

SUBJECT: Privacy Rights of Parents and Students

PURPOSE

To establish policy and procedures to protect the privacy rights of parents and students (irrespective of course delivery method), to ensure student access to educational records maintained by LSU Eunice, to provide definitions of material to be released from these records without student permission.

DEFINITIONS

Education records are those records which directly relate to a student and are maintained by the University or a party acting for the University. The term does not include:

- A. records of faculty members, division heads, directors, or other University personnel which are in the sole possession of the maker and are not accessible to or revealed to any other individual except a temporary substitute for the maker of the record;
- B. records created and maintained by the LSU Eunice Campus Security for the purpose of law enforcement;
- C. records of physicians, psychologists, and other professional persons who provide professional services to the student which are not part of the program of instruction of the University and which are not disclosed to anyone without the student's consent;
- D. records which contain only information relating to a person after that person is no longer a student at the University.

Personally identifiable information is that which, when associated with an educational record, allows the record to be identified with a specific person. This information includes (a) the name of the student, the student's parent or other family member; (b) the address of the student or student's family; (c) a personal identifier, such as a Social Security number or student identification number; (d) a list of personal characteristics which would make the student's identity easily traceable; or (e) other information which would make the student's identity easily traceable.

A student is any individual for whom the University maintains an education record; the term does not extend to a person who applies for admission until he/she has actually been in attendance at the University.

Date of attendance – the period of time during which a student attends or attended an educational agency or institution.

PRIVACY RIGHTS OF PARENTS AND STUDENTS

I. Compliance

LSU Eunice is in compliance with the regulations of the Family Educational Rights and Privacy

SUBJECT: Privacy Rights of Parents and Students

43 Act, which ensures students and parents of dependent students access to their educational
44 records maintained by the University, and which prohibits the release of personally identifiable
45 information from these records without the student's permission except as specified in the Act.
46 LSU Eunice's "Notification of Rights" under the Family Educational Rights and Privacy Act of
47 1974 (FERPA) is attached.

48
49 **II. Access to Education Records by Students and Parents of Dependent Students**

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51 **A. Access by Students**

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53 To gain access to their education records, students must submit a written request which
54 identifies, as precisely as possible, the record(s) the students wish to inspect, or provide
55 adequate personal identification, to the appropriate office, as follows:

56
57 Student records – (courses taken, grades earned, academic actions, and application
58 materials) – University Registrar, Office of the Registrar, LSU Eunice, Eunice, LA 70535

59
60 College records – Division Heads in which the student is or was enrolled. Address: Division
61 Head of _____, LSU Eunice, Eunice, LA 70535.

62
63 Disciplinary records – Vice Chancellor for Student Affairs, LSU Eunice, Eunice, LA 70535.

64
65 Financial records – Vice Chancellor for Business Affairs, LSU Eunice, Eunice, LA 70535.

66
67 Undergraduate Admission records – Registrar and Director of Admissions, LSU Eunice,
68 Eunice, LA 70535

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70 Any student who has attended LSU Eunice may obtain a transcript of work completed
71 provided the student is current in his or her financial obligations to the University.

72
73 Students who have been enrolled on more than one campus of the LSU System must
74 request records from the appropriate office on each campus.

75
76 Access to records will ordinarily be provided within three (3) business days of the student's
77 request. Under no circumstances will access be delayed more than 45 calendar days after
78 the student's initial request.

79
80 Students will not be permitted to inspect financial records and statements of their parents or
81 any confidential letters and confidential statements of recommendation placed in their
82 records before January 1, 1975.

83
84 **B. Access by Parents of Dependent Students**

SUBJECT: Privacy Rights of Parents and Students

85 It is assumed that an undergraduate is not a dependent of his/her parents or guardians
86 unless the University is notified to the contrary by the student or his/her parents or
87 guardians.

88
89 An individual claiming a student as his/her dependent shall provide to the Office of the
90 Registrar and Director of Admissions an affidavit satisfactory to LSU Eunice stating that the
91 student whose records are requested is a dependent of the affiant, as defined by section
92 152 of the Internal Revenue Code of 1954. At the University's discretion, a copy of the IRS
93 Form 1040 may be appropriate.

94
95 Parents of dependent students have the same rights to access as do students, as noted in A
96 above and in Section IV of this policy statement.

97
98 **III. Scope of Student Rights and Procedures for Challenge**

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100 The information in the educational record may be challenged by the student (or parent of a
101 dependent student) as inaccurate, misleading, or in violation of privacy rights of the student. In
102 such instances, the University will consider whether or not to amend the record(s) in accordance
103 with the student's request. A written decision will be communicated to the student within 60
104 calendar days of the written request.

105
106 If it is decided not to amend the record in accordance with the student's request, the student will
107 be advised that he/she is entitled to a hearing in which he/she may formally challenge the
108 content of the record in question. The conduct of the hearing will conform to the due process
109 procedures specified in the General Education Provisions Act.

110
111 Challenges and requests for hearings should be initiated in writing with the officer responsible
112 for the maintenance of the record. (A grade may be challenged under the Act only on the
113 grounds that it was inaccurately recorded or miscalculated.)

114
115 Within 60 calendar days of receipt of the written request, the University shall inform the student
116 as to whether the record(s) will be amended. If the decision is negative, the student may submit
117 a written request for a hearing in order to challenge the content of the record(s).

118
119 Within 30 calendar days of receipt of the written request for a hearing, the University will inform
120 the student of the date, place, and time of the hearing and of the identity of the official in charge
121 of the hearing. The notice will be mailed to the student at least two weeks in advance of the
122 hearing.

123
124 The student will be afforded a full and fair opportunity to present evidence relevant to the issues
125 and may be assisted by individuals or an attorney at his/her expense. The University will
126 announce its decision in writing within 30 calendar days of the conclusion of the hearing. The

SUBJECT: Privacy Rights of Parents and Students

127 decision will be based solely on the evidence presented and will include a summary of the
128 evidence and reasons for the decision.

129
130 If, as a result of the hearing, the University decides that the student's record should be
131 amended, it will amend the record(s). If not, the University will inform the student that he/she
132 has the right to place in the records a statement commenting on the challenged information
133 and/or a statement setting forth reasons for disagreeing with the decision. The statement will be
134 maintained as part of the student's education records as long as the contested portion is
135 maintained. If the University discloses the contested portion of the record, it must also disclose
136 the statement.

137
138 **IV. Release of Educational Records Under the Law Without the Student's Permission**

139 Personally identifiable information from educational records cannot be released without the
140 student's permission, except as follows:

- 141
142 1. To LSU Eunice officials who have a legitimate educational interest as determined by the
143 University. All students' education records are open to the Chancellor, the Vice-
144 Chancellors, the division heads, and directors. In addition, the following individuals are
145 also Louisiana State University Eunice officials:
146
147 a) A person employed by the University in an administrative, supervisory, academic,
148 research or support staff position, including health and medical staff and teaching
149 assistants and student assistants.
150 b) A person appointed by the Board of Supervisors.
151 c) A person employed by or under contract to the University to perform a special task,
152 such as a University attorney.
153 d) A person employed by the LSU Eunice Campus Security.

154
155 A school official has a legitimate education interest if the official acts in the following
156 capacities: is performing a task that is specified in his or her position description or
157 contract agreement, related to a student's education or to the discipline of a student;
158 providing a service or benefit relating to the student or the student's family (e.g.,
159 health care, counseling, job placement, financial aid, etc.); or maintaining the safety
160 and security of the campus.

- 161
162 2. To other educational institutions in which the student seeks to enroll (the student or
163 parent, if the student is a dependent, may, upon request, obtain a copy of the record that
164 was sent).
165
166 3. To public officials as specified in the Act.
167
168 4. To agencies and offices administering financial aid; only those records required in

SUBJECT: Privacy Rights of Parents and Students

- 169 connection with a student's application for financial aid can be provided.
170
171 5. To organizations for use in developing, validating, or administering predictive tests,
172 administering student aid programs, and improving instruction. Such agencies must
173 agree not to divulge personally identifiable records to outsiders and must agree
174 ultimately to destroy these records.
175
176 6. To accrediting agencies in order to carry out accreditation functions.
177
178 7. To parents or guardians of students who are dependents for income tax purposes.
179
180 8. To appropriate persons in the case of a health or safety emergency, if knowledge of the
181 information is necessary to protect the health or safety of the student or other persons.
182 An articulable and significant threat that formed the basis for the disclosure will be
183 recorded and included in the student's education records for as long as those records
184 are maintained.
185
186 9. To courts of law in response to court orders or subpoenas. When responding to a court
187 order or subpoena, the institution must make a reasonable effort to notify the student of
188 all such orders or subpoenas in advance of compliance. Students will not be notified
189 when the subpoena is issued by a Federal Grand Jury or for any law enforcement
190 purpose, that orders the University not to disclose the existence or contents of the
191 subpoena.
192
193 a) A court order or subpoena is not necessary, and educational records may be
194 released without student consent, in litigation involving the student and the
195 University.
196
197 10. To the alleged victim of any crime of violence, as described in section 16 of title 18,
198 United States Code or a non-forcible sex offense, the final results of any disciplinary
199 proceeding conducted by the University against the alleged perpetrator of that crime with
200 respect to that crime or offense. This disclosure shall not be limited to the alleged victim,
201 and may be disclosed to the public generally. The final results of any disciplinary
202 proceeding shall only include the name of the student, the violation committed, and any
203 sanction proposed by the institution on that student, and may include the name of any
204 other student, such as a victim or witness, only with the consent of that other student.
205
206 11. To the parents or legal guardian of a student under the age of 21, information regarding
207 any violation of any local, state, or federal law, or any rule or policy of the University
208 governing the use or possession of alcohol or a controlled substance, when the
209 University has determined that the student has committed a disciplinary violation with
210 respect to such use or possession.

SUBJECT: Privacy Rights of Parents and Students

211
212 Requests for release of personally identifiable information by persons other than
213 University employees must be made in writing. Such requests will be recorded in the
214 office maintaining the record from which the information is requested or released, and
215 the record of release of information will be made a part of the student's educational
216 record. The record of disclosure or of request for disclosure under such circumstances
217 will include the name(s) of the person(s) who requested the information and the
218 reason(s) for the request.
219

220 **V. Release of Educational Records Under the Law With the Student's Permission**

221 Requests for access to educational records by any person other than those listed in Section IV
222 will be refused unless the student has submitted a written, dated, and signed waiver to allow
223 access to his/her records. The waiver must specify the records to be released, the reasons for
224 such release, and the names of the persons to whom records are to be released.
225

226 **VI. Faculty Responsibility regarding Privacy of Students' Grades**

227 Faculty members are responsible for maintaining the privacy of students' grades for any course
228 or for any activity (project/test/quiz/paper) which is part of a course.
229

230 This policy is violated if a student's grade is (1) openly discussed in class; (2) visible on papers,
231 tests, or projects as they are returned, e.g., passed down the row or left on a desk to be picked
232 up; (3) publicly posted in a personally identifiable manner; or released over the telephone to
233 anyone other than the student or the parents of a dependent student.
234

235 Disclosure of a student's grades by a faculty member may be made only in a manner that
236 makes the grades identifiable only to the faculty member and the student.
237

238 Since the social security number is classified as "personally identifiable information" (see
239 definition on page 1 of this policy statement), the disclosure of grades with the student's social
240 security number or name is not allowed without the student's written permission.
241

242 **VII. Directory Information**

243 Directory information is information available to the public, or specified sectors thereof, which
244 may or may not be published in the Student Directory or other publications. Directory
245 information is defined as follows:
246

- 247 A. Student's name, local address, and telephone number
248 B. Student's home address
249 C. Student's e-mail address
250 D. Date/place of student's birth
251 E. Student's major field of study/classification
252 F. Student's participation in officially recognized activities and sports; weight and height of

SUBJECT: Privacy Rights of Parents and Students

- 253 members of athletic teams
- 254 G. Dates of student's attendance
- 255 H. Degrees, awards, and honors received by student
- 256 I. The photograph of the student
- 257

258 Students who wish to withhold any information in these categories should complete a form
259 available in the Registrar's Office and indicate which items should not be considered directory
260 information. The hold will remain in effect until the student requests that it be lifted. Only
261 currently enrolled students may place a hold on the release of directory information.

262
263 **VII. Record of Disclosures**

264 A record of disclosures of personally identifiable, non-directory information from the educational
265 records of a student will be maintained and made available to eligible persons upon request.
266 This shall not include disclosures to school officials.

267
268 **IX. Limitations**

269 Louisiana State University Eunice is not required to permit a student to inspect and review the
270 following records:

- 271 1. Financial information submitted by parents
- 272 2. Confidential letters or recommendations with respect to employment or honors to which
- 273 students have waived rights to inspect
- 274 3. Educational records which contain information on other students, only the specific
- 275 information pertinent to the requesting student may be reviewed.
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277
278 **X. Authority**

279 Section 513, P.L. 93-380, Education Amendments of 1974, which amends the General
280 Education Provisions Act, Section 438.

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282
283 **XI. Final Responsibility for Interpretation of this Policy Statement**

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285 Final responsibility for interpretation of the provisions of this policy statement rests with the
286 University Registrar, who is also the custodian of the student's official education record.

287
288 The University Registrar is also responsible for ensuring that all LSU Eunice personnel who
289 have access to educational records, either through University databases or printed reports,
290 have indicated their awareness of this policy.

LSU Eunice

**Notification of Rights under the
Family Educational Rights and Privacy Act of 1974 (FERPA).**

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), post-secondary students enrolled at LSU Eunice are hereby notified of their rights with respect to their education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, division head, vice chancellor, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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Page 9 of 9

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by LSU Eunice to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education 600 Independence Ave., SW, Washington, DC 20202-4605.

FERPA further provides that certain information, designated as "directory information," concerning the student may be released by the University unless the student has informed the University that such information should not be released.

Directory information includes: the student's name, address, telephone listing; date and place of birth; dates of enrollment; college, school or division enrolled in; classification; major; degree(s) earned; participation in officially recognized activities and sports; and height and weight of athletes..

A student who desires that any or all of the above listed information not be released must complete a non-disclosure form in the Office of the Registrar ..