

Document XXXIV

INSTITUTIONAL POLICY ON THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

The Family Educational Rights and Privacy Act of 1974 is a Federal law which states that a written institutional policy must be established and that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

The University of Louisiana at Lafayette accords all the rights under the law to students who are declared independent of their parents. No one outside the institution shall have access to nor will the institution disclose any information from students' education records without the written consent of students except to some personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, to persons in an emergency in order to protect the health and safety of students or other persons, and to parents who present sufficient evidence that the student is dependent upon them for their financial support (e.g. Income Tax Form 1040, etc.). All these exceptions are permitted under the Act.

Within the University of Louisiana at Lafayette community, only those members, individually or collectively, acting in the students' educational interest are allowed access to student education records. These members include personnel in the Office of the Registrar, Business Office, Financial Aid Office, the Office of Admissions, Academic Deans, academic department heads, academic advisors, and other academic personnel within the limitations of their need to know.

At its discretion the institution may provide Directory information in accordance with the provisions of the Act. Directory information at the University of Louisiana at Lafayette includes: student name, address(es), telephone number(s), date of birth, major field of study, dates of attendance, degrees received, academic awards and honors, the most recent previous education agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Directory information on currently enrolled students will generally be disclosed only by the Office of the Registrar and the Office of the Dean of Students. Directory information on students not currently enrolled will be disclosed in the Office of the Registrar. Directory information for students not currently enrolled consists of student name, home address, date of birth, dates of attendance, degrees received, and the most recent previous educational institutions attended. Students may withhold Directory information by filing an official request for non-disclosure form in writing within the first week of classes. Forms for this purpose may be obtained from the Office of the Registrar.

Requests for non-disclosure will be honored by the University. Authorization to withhold Directory information must be filed in the Office of the Registrar.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable. The following officials at the University of Louisiana at Lafayette have been designated to coordinate the inspection and review procedures for student education records: permanent academic records, the Registrar; admission records, the Director of Admissions; personnel records, the Dean of Students; other academic records, the Academic Deans; and financial records, the Vice President for Administration and Finance.

Students wishing to review their education records must make written requests to the respective department head or division head of the department listing the item or items of interest. Only records covered by the Act will be made available, as soon as possible but always within forty-five days of the request. If a student desires a copy of a record the student will pay the costs at prevailing rates.

Students may not inspect and review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived in writing their rights to inspect and review; or education records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student. The University is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected. Students may have copies made of their records with certain exceptions, (e.g., a copy of the academic record for which a financial "hold" exists, or a transcript of an original or source document which exists elsewhere). Permitted copies will be made at the students' expense.

Any student who believes that his/her education records contain information that is inaccurate or misleading, or are otherwise in violation of his/her privacy or other rights may discuss his/her problems informally with the respective Department or Division Head. If the decisions are in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended and why. The student will then be informed of his/her right to appeal to the next higher authority (e.g., student advisor, to department head, to Dean). If the request is not resolved administratively the student may request a formal hearing. Student requests for a formal hearing must be made in writing to the individual designated, who will present the case to the appropriate University Committee. The hearing panels which will adjudicate such challenges will be the Committee on Academic Affairs and Standards, the Fee Committee, and the Discipline Committee.

Decisions of the hearing panels will be final, will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. If the decisions are in favor of the students, the education records will be corrected or amended in accordance with the decisions of the hearing panels. If the decisions are unsatisfactory to the students, the students may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be placed in the education records, maintained as part of the students' records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair, or not in keeping with the provisions of the Act may request in writing, assistance from the President of the University. Further, students who believe that their rights have been abridged, may file complaints with the Family Educational Rights and Privacy Act Office (FERPA), Department of Education, Washington, D. C. 20202, concerning the alleged failures of The University of Louisiana at Lafayette to comply with the Act.

Revisions and clarifications will be published as experience with the law and the University's policy warrants.