

FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 24-A-XX

Approved by the Faculty Senate
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BRIEF SUMMARY: This bill revises the portions of Chapter 3 in the *Faculty Handbook* dealing with the Federal Educational Rights and Privacy Act/Buckley Amendment, to remove content that can be linked to the Registrar’s webpages and provide brevity and clarity to the remaining content.

ACTION OF BILL: Revising the portion of Chapter 3 in the *Faculty Handbook* related to the Family Educational Rights and Privacy Act/Buckley Amendment.

BE IT RESOLVED THAT: Subject to the passage and approval of this bill, the Policy and Procedure sections for “Family Educational Rights and Privacy Act/Buckley Amendment” of Chapter 3 in the *Faculty Handbook* will merge and be replaced by the contents of this bill.

TITLE OF BILL: Revising Policy and Procedure for “Family Educational Rights and Privacy Act/Buckley Amendment” in Chapter 3 of the *Faculty Handbook*

1 *Family Educational Rights and Privacy Act/Buckley Amendment*

2 ~~Policy Faculty Senate bill 12-A-30 begins here.~~

3 The University maintains students’ educational records in a manner consistent with the
4 Family Educational Rights and Privacy Act (FERPA) of 1974 (Buckley Amendment),
5 Missouri statutes R.S.MO. 610.021(6) and 610.010(6), and the implementation of these
6 acts. Faculty are expected to familiarize themselves with the procedures related to privacy and
7 access to student records, which can be found on the Registrar’s website: Student Records –
8 FERPA (www.semo.edu/student/support/academic-support/registrar/). Questions about the
9 application of FERPA to teaching duties should be directed to the Registrar. These acts are
10 designed to protect the privacy of students and parents regarding access to records and
11 release of such records, and to provide opportunity for a hearing to challenge such
12 records should they be inaccurate, misleading, or inappropriate.

13 ~~Under the University’s Open Meeting and Open Records Policy, adopted by~~
14 ~~the Board of Regents October 30, 1987, public records are closed to public~~

1 ~~inspection and copying to the extent that they relate to scholastic probation,~~
2 ~~expulsion, or graduation of identifiable individuals and personally identifiable~~
3 ~~student records.~~

4 *Amended by Faculty Senate 4/11/12, President Review 4/23/12, Board of Regents Approval 5/12/12*

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6 ~~Procedures Faculty Senate bill 12 A-31 begins here.~~

7 Faculty may find the following points helpful in interpreting FERPA/the
8 Buckley Amendment, but should be aware this is not a comprehensive list: The
9 faculty member should be aware of the following areas affected by the Buckley
10 Amendment:

11 ~~What kind of records are covered? The Buckley Amendment covers all records,~~
12 ~~files documents and other materials which contain information directly relating~~
13 ~~to a student and which are maintained by an educational agency such as a~~
14 ~~University. The location or format of the record does not matter. Discipline~~
15 ~~folders, health files, grade reports, and other records found in a cumulative~~
16 ~~folder or computer file are all covered. Schools are required to provide a list of~~
17 ~~all the records maintained on students.~~

18 1. School officials in the same university with a legitimate educational
19 interest may view and discuss a student's records without a student's consent if
20 those records are required to perform their instructional, supervisory,
21 advisory, and administrative duties.

22 2. Students of age 18 or older must give consent for faculty to discuss their
23 academic records (including grades, course work, etc.) with parents. Faculty
24 should refer students to the "Permission to Release Confidential Information"
25 form on the Registrar's website under the Forms section.

26 ~~1.3. Under what circumstances is it all right to post grades? Grades may be~~
27 ~~publicly posted only if the student is not identified in any way. Posting~~
28 ~~of names, initials, social security numbers, or student identification numbers is~~
29 ~~not allowed. A faculty member can assign a code or number known only~~
30 ~~to the student and post the grades by these numbers, but. The numbers~~
31 ~~must may not be listed in a manner that assures that the students' numbers~~
32 ~~do not appear in the list in the positions that coincides with their students'~~
33 ~~places in an alphabetical listing of the students enrolled in the class.~~

34 ~~2. Are there any student records that a school can refuse to show a student? Yes,~~
35 ~~the following:~~

36 a.4. A teacher's or counselor's "personal notes" (these are notes that school
37 officials make for their own use and are not to be shown to anyone else,
38 except a substitute); are not included in the required documents that
39 must be released to a student.

- 1 ~~b. Records of school security police if they are kept separate from the rest of~~
2 ~~the school's files, if the security agents do not have access to any other~~
3 ~~school files, and if they are used for law enforcement purposes only within~~
4 ~~the local area;~~
5 ~~e. Personnel records of school employees;~~
6 ~~d. Psychiatric or "treatment" records (but students can let a doctor of~~
7 ~~their own choice look at them);~~
8 ~~e. Financial records of parents.~~
9 *Note: School officials cannot refuse to show students a record simply because it was sent to them by*
10 *someone outside the school system.*
- 11 ~~3. Must the school show the record to student immediately upon request? No.~~
12 ~~Under the Buckley Amendment, the school has 45 days to grant the request.~~
- 13 ~~4.5. Faculty may not remove or destroy records after a student has~~
14 ~~requested to see them. Can the school destroy records after the student~~
15 ~~has requested to see them? Such action is a violation of the Buckley~~
16 ~~Amendment. However, schools may remove or destroy records prior to a~~
17 ~~request.~~
- 18 ~~5. What if the student does not understand the records? An explanation must~~
19 ~~be provided by the school of the meaning or intent of statements made in~~
20 ~~the records.~~
- 21 ~~6. May students obtain copies of school records? Under the Buckley~~
22 ~~Amendment, they may obtain a copy:~~
23 ~~a. When records are transferred to another school, and~~
24 ~~b. When information is released to third parties.~~
- 25 ~~In addition, if receiving copies is the only practical way access can be~~
26 ~~obtained (e.g., the parents live in California, and the records are in New York),~~
27 ~~the school will have to make copies. Local school regulations will govern~~
28 ~~requests for copies in other situations and will also establish the amount that~~
29 ~~can be charged for each copy.~~
- 30 ~~Remember: Student have the right to see the records and take notes from them~~
31 ~~even if the school refuses to copy the papers for them.~~
- 32 ~~7. If students think information is misleading or false, how can they get it~~
33 ~~removed? First, the student may ask the school to remove it and explain why.~~
34 ~~If the school official agrees, then the matter is closed. If the school official~~
35 ~~disagrees, then a hearing can be requested by the student. A hearing is a~~
36 ~~meeting between the student and school officials that is presided over by an~~
37 ~~impartial individual (known as a hearing officer) or committee. The hearing's~~
38 ~~purpose is to let each side present the evidence in dispute within the school~~
39 ~~records and to let the hearing officer decide who is right.~~

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~~8. What information may be disclosed without prior written consent? Directory information may be disclosed without prior written consent if a confidential flag does not appear in the Student Information System. The University defines directory information as student’s name; local and permanent address and phone number; date and place of birth; whether the student is currently enrolled; dates of attendance; major field of study; anticipated date of graduation; degree(s) earned, if any, date, major, and honors received; participation in officially recognized activities and sports; weight and height of members of athletic teams; and most recent previous educational institution attended. Students may request restriction of release of directory information by completing a request available in the Registrar’s Office or online through the portal.~~

~~9. What information requires the student’s written permission for release? The student’s written permission is required for release of non-directory information. Examples of non-directory information include parent names, address and phone number; class schedule; class attendance; grades; withdraws, suspensions; and Southeast ID number. If you have a question concerning release of student information, contact the University Registrar. (Note: In addition to the University’s liability for knowingly violating the Buckley Amendment, individuals are also held personally liable for knowingly violating this legislation.)~~

- ~~10. Who may see a student’s records without consent?~~
- ~~a. School officials in the same university with a “legitimate educational interest,” meaning that they must require the student’s education records in the course of performing their instructional, supervisory, advisory, and administrative duties of the University;~~
 - ~~b. School officials in the University to which the student intends to transfer (but only after the student has had a chance to challenge the contents);~~
 - ~~c. Various state and national education agencies when enforcing federal laws;~~
 - ~~d. Anyone to whom the school must report information as required by state statute (the statute must have been in effect prior to November 19, 1974);~~
 - ~~e. Accreditation and research organizations helping the school;~~
 - ~~f. Student financial aid officials; and~~
 - ~~g. Those with court orders.~~

~~11. May police, probation officers, or employers see student records without consent? No. Under federal law, police, probation officers, and employers cannot see or receive information from student records without obtaining the student’s consent. If, however, the state has a statute that was in effect before~~

1 ~~November 19, 1974, requiring schools to give these individuals such data, then~~
 2 ~~the school has the discretion to do so.~~
 3 ~~12. May the school ask students to sign a blanket consent form at the beginning of~~
 4 ~~the school year, so they do not have to request each release of a record or its~~
 5 ~~information? No. The school must contact the student each time someone~~
 6 ~~requests to see any records.~~
 7 ~~13. What must the school tell a student who is asked for consent to release records?~~
 8 ~~The student must be told what records have been requested, why the request~~
 9 ~~has been made, and who will receive the records.~~
 10 ~~14. Where can I find more information on the Buckley Amendment? The~~
 11 ~~University officer charged with ensuring compliance with the Buckley~~
 12 ~~Amendment is the Vice President for Enrollment Management and Student~~
 13 ~~Success who can provide more information if needed.~~

Amended by Faculty Senate bill 12-A-31 4/11/12, President Approval 4/23/12, 15-Day Review 4/2012

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Action	Date
Introduced to Senate	
Second Senate Meeting	
Faculty Senate Vote	
President's Review	
15 Day Review	
Posted to Faculty Handbook	

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