and review their Education Records, and to provide for a process to correct inaccurate or misleading content within those records. This policy is intended to provide Students, and anyone who maintains, accesses, or otherwise uses Education Records on behalf of the University, clear expectations to ensure compliance. This policy relates to FERPA protections only and is not intended to address all laws or regulations that may apply.

Individuals attending a college or university, regardless of age, are considered eligible students and have the right under FERPA to control disclosure of personally identifiable information from their educational records. Except as otherwise permitted by FERPA and consistent with this policy, the University must obtain a Student's written consent before disclosing Personally Identifiable Information from that Student's Education Record.

The University may disclose Directory Information without such consent unless the Student has notified the University otherwise as detailed in this policy. The University currently designates the following as Directory Information:

- Student's full name
- City and state (only) of a Student's campus, local, and/or home address
- University email address
- Major field of study
- Full-time/part-time status
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Date(s) of attendance
- Degrees, honors, and awards received
- The name of the most recent previous educational institution attended
- Class year
- Graduation dates

Additionally, the following are considered Directory Information for the purposes disclosures made internally within the University or to the URI Foundation:

- Date of birth
- Home mailing address
- Information related to a public-facing online presence (e.g. LinkedIn)
- Personal email address
- Telephone number

I. Student Access to Education Records

Students have a right to

- A.** Inspect and review their Education Records within forty-five (45) calendar days of a written request presented to the Director of Enrollment Services. Students may submit requests in accordance with the procedures accompanying this policy. A School Official will arrange access and notify the Student of the time and place where the records may be inspected or may provide copies of the records upon request for a fee. Students may review many of their Education Records (including academic and financial) through e-Campus.
- B.** Request clarification or explanation of information in their Education Record by a written request to the Director of Enrollment Services. A School Official will schedule a meeting or provide a written explanation of the record.
- C.** Request amendments to their Education Records by a written request to the Director of Enrollment Services if they believe the records are inaccurate, misleading, or otherwise in violation of the Student's privacy rights. If the University refuses to make such amendments, the Student shall have an opportunity for an administrative hearing to challenge the content of the record on the same grounds and, if no amendments are made following the hearing, to insert a written statement or explanation commenting upon the contested information in the record.
- D.** Receive a copy, if desired, of all records supporting enrollment or transfer to another school and have an opportunity for an administrative hearing to challenge the content of these records.
- E.** Revoke, in writing, any previously executed waiver of rights under FERPA (as detailed in Section II.B. of this policy), with respect to any actions occurring after revocation.
- F.** Inspect the disclosure log(s) with regard to the Students' Education Record.
- G.** File complaints as detailed in Section VII of this policy.

II. Records Excluded from the Right of Access

In accordance with FERPA, certain Education Records are excluded from a Student's right to inspect and review their Education Records. Specifically, notwithstanding the Student's right to inspect and review Education Records detailed in Section I of this policy, the following records are not available for inspection, review, challenge, correction, or deletion:

- A.** Confidential letters and statements of recommendation placed in the Education Records before 1975 and used solely for the purposes for which they were specifically intended.
- B.** Confidential letters and statements of recommendation placed in the Education Records after January 1, 1975, if the student has waived the right to inspect and review; the waiver is written, signed, and not required as a condition of admission to or receipt of another service or benefit from the University; and the recommendations are
 - 1. regarding admission to an educational institution,
 - 2. regarding an application for employment, and/or
 - 3. regarding the receipt of an honor or honorary recognition.
- C.** Financial records and statements of the Student's parents or any information contained therein.

III. Release of Education Records

- A. Restrict Release of Directory Information:** A Student may request to restrict the release of their Directory Information except to School Officials with a legitimate educational interest. Such restrictions can be managed through e-Campus or submitted in writing to the Director of Enrollment Services. The restrictions will apply only to subsequent actions by the University and will remain in place until removed by written request of the Student. A Student can change their FERPA restrictions anytime.
- B. Consent to Release Education Records:** In general, the University does not accept broad or on-going written consents for release of Education Records. The consent must specify the records to be disclosed, state the purpose of the disclosure, and identify the party or parties to whom the disclosure may be made. Students are encouraged to work directly with their parents and other third parties to make Education Records available to these individuals if the Student chooses.

A Student can provide access to certain information from their Education Records to a third party through e-Campus. It is their responsibility to provide and remove access as they determine appropriate. All other requests must be submitted in writing to the Director of Enrollment Services (in accordance with the accompanying procedures), with the exception of requests by means of subpoena which must be directed to the Office of General Counsel. The University may charge a reasonable fee for copies.

- C. Education Records Released without Consent:** Personally Identifiable Information from an Education Record(s) may be released by a School Official in accordance with FERPA and in its implementing regulations. The following are some examples of permissible release conditions without consent:
1. To a School Official if they have a legitimate educational interest, or legal right to know. These situations include when the official is
 - a. Performing a necessary or appropriate task or activity to fulfill their professional responsibilities for the University and specified in their position description or in a contract agreement or other official appointment;
 - b. Performing a task related to a student's education or to student discipline;
 - c. Maintaining safety and security on campus; or
 - d. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
 2. To officials of other schools in which the Student seeks or intends to enroll or has enrolled, as long as the disclosure is for purposes related to the Student's enrollment or transfer. The student shall receive notification of the disclosure unless the Student initiated the disclosure and they may, upon request, have a copy of the records transferred.
 3. To a third party in connection with determining eligibility, amounts, and conditions, or enforcing terms of financial aid for which the Student has applied or that which the student has received.
 4. To a third party in connection with Directory Information for a student directory, commencement program, yearbook, sports publicity materials, honors announcements, the manufacture of class rings, or other similar uses;
 5. To an appropriate third party if the information is necessary to protect the health or safety of the Student or other individuals.
 6. To a Student's parent or legal guardian, information regarding the Student's violation of any Federal, State, or local law (or of any rule or policy of the University) governing the use or possession of alcohol or a controlled substance, provided that the Student is under the age of 21 and either
 - a. The Student is found responsible for a second violation of the alcohol or drug policy; or
 - b. The incident was of such a serious nature that the University decides that the parent/guardian will be notified.

7. While FERPA rights cease upon death, the University continues to recognize a student's privacy interest and may develop procedures for granting access to the records of a deceased student by their next of kin or the executor of their estate.

IV. Requests to Release Education Records

Before releasing Personally Identifiable Information from Education Records, a Records Custodian will take reasonable steps to verify the identity of the requesting party as well as their authority to have access to the information. The Records Custodian is required to maintain a log of each request for and each release of Personally Identifiable Information from the Education Records of a Student in accordance with FERPA requirements. However, this requirement does not apply to the following:

- A. Disclosures pursuant to the written consent of the student, when the consent is specific with respect to the party or parties to whom the disclosure is to be made.
- B. Disclosures to School Officials, when it has been determined that the official has a legitimate educational interest.
- C. Disclosures of Directory Information.
- D. Disclosures to the student upon the student's own request.

To the extent required by FERPA, School Officials will inform the recipient of released information that they may not redisclose that information without the consent of the student, and that the recipient may only use the information received for the purpose for which the disclosure was made.

V. Responsibilities of School Officials

School Officials are expected to understand and comply with their legal responsibilities under FERPA to protect the confidentiality of Education Records. They must understand University policy and applicable procedures and complete FERPA training where required. Refer to the IT Acceptable Use Policy for additional requirements around accessing University Data. A School Official is responsible for:

- A. Accessing students' Education Records only if they have a legitimate educational interest.
- B. Ensuring access to Education Records is granted only to School Officials with a legitimate educational interest and is removed in a timely manner when there is no longer an interest.
- C. Safeguarding the confidentiality of Personally Identifiable Information within Education Records and ensuring the information is not disclosed to unauthorized individuals without the Student's consent.
- D. Managing and responding to FERPA requests if they are the Records Custodian of the requested record(s).

VI. Use of Education Records for Research

When requesting information from an Education Record for the purposes of conducting research, a School Official must comply with FERPA and have a legitimate educational interest in the records. Consent for disclosure of information in an Education Record must be received from the Student unless the information is

- A. Deidentified by the Records Custodian such that a student's identity is not personally identifiable; or
- B. Disclosed to outside organizations conducting studies for, or on behalf of, the University to 1.) develop, validate, or administer predictive tests; 2.) administer student aid programs; or 3.) improve instruction. If

information from student education records will be disclosed to a researcher under this exception, the researcher shall enter into a written agreement with the University that contains specific assurances on data confidentiality.

VII. File a Complaint

Reports of alleged failures by the University to comply with the requirements of FERPA are assumed to be made in good faith whereby the person reporting has reasonable grounds for believing that a violation has occurred. Suspected noncompliance or violations covered under this policy can be reported to the University by calling (401) 874-9500 or writing to:

Director of Enrollment Services
Green Hall
6 Rhody Ram Way
Kingston, RI 02881

FERPA affords Students 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. See the relevant procedures established by that agency.

Exceptions

None

Policy Review and Revisions

(Versions earlier than the first policy number may be paper only)

Policy #	Effective Date	Reason for Change	Changes to Policy
04.101.01		n/a	n/a