

## D15.0 EDUCATION RECORDS

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### I. Policy Statement

2 The Family Educational Rights and Privacy Act of 1974 (FERPA), is a federal statute that provides  
3 RIT students with privacy and access rights relating to their education records. Generally, RIT  
4 students have the right to:

- 5 A. Inspect and review education records (with certain limited exceptions) within forty-five  
6 (45) days of the day RIT receives a student's written request for access;
- 7 B. Request the amendment of education records if the student believes they are  
8 inaccurate;
- 9 C. Require RIT to obtain the student's written consent before releasing personally  
10 identifiable information from the student's education records unless an exception  
11 applies; and
- 12 D. File a complaint with the United States Department of Education's Family Policy  
13 Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW,  
14 Washington, DC 20202-4605.

15 This policy addresses RIT's implementation of FERPA's requirements and privacy protections. It  
16 incorporates the procedures found here [FERPA Procedures](#).

### 17 II. Scope

18 This policy applies to all Students (defined below) who are currently enrolled or who have ever  
19 been enrolled at RIT. No distinction is made between part-time and full-time students. Thus,  
20 any Student who has ever been in Attendance (defined below) at RIT has access and privacy  
21 rights concerning their education records. Persons who applied for admission but never  
22 actually attended RIT are not covered by this policy. All Students, regardless of their age, are  
23 deemed to be entitled to FERPA's rights and protections.

### 24 III. Definitions

- 25 A. **Attendance** means the period during which a Student is taking courses or training at  
26 RIT. Attendance can be in person, by paper correspondence, videoconferencing,  
27 internet or other electronic information and telecommunications technologies for  
28 Students who are not physically present in the classroom.
- 29 B. **Directory Information** means the Student's:
  - 30 1) Name(s);
  - 31 2) Photograph;
  - 32 3) Local and home addresses;
  - 33 4) RIT email address; (Added)
  - 34 5) Local telephone listing;
  - 35 6) Place of birth;
  - 36 7) Major field of study/program;
  - 37 8) Dates of attendance at RIT;
  - 38 9) Grade level;
  - 39 10) Enrollment status (undergraduate, graduate, full-time or part-time);
  - 40 11) Degrees, honors, and awards received;
  - 41 12) The most recent school attended by the student;
  - 42 13) Participation in officially recognized activities and sports; and
  - 43

Commented [JL1]: Added per conversation with Evan Thompson

- 44 14) Weight and height of members of athletic teams.
- 45 C. **Dependent Student** is defined in the Internal Revenue Code and is determined based
- 46 upon the Parents' (defined below) most recent tax return.
- 47 D. **Disclosure** means to permit access to, or the release of, Personally Identifiable
- 48 Information (defined below) by oral, written, or electronic means, unless an exception
- 49 applies.
- 50 E. **Education Records** means information recorded in any way that is directly related to a
- 51 Student and are maintained by RIT or any party or agent acting on RIT's behalf.
- 52 Education Records **do not** include:
- 53 1) Personal notes maintained by instructional, supervisory, administrative or
- 54 educational personnel that are kept in the sole possession of the maker of the
- 55 record, which are not revealed to any other person, department, or division of
- 56 RIT.
- 57 2) Grades on peer-reviewed papers before they are collected and recorded by a
- 58 faculty member or other RIT representative.
- 59 3) Employment records relating to an RIT employee who is not a Student and which
- 60 are maintained in the normal course of business.
- 61 4) Records of physicians, psychiatrists, psychologists, or any other professionals or
- 62 paraprofessionals, used only in the treatment of students that are not available
- 63 to anyone except those persons providing the treatment. These records can,
- 64 however, be viewed by an outside physician or qualified professional of the
- 65 student's choice. Records about attendance (as opposed to content) can be
- 66 shared with individuals within RIT who have a legitimate educational interest in
- 67 the knowledge.
- 68 5) Public Safety Records created by and maintained by RIT's Department of Public
- 69 Safety solely for law enforcement purposes, which are not revealed to any other
- 70 person, department, or division of RIT.
- 71 6) Applicant records of those who are not in Attendance at RIT.
- 72 7) Alumni records created or received by RIT after an individual is no longer a
- 73 Student in attendance and that are not directly related to an individual's
- 74 attendance as a Student.
- 75 F. **Parent** means a parent of a Student and includes a natural parent, a guardian, or an
- 76 individual acting as a parent in the absence of a parent or guardian.
- 77 G. **Personally Identifiable Information** means the Student's:
- 78 1) Name(s);
- 79 2) Parent or other family member;
- 80 3) Address of the Student or Student's family;
- 81 4) Personal identifier, such as the Student's social security number or Student
- 82 identification number;
- 83 5) Date of birth;
- 84 6) Place of birth;
- 85 7) Mother's maiden name; or

86 8) Information that, alone or in combination, is linked or linkable to a Student that  
87 would allow a reasonable person to determine the identity of a Student with  
88 reasonable certainty.

89 H. **Student** means Undergraduate Student, Graduate Student, Eligible Student, non-  
90 matriculated Student, and student in not-for-credit programs. ~~A Student on a co-op  
91 assignment is considered an employee of the sponsoring company.~~

92 1) **Undergraduate Student** means individuals enrolled at RIT who do not qualify as  
93 graduate students. Undergraduate Student shall also include matriculated  
94 individuals enrolled at RIT as candidates in a combined master's and bachelor's  
95 program who have not reached the appropriate number of credit hours  
96 sufficient to be classified as Graduate Students.

97 2) **Graduate Student** means matriculated individuals with a bachelor's degree and  
98 enrolled as candidates for an advanced degree. Graduate Student shall also  
99 include candidates in a combined master's and bachelor's program who have  
100 reached the appropriate number of credit hours sufficient to receive in their field  
101 of study, but not yet holding, a bachelor's degree.

102 3) **Eligible Student** means a Student who has reached 18 years of age or is in  
103 Attendance at RIT.

#### 104 IV. **Inspect and Review Education Records**

105 Subject to certain limitations, Students have the right to inspect and review their Education  
106 Records within forty-five (45) days following RIT Office of the Registrar's receipt of a written  
107 request for access. The parents (or guardians) of a nondependent Student are not permitted  
108 access without the Student's written consent which shall conform to the requirements of  
109 Section VI(A). Typically, RIT will not initiate the release of any information or records to parents  
110 and expects Students to keep their parents informed to whatever degree the individual  
111 Students and parents deem appropriate. All requests to inspect and review Education Records  
112 shall be made using the processes described in the FERPA Procedures.

#### 113 V. **Correct and Amend Education Records**

114 Students have the right to request RIT correct and amend Education Records that are believed  
115 to be inaccurate, misleading, or in violation of the Student's privacy rights, and the right to a  
116 hearing to challenge the content of the Education Records. This amendment procedure may be  
117 used to challenge facts in their Education Records that the Student believes to be incorrectly  
118 recorded, but it may not be used to challenge a grade, an opinion, or substantive decision made  
119 by RIT about the Student. All requests for correction or amendment of a Student's Education  
120 Record shall be presented in writing to the Office of the Registrar by the Student.

#### 121 VI. **Disclosure of Education Records**

122 A. **Disclosure with Student Consent.** In many instances, a Student has the right to  
123 determine whether to consent to the disclosure to a third party of their Education  
124 Records. The Student's consent shall be in writing, which may be an electronic  
125 signature, and shall:

- 126 1) Specify the Education Records that may be disclosed;
- 127 2) State the purpose of the disclosure;
- 128 3) Identify the third party or class of parties to whom the disclosure is authorized;
- 129 and

**Commented [EVT2]:** RIT may disclose records to the parents of a dependent student, however, the parent does not have the same access rights (i.e., RIT would not be required to provide the parent with access, its merely permissive).

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130 4) The date upon which the consent is expected to expire.

- 131
- 132 B. **Disclosure without Student Consent.** There are several exceptions under which RIT may
- 133 disclose Personally Identifiable Information in an Education Record without student
- 134 consent. A complete listing of such exceptions can be found here [FERPA Procedures](#).
- 135 C. **Notification.** If RIT intends to release Personally Identifiable Information in a Student's
- 136 Education Records without the Student's prior consent to someone outside RIT (~~other~~
- 137 ~~than to the parent or guardian of a dependent student~~), RIT will make a reasonable
- 138 attempt as appropriate and justified under the circumstances to notify the Student prior
- 139 to the release of the Education Record, unless the notification is prohibited by
- 140 applicable law.
- 141 D. **Subsequent Disclosures.** Third parties to whom records are released with Student
- 142 consent will be notified in writing by RIT that any further release of materials from these
- 143 records without written authorization from the Student is prohibited by law.
- 144 E. **Directory Information.** Any Student who wishes to have his or her Directory
- 145 Information withheld from disclosure must inform the Office of the Registrar to this
- 146 effect in writing. For additional information, please see [FERPA Procedures](#).

147 VII. **Records Destruction**

148 RIT may destroy materials contained in a Student's Education Records, if not precluded by law

149 or other RIT Records Management policies, unless a Student has requested access to the

150 Education Records prior to the destruction. Once a written request of access to Education

151 Records has been received, RIT will not destroy any materials contained within the Education

152 Records until such access has been granted or a determination by RIT's legal counsel has been

153 made that access to the Education Records is not required under this policy or applicable law.

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156 **Responsible Office:**

157 Office of the Registrar

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159 **Effective Date:**

160 Approved October 5, 1994

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162 **Policy History:**

163 Edited November 2003

164 Last Revised October 31, 2007

165 Edited September 2010

166 Edited May 8, 2013-calendar and college/department name updates

167 Edited August 2017 to correct department names

168 Approved as an Interim Policy April 5, 2018

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170 *Note: This draft version, dated 2/26/2019, has minor changes compared to the April 5, 2018*

171 *version, which is currently posted on the policy web page. These changes are noted in BLUE.*

**Commented [EVT3]:** There are instances where they wouldn't use the form (e.g., transcript request). There may be other instances where it's not practical to use the form. The addition of the last sentence in IV addresses this point.

**Commented [JL4]:**

**Commented [JL5]:** The deletion was agreed to in a conversation with Evan Thompson.