



Policy 8.3

Confidentiality and Release of Information About Students

Responsible Official: SVP and Dean for Campus Life

Administering Division/Department: Campus Life

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Overview

Emory University, like other institutions of higher education, accumulates and maintains records concerning the characteristics, activities and accomplishments of its students. Because the University recognizes the student's right of privacy, a policy regarding the confidentiality of the information which becomes a part of the student's permanent records and governing the conditions of its disclosure has been formulated and adopted. This policy reflects a reasonable balance between the obligation of the University for the protection of the rights and privacy of the student and its responsibility to society.

Applicability

Emory University is committed to protecting students from improper disclosure of private information. In order to do so, the University must make every endeavor to keep the student's record confidential. All members of the faculty, administration and clerical staff must respect confidential information about students which they acquire in the course of their work. At the same time the University must be flexible enough in its policies not to hinder the student, the institution or the community in their legitimate pursuits.

Each of the record-keeping administrative units within the University may develop its own additional specific procedures in accordance with the general policy stated here.

Policy Details

8.3.1 General Guidelines

The following guidelines relative to student records represent Emory University policy.

1. All procedures and policies dealing with records shall be formulated with due regard for the student's rights for privacy, freedom of association and expression and intellectual liberty and freedom to learn.
2. Only those records shall be kept which are necessary in order to meet the University's or student's goals.
3. Duplication of record keeping shall be minimized.
4. All persons who handle student records shall be instructed concerning the confidential nature of such information and their professional and legal responsibilities regarding these records.
5. Information from University files, which is not of public record, shall not be available to unauthorized persons

without the written consent of the student involved.

6. The University will comply with and abide by all federal and state laws which apply directly to the University and the Confidentiality and Release of Information About Students--in particular, the federal Family Educational Rights and Privacy Act of 1974 (FERPA).
7. The University Registrar and the Oxford College Registrar are the official custodians of academic records at Emory University and Oxford College respectively and therefore are the only officials who may issue an official transcript of academic record.
8. Records shall be released to comply with a subpoena or court order only with the consent and advice of the University's legal counsel.
9. A record shall be maintained, kept with the record of each student, of the release of any information contained in a student's files to individuals or agencies outside the University; including the name of the requesting individual or agency, date, and purpose of the request. This record of access shall be available to the student.
10. All University policies governing the maintenance and release of student records are public and are available to students, faculty, and administration.

8.3.2 Campus Directory Suppression

Each student has the option of choosing 1) to be included in the student directory or 2) to be excluded from the student directory. The student directory includes both the printed Emory University Campus Directory and the on-line directory. The University default is that directory information may be **included** in these media. A link is provided below to print a Campus Directory Suppression Form on which you can indicate your preference. Return this completed form to the Office of the Registrar, 100 Boisfeuillet Jones Center, Emory University, Atlanta, GA 30322.

8.3.3 Complaints

Students have the right to file written complaints with the Office of the Secretary of the U. S. Department of Education concerning the University's alleged failure to comply with FERPA or the regulations promulgated thereunder.

8.3.4 Disclosure of Records

8.3.4.1 Disclosure to the Student

The student has the right, on request to the proper official, to know of the existence and content of all materials that are in his/her official records as kept by the University and/or School of the University. The exception to this policy is that letters of recommendation or other personally signed confidential documents placed in the student's file before 1 January 1975 will not be made available to the student. If a student wishes to obtain confidential recommendations to be used for admissions and academic advising purposes only (for transfer, graduate, or professional school application), the student may exercise a waiver of right of access to these specific recommendations.

A student is entitled to an official transcript of his/her academic record. A transcript issued to a student will be stamped "Issued to Student".

A student has the right to inspect and review his/her permanent academic record card (from which transcripts are made) and all official records, files and data directly related to him/her including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or University. The student is entitled to an explanation of any information recorded in these files. When the original is shown, examination should be permitted only under conditions which will prevent its alteration or mutilation. The request for the specific record to be examined or reviewed by the student shall be in writing and the University shall comply with this request within a reasonable period of time, but in no case more than 45 days after the request has been made. The right to inspect and review educational records includes the right to obtain copies of the records when failure to provide copies would effectively prevent a student from exercising the right to inspect and review the educational records. When copies are provided a fee to cover cost is charged. A schedule of such fees is available from the office charged with keeping the record in question.

8.3.4.2 Disclosure to Faculty and Administrative Officers of the University

Faculty and administrative officers of the University who have a legitimate interest in the material and demonstrate a need to know for purposes reasonable related to the performance of their official duties will be permitted to look over the records of any student.

The contents of the official folder of a student should not be sent outside the Office of the Registrar or other records office except in circumstances specifically authorized by the Registrar or the custodian of the other records. A permanent record card should never leave the Office of the Registrar since copies can readily be prepared.

8.3.4.3 Disclosure to Parents, Educational Institutions and Agencies

Transcripts, grade reports and other educational records will not be released to parents or guardians of students without prior written approval from the student. The exception to this policy is that the University may choose to release information about a student to the parents of that student if the student is a dependent student of such parents, as defined in Section 152 of the Internal Revenue Code of 1954.

Requests from research organizations of educational institutions making statistical studies may be honored without prior approval of the student provided no information revealing the student's identity is used. Requests from a philanthropic organization supporting a student will be honored only with written approval from the student.

No personally identifiable records or files will be released to officials of other Colleges or Universities in which the student intends to enroll, unless the student receives notification and, if desired, a copy of the records released.

8.3.4.4 Disclosure to Other Individuals and Organizations

Information furnished to other individuals and organizations should be limited to the items listed as "directory information" unless the request is accompanied by an information or transcript release signed by the student, specifying records to be released, the reasons for such release and to whom the records are to be released. Each student has the right to refuse to permit the disclosure of directory information pertaining to him/her by completing the appropriate form obtained from the Registrar's Office during registration periods.

8.3.4.5 Disclosure in Response to Telephone Inquiries

Only those items determined by the University to be "directory information" may be released in response to telephone inquiries. Such items include:

- * name;
- * whether or not the student is currently enrolled;
- * the school or division in which the student is or was enrolled and his/ her class year;
- * dates of enrollment including full-time or part-time status;
- * degree or degrees earned (if any), date of degree, major area of concentration and academic honors received;
- * awards of merit and participation in officially recognized activities and sports;
- * addresses and telephone numbers; and
- * electronic mail addresses

Urgent requests for student information based on an apparent emergency will be handled by the Registrar or other appropriate University officer. It should be noted that these offices, however, will not knowingly serve as the source of information for landlords, collection agencies, sales personnel, etc.

8.3.4.6 Disclosure by Other Offices of the Institution

The foregoing guidelines are applicable to handling any requests for academic information about students or former students received by any member of the faculty, administration, or clerical staff. The guidelines are intended to protect the individual's rights to privacy and the confidentiality of his/her academic records throughout the University.

All University personnel should be alert to refer promptly to the Office of the Registrar or other appropriate office request for transcripts, certifications or other information which that office typically provides.

Material in a student's placement file will be released for the purpose of prospective employment only on written request of the student. Whenever there is a need for the University to issue a transcript of the student's educational record in connection with employment, it must be specifically requested of the Office of the Registrar by the student.

8.3.5 Hearing

The student shall have the right to request that the University amend his or her records and, if that request is denied, the student shall have the right to a hearing to challenge the content of the student's official University records, to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students and to provide an opportunity for the correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained herein. If the University declines to amend the record following the hearing, the student shall have the right to place a statement in his or her record commenting on the information in the record and the University's decision not to amend it.

8.3.6 Maintenance and Retention of Student Records

Procedures should be established within all offices responsible for maintaining student records for the regular and periodic review of all information for the purposes of insuring its accuracy and continued usefulness and elimination of unnecessary and unverified data. If a student record is to be maintained two conditions must be met:

- * its accuracy should be verified by appropriate means and
- * its continuing usefulness should be clearly demonstrated.

Only records, which survive these two criteria, should be maintained by the institution and then only for a specified period of time. Due consideration should be given to the needs of the archivists as well as to the rights of the individual student in determining the long-term retention of student information.

All persons, agencies or organizations, outside the University, judged as having a legitimate need to know that are given access to the records of a specific student must sign a form which will be kept permanently with the file of the

student, but only for inspection by the student, indicating specifically the legitimate educational or other interest that such person has in seeking this information.

8.3.6.1 Retention Recommendations

Each office of the University responsible for keeping student records should develop a recommended schedule of retention for all records. The retention schedules should be coordinated and must be consistent.

The required schedules of retention, as well as any necessary additional specific policies -- developed in accordance with the above general University policy -- adopted by schools or departments of the University, will become a part of this document and shall also be a matter of public record.

8.3.7 Special Types of Records

Separate and specific safeguards against unauthorized access have been developed for medical, disciplinary, financial, therapeutic and counseling records based on their unique characteristics and high level of sensitivity. Each of the record-keeping administrative units involved in the maintenance of these records has developed its own procedures in accord with the general policy stated here.

8.3.7.1 Counseling and Testing Records

Records of the counseling or testing services are released only on written request of the student or except where such disclosure is required by law. Requests for information regarding the counseling or testing records of a student should be referred to the director of that service.

8.3.7.2 Disciplinary Records

Records of disciplinary action taken by the University are kept in the Office of the Deans. The reason for disciplinary suspension is never a part of the academic transcript of any student. Disciplinary records are not released for use outside the University unless authorized in writing by the student or required by law. The student has the right to inspect and review his or her disciplinary records.

8.3.7.3 Financial Records

Loans, scholarships, and grant applications, financial awards and student employment records are kept separate from other academic and student personnel records. Information concerning loans, grants, scholarships and employment may be released to faculty and administrative staff if such information is judged to be needed in the performance of their respective responsibilities. Financial information will not be released to any other source outside the University except to federal and state assistance programs unless the student requests specifically, and in writing, that his/her financial record (or any part of it) may be released. The financial records of the parent of the student or any information contained therein are not available to the student.

8.3.7.4 Medical Records

Medical records are kept only in the Student Health Services Centers of Emory University and Oxford College. The Student Health Services Centers release health records only with a signed authorization from the student. Requests for information regarding the health of a student should be referred to the Director of the Student Health Services Center.

8.3.8 Withholding Information

There may be conditions such as financial obligations, violations of non-academic regulations, etc., under which the University will withhold transcripts, certifications, or other information about a student. In such instances, the student and the Office of the Registrar must be notified in writing before the hold is initiated. This notification must state the reason for such hold and the conditions to be met before release can be made.

Definitions

1. "Student" referred to in both the Family Educational Rights and Privacy Act of 1974 (FERPA) and the University's Policy Statement on the Confidentiality and Release of Information About Students includes "any person with respect to whom an educational agency or institution maintains educational records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution." This therefore excludes applicants who have been admitted and did not enroll and applicants who were denied admission.

2. "Educational Records" refer to Emory University policy statement on the Confidentiality and Release of Information About Students and FERPA as amended considers as falling outside the definition of Educational Record, and thus does not open to inspection by students, the following materials:

- a. records about students made by instructors and/or administrators for their own use and not shown to others;
- b. employment records for students who are University employees unless the student was employed as a result of

his/her status as a student;

c. records about University students "created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional" acting or assisting in such capacity for treatment purposes and which are available only to persons providing such treatment.

3. As applies to the University's policy statement section IV -- Hearing:

A student may challenge a grade only on the grounds that it was inaccurately recorded, not that it was lower than the instructor ought to have awarded. Thus, the "Right to Challenge Hearings" excludes challenging grades on the basis of the grade being other than expected.

4. FERPA, and hence the University, lists the following as those who may have access to a student's record without the student's consent:

- a. state and local officials to whom state law in effect on 19 November 1974 required information to be prepared;
- b. organizations like ETS and CEEB in connection with "developing, validating, or administering predictive test, administering student aid programs, and improving instruction";
- c. "accrediting organizations in order to carry out their accrediting function";
- d. parents of a student who is a dependent for income tax purposes (dependent student is defined in Section 152 of the Internal Revenue Code of 1954);
- e. "appropriate persons" in the case of health and safety emergencies. Regarding the release of information for health or safety emergencies, the regulations of the Department of Education state that educational institutions may release information from educational records if the knowledge of such information is necessary to protect the health or safety of a student or other persons. Factors which should be taken into account in determining whether records may be released under this section include the following:

"the seriousness of the threat to the health or safety of the student";

"the need for such records to meet the emergency";

"whether the person to whom such records are released is in a position to deal with the emergency"; and

"the extent to which time is of the essence in dealing with the emergency."

Furthermore, "in determining whether a bona fide emergency exists, institutional officials should be aware that the exception is to be construed narrowly." Other than in the exceptions stated in this policy, the University may not release "personally identifiable information in educational records" or allow anyone access to those records, unless the student has given his/her written consent "specifying records to be released, the reasons for such release, and to whom" with a copy of the released record to be furnished to the student if so requested.

5. If the University is responding to a court order or subpoena, it is under no requirement to give the student a copy of the materials furnished, but it must make a reasonable effort to notify the student of all such orders or subpoenas in advance of compliance therewith.

6. The University's own employees, "if within the category determined by the University itself to have legitimate educational interest in the file, need not execute any explanatory statement, nor must a record of their access be kept when indeed they are accessing a student's record." In effect, only "outsiders" who request or obtain file access must explain their reasons.

Related Links

- Current Version of This Policy: <http://policies.emory.edu/8.3>
- [Campus Directory Suppression Form](http://www.registrar.emory.edu/ferpa/campusdirectory.htm) (<http://www.registrar.emory.edu/ferpa/campusdirectory.htm>)

Contact Information

Subject	Contact	Phone	Email
Clarification of Policy	Registrar	404-727-6042	
Policy Posting	Campus Life Central	404-727-4364	

Revision History

- Version Published on: Mar 28, 2007 (*added "name" to 8.3.4.5*)
- Version Published on: Mar 28, 2007 (*Original Publication*)

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.