

FERPA

What is FERPA?

The Family Education Right to Privacy Act (FERPA) is a federal law (also referenced as the Buckley Amendment) designed to protect the education records of students at all educational levels. In the university setting, it gives the enrolled student, regardless of age, control of their records held by the university. Students have certain rights with respect to their education records to include:

- A right to inspect and review their educational records within 45 days after the Academic Affairs or Student Affairs office receive a request for access. A valid photo ID should be presented to verify identity.
- A student may request to correct their individual education record if the student believes items are inaccurate or misleading.
- Ability to consent to disclosures of personally identifiable information contained in the student's education records, except in instances where FERPA authorizes disclosure without consent.
- Ability to file a complaint with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of FERPA.
- Ability to restrict the release of Directory Information to third party requestors, except to school officials with legitimate educational interests and others as indicated above.

*University personnel may disclose information deemed as Directory Information; without a student's prior written consent.

Who is considered a student?

Lakeland University defines a student as any individual who is currently enrolled or was enrolled in a credit-bearing course at the institution.

Any individual who meets this definition is afforded all the rights to privacy as defined by FERPA. This includes online or in-person credit-bearing courses. Individuals who are admitted but not yet enrolled in a credit-bearing course are not protected under FERPA.

What is an education record?

FERPA defines an education record as any record directly related to a student career which contains personally identifiable information. This can include application for

admission, and academic transcript data such as enrollment (credits and enroll status), grades and GPA information, transfer credits and degrees, major(s), honors earned or any other relevant data maintained by the university or a party acting on behalf of the university.

In accord with the Rights and Privacy Act, transcripts are considered confidential and will not be released to a third party, other than authorized university personnel, without the written permission of the student.

Requests for official transcripts should be submitted online through the National Student Clearinghouse with advance notice of at least one week. All transcript requests must include the student's signature, social security number, and name while attending Lakeland University. The cost of each transcript is \$8.00. A request for a rush transcript, to be fulfilled in two business days or less, carries a \$10.00 charge. Please note that all financial obligations to the university, including the full payment of all fines, must be arranged to the satisfaction of the Financial Affairs office before official transcripts will be released or sent.

Such records are available for review by the student by submitting a written request to the office or department responsible for the maintenance of the record or accessing the unofficial transcript via my.lakeland.edu.

Records reviewable under FERPA can be maintained by office staff in student service areas of Financial Aid and Financial Affairs, Registrar and Academic Affairs, and Student Affairs.

Records not considered part of the academic record are medical records, security and/or law enforcement records, sole possession records (written documentation that has not been shared with any other party); course assignments graded by a peer before they are collected and recorded by an instructor, alumni data, confidential letters of recommendation if the student has waived his or her right of access in writing, financial records of the student's parents, admission application/admittance records for a student who does not officially attend the program of admission.

Definition of Need to Know

FERPA allows disclosure of education records without the student's consent to school officials with a demonstrated need to know. A school official is a person employed by the university in an administrative, supervisory, academic, or support position (including security personnel and student life staff); or a person or company with whom the university has contracted. A school official meets the definition of a need to know if review of the student's education record is necessary to fulfill his or her professional job responsibility.

Other reasons Lakeland University may disclose education records include:

- Compliance with a judicial order or a lawfully issued subpoena;
- Health or safety emergency;
- Transmission of transcripts, upon request, to officials of another school in which a student seeks or intends to enroll, or is currently enrolled;
- Fulfillment of a student's request for receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- Compliance with officials of the U.S. Attorney General, the U.S. Comptroller General, U.S. Department of Education to state and federal educational authorities, in connection with certain state or federally supported education programs;
- Request from representatives of accrediting organizations to carry out their functions;
- Any organization or third party conducting data studies for or on behalf of the university;
- Institutional disciplinary proceedings that allow records to be released to the alleged student victim of that crime with respect to that crime;
- Parental requests, as allowed by the Internal Revenue Service if the student meets the criteria of dependency as defined by Section 152 of the Internal Revenue Code of 1986. In cases of divorce or separation, when relying on dependency as the basis for communication, the university reserves the right to communicate with both parents unless provided with evidence that one parent's rights have been legally revoked or otherwise limited. (must provide documentation of proof);
- Parental requests when a student under 21 violates law regarding alcohol or drug abuse;
- In connection with notifications received under a state community notification

program for a student required to register as a sex offender.

Directory Information

FERPA allows for the university to define some basic information which may be released without a student's prior consent. This is referred to as **Directory Information**. The university has defined the following as student directory information at Lakeland University:

- Student name
- Address (local, permanent residence)
- Email address (Lakeland University email)
- Telephone number
- Class level
- Major field(s) of study, including minors and emphases or concentrations
- Participation in officially recognized student activities, including athletics and Commencement
- Weight/height (athletic teams)
- Dates of attendance
- Enrollment status (full-time, part-time, or not enrolled)
- Date of graduation
- Degrees, awards and honors received and where received
- Most recent educational institution attended
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Note: student photos may be released without consent, in situations where health and safety concerns exist.

Third Party Requestors may present themselves to obtain directory information. Requestors are required to enter a written request via mail or email identifying data sought listed above and remit a \$150 processing fee. A confirmation will be sent validating receipt of payment and will affirm the data request can be fulfilled or not and decline issuance of any restricted data, that is not considered directory information.

A secure, password protected document will then be mailed to the recipient upon receipt of fees.

Under the Solomon Amendment, U.S. Military personnel may request directory

information for recruiting purposes as described above. Lakeland will not assess the \$150 fee for this information.

Opt out of disclosure

Students may opt to withhold directory information. If selected, all requests for information will be refused, including verification of enrollment or degree earned to any third party requestor. Students choosing to withhold directory information should contact the Registrar’s Office at (920) 565-1041 to request this information restriction.

Confidential Information

Information that **is not considered releasable** under FERPA as directory information can be, but is not limited to:

Student ID number	Attendance records
Any portion of a Social Security number	Academic status (i.e. Probation status)
Marital status	Academic Advisor’s name
Any previous name	Student misconduct investigations or sanctions
Parent’s name and address	Racial identity
High school academic information	Foreign student or visa status
Transcript information from another university or college	Military status
Courses completed	Notes maintained by university staff within the student information system
Grades, credits earned or GPA	Student photos
Grades of current courses in progress	

Disclosing Confidential Information

Students may choose to release personally identifiable information to a third party via written request. Students should contact Academic Affairs to obtain direction on making a request for disclosure to an identified party. If grades, enrollment by specific course, grade point data (term or cumulative GPA), degree and honors information is reflected on the academic transcript, which can be ordered via the institutional web site

at <https://lakeland.edu/Academics/registrar-s-office>.

Lakeland University will maintain a record of all requests for and disclosures of information from a student's record. An electronic signature may substitute for a written one. Lakeland University's student email account access satisfies the requirements for an electronic signature since the student must authenticate their access to the account with issued USER ID and password; thus, an e-mail note from a student's @japan.lakeland.edu e-mail can be accepted. Other systems are not as secure; personal e-mail requests from Gmail, Yahoo, AOL and other accounts will not be accepted.

Correction of Education Records

Students have the right to request the correction of education records they believe are inaccurate or in violation of their rights. To correct an education record, a student must take the following steps:

1. Contact the office responsible for the oversight of the record, i.e. the Office of Academic Affairs or Student Affairs.
2. The student must identify in writing what part of the record is inaccurate, why it is inaccurate and how it should be amended. Supporting documentation should be submitted if such exists.
3. After a thorough review of the record, the appropriate party will determine if a correction is warranted. If so, the student will be notified of the correction in writing. If not, the student has the ability to appeal the decision.
4. To appeal, the student must request the appeal in writing. The appeal will be reviewed by a party, who may be an Official of the University, who is not part of the office responsible for the student record.
5. The university official will render a decision on the student's request for record correction based on evidence provided by the student during the appeal process.
6. Should the student disagree with the outcome of the hearing, he/she may include a statement contesting the result in his/her official file.

Note: Grades may be appealed in this process only on the accuracy of their transcription.

Lakeland University reserves the right to review and modify its procedures under the

Family Educational Rights and Privacy Act at any time.

Students with Disabilities

Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 require that colleges and universities do not discriminate against otherwise qualified applicants and students with documented disabilities. Lakeland University will provide reasonable accommodations for students who have presented appropriate documentation of their disabilities and limitations. Students seeking such consideration should contact the Student Affairs.

HIPAA and FERPA

HIPAA (Health Insurance Portability and Accountability Act) applies to health care providers, private benefit plans, and health care clearinghouses. It does not apply to other types of organizations whose receipt or maintenance of health records is incidental to their normal course of business. FERPA does not limit what records a college may obtain, create or maintain; rather, it provides safeguards for educational records.

The Accommodation Committee and Student Affairs are committed to ensuring all information and communication pertaining to a student's disability or health related documentation is maintained as confidential as required or permitted by law. The following guidelines about the treatment of such information have been adopted as follows:

- No one will have immediate access to student accommodation, health or counseling records unless it relates directly to their employment and work with students on campus in these service areas. Any information regarding a student's disability is protected by the Family Educational Rights and Privacy Act (FERPA) and will only be disclosed as permitted or required by FERPA.
- Sensitive information in disability accommodation or health records will not be released except in accordance with federal and state laws.
- A student's accommodation or health records may be released pursuant to a court order or subpoena.
- If a student wishes to have information about his/her disability shared with

others, the student must provide written authorization to the service providers to release the information. Before giving such authorization, the student should understand the purpose of the release and to whom the information is being released.

- A student has the right to review his/her own accommodation or health record with reasonable notification.

Compliance Complaint Process

Lakeland University makes available to the public, upon request, all consumer information required by the United States Office of Education. Consumer information includes, but is not necessarily limited to, the following: academic programs, academic progress requirements, career planning services, educational costs, financial aid, job placement outcomes, and student retention. This information is available from the Office of the Registrar.

Lakeland University ensures student access to official education records and placement files and maintains the confidentiality of personally identifiable information in accord with federal law.

The student has the right to file a complaint with the U.S. Department of Education concerning alleged compliance issues on the part of Lakeland University. The contact information is as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202

FERPA Policy Updates

The university's FERPA policy will be published annually in the web based traditional and evening, weekend, online and undergraduate/graduate academic catalogs and on the lakeland.edu web site.