

Oklahoma State University Policy and Procedures

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (BUCKLEY AMENDMENT)	2-0701 ACADEMIC AFFAIRS October 2022
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PURPOSE AND SCOPE

1.01 The purpose of this policy is to clarify Oklahoma State University’s (OSU’s) rights and responsibilities relative to the Family Educational Rights and Privacy Act of 1974, known as the “Buckley Amendment.”

POLICY

2.01 Current and former students and parents of students, where appropriate, have the right to review educational records maintained about them by the institution, except for material to which the student has waived right of access, or for material specifically determined to be confidential by law. Students shall be informed of their rights each year.

2.02 Information contained in educational records is confidential but may be reviewed by “school officials” who have a “legitimate educational interest” in the student without prior consent of the student. “School official” is defined as an individual currently serving as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges; the President of OSU and the administrators, faculty and staff they supervise; the President and CEO of the Alumni Association and the President and CEO of the Oklahoma State University Foundation and the staff they supervise; the National Student Clearinghouse; and contractors, volunteers, and other non-employees performing institutional functions as school officials with legitimate educational interests. A school official has a “legitimate educational interest” if a review of a student’s record is necessary to fulfill the official’s professional responsibilities to the University. School officials may have legitimate educational interests both in students who are currently enrolled and in those no longer enrolled.

2.03 Directory Information as defined herein may be released without prior consent of the student unless the student formally requests such information be kept confidential. Such requests for confidentiality of directory information remain in effect until revoked by the student and apply to all categories of directory information, i.e., students may not specify only some of the items be kept confidential. Only identifiers acceptable under FERPA will be used to identify students whose records are released. Rights afforded to “students” in this document may also be claimed by parents and/or legal guardians who are assigned such rights by the law--i.e., who claim the student as a dependent for federal income tax purposes.

2.04 A student may be provided with copies of all or a part of his or her own educational record, however, the University reserves the right both to charge for this service and to suspend such rights

to copies in those cases in which the student has an outstanding obligation to the institution. Such a “hold” on the records will be removed when the obligation is legally and morally satisfied.

2.05 Requests from off-campus parties for information from educational records shall be handled through the office responsible for maintaining the record. No non-directory information regarding students’ educational records may be disclosed to anyone without written consent of students, except for selected purposes as authorized by federal law, such as to "school officials" who have a "legitimate educational interest" in the student, to another institution to which a student seeks or intends to enroll or is already enrolled if the disclosure is related to the student's enrollment or transfer, and in response to a lawfully issued court order or subpoena. Offices responsible for maintaining educational records include but are not restricted to: a) the Office of the Registrar for academic records; b) the Office of Student Support and Conduct for disciplinary records; c) the Office of the Bursar for billing and payment records; d) the Office of Scholarships and Financial Aid for scholarship and financial aid records; e) the Human Resources office or Career Services office for employment/placement records; and f) the Communication Services office for directory information. A student or former student, however, may request any school official to release personally identifiable information from his or her records to a third party by providing written authorization.

2.06 A record of non-routine disclosure of personally identifiable information – i.e., disclosure to persons other than school officials who have a legitimate educational interest in the student (see 2.02 above) – shall be maintained in each student’s file, and such a record may be reviewed by the student.

2.07 A student may challenge the content of the educational record if such records are believed to be inaccurate, misleading, or in violation of the privacy or other rights of the student.

2.08 Faculty, staff, and other employees or volunteers serving as school officials with legitimate educational interest complete University sponsored FERPA training before obtaining access to student education records.

2.09 If an articulable and significant threat to the health or safety of a student or other individual is determined, University personnel may disclose information from education records to any person, including parents, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. University personnel must record in the student’s file the articulable and significant threat which formed the rational basis for the disclosure.

2.10 Methods in compliance with FERPA will be used to identify and authenticate the identity of students, parents, school officials, and other parties to whom personally identifiable information from education records is released.

PROCEDURE

3.01 Each year, the Registrar shall publicly notify students of their right to review their own educational records, and students seeking access to their own educational records should present

themselves to the appropriate central office (see Section 2.05 above) and make their request to a member of the office staff. Positive identification will be expected.

- A. The staff member will satisfy himself or herself the student is the student to whom the records pertain.
- B. The staff member will review the educational record file and remove any material to which the student does not have the right of access, or the staff member may request the student make an appointment to review the record, with such appointment being within the legal maximum period of forty-five (45) days. No reason for the delay needs to be given.
- C. The student shall review the record in the office under the supervision of the office staff, and under no circumstances shall the student remove or alter any part of the record.

3.02 “Directory Information” consists of the following information and is subject to change provided the change is effective only in the subsequent year (i.e., fall term) and provided the change(s) is/are appropriately publicized.

- A. student’s name (including chosen or preferred first name), local, and permanent address or hometown
- B. telephone number
- C. year of birth
- D. major field of study
- E. weight and height of student participating in officially recognized sports
- F. dates of attendance at Oklahoma State University
- G. degrees, honors, and awards granted or received, and dates granted or received
- H. academic classification such as freshman, sophomore, junior, senior, etc.
- I. institutional electronic mail address
- J. most recent educational institution previously attended
- K. dissertation or thesis title
- L. advisor or thesis/dissertation advisor
- M. participation in officially recognized organizations, activities, and sports
- N. parents’ names and addresses (city and state only)

Students who want directory information kept confidential shall complete the designated form, doing so in the Office of the Registrar on or before the date established by and publicized by said office.

3.03 A student who wants a copy of information contained in the educational record shall make such requests in writing to the official responsible for maintaining the record. The requests shall clearly identify what material is to be copied. Fees for copies are as follows: Copies of transcripts shall be provided at the rate established by the Registrar for all such requests; copies of other records shall be provided at a per page rate equal to the rate established for photocopy machines housed in the University Library.

3.04 When personally identifiable information is released from the educational record to individuals or parties (other than those for whom record-keeping requirements are not mandated), a record shall be kept of who requested the material, why the request was made, and what material, if any, was made available. In addition, records must be maintained of the names of state and local educational authorities and federal officials and agencies which may make further disclosures of personally identifiable information from the student's education records without consent. The university must obtain a copy of the record of further disclosures maintained and make it available in response to an eligible student's request to review the record.

3.05 When a student challenges the content of the educational record, the following steps will be used:

- A. The student will submit a written request to the official responsible for maintaining the record, with such requests specifying the content being challenged, the grounds for the challenge, and the exact action being sought.
- B. Within one month (i.e., 22 working days) of the request, the official shall provide a written response. If the official grants the request, the change(s) will be made. If the request is denied, the letter will explain why and will inform the student he or she may add an explanation to the record and/or appeal the official's decision. If the student adds an explanation to the record, the explanation will accompany the part of the record to which the explanation pertains, whenever said part of the record is released.
- C. An appeal may be filed by submitting a written request to the Vice President to whom the official responsible for maintaining the record reports (for example, the Vice President of Academic Affairs for records maintained by the Registrar or the Academic Colleges and the Vice President of Administration and Finance for records maintained by the Bursar). Attach a copy of the original letter and the official's response. The Vice President will appoint a hearing officer who does not have direct interest in the outcome of the hearing. The hearing officer will arrange a hearing with the student within one month at a mutually agreeable time and place. In the event the student is accompanied by legal counsel, the hearing officer must be notified of the fact at least three working days prior to the hearing. Based on the results of the hearing, either (1) information which is judged to be inaccurate, misleading, or in violation of the privacy rights of the student shall be amended accordingly or (2) the student will be informed of the right to place a statement in the record commenting on the contested information. The hearing officer will convey the hearing

decision in writing to the student, the official responsible for maintaining the record, and the appropriate Vice President.

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June 2007
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Directors of Student Academic Services, February 2021
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