

Student Services Manual (SSM)

SSM 107–01: Release of Student Information

Effective: 9/27/1984

Revised: 7/1/2018

Purpose

To outline the ASU policy on release of student information, as required by the federal *Family Educational Rights and Privacy Act of 1974*, as amended

Sources

Family Educational Rights and Privacy Act of 1974 (also referred to as the Buckley Amendment or FERPA), 20 *United States Code* § 1232g, as amended

University Registrar Services

Office of General Counsel

Policy

The federal *Family Educational Rights and Privacy Act of 1974* (also known as the Buckley Amendment and FERPA) affords students certain rights with respect to their education records. These rights are:

1. the right to inspect and review the student’s education records within 45 days of the day Arizona State University receives a request for access
 2. the right to request the amendment of the student’s education records that the student believes are inaccurate or misleading
 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
- and
4. the right to file a complaint with the U.S. Department of Education concerning alleged failures by ASU to comply with the requirements of FERPA.

Student Control of Access

In addition to the restrictions mandated by law, a student may control access to his or her records by completing forms at University Registrar Services.

Note: Inspection of student records by school officials for educational purposes is permitted, provided that access is limited to only those education records in which the school officials have a legitimate educational interest.

A parent of a dependent student may challenge denial of access by presenting the most current copy of Internal Revenue Service Form 1040 and a notarized Affidavit of Dependency form to University Registrar Services. For complete information about this procedure, see [SSM 203–08](#), “Affidavit of Dependency for Release of Records.” The affidavit is retained by University Registrar Services and must be renewed each tax year. Upon receipt of the affidavit, the university may make the dependent student records available to the parent.

Identification Required

A student accessing education records or receiving university services must provide proof of identity (generally photo identification such as an ASU student ID card, driver's license, passport, etc.).

Education Records

An education record is any record that is directly related to a student and is maintained by ASU or by a party acting for the university. The Buckley Amendment provides the following guidelines for the release of such information:

Releasable Information (Directory Information)	Non-releasable Information
Student name Addresses: All addresses on record at ASU (e.g., local, home, mailing) and ASU e-mail, including the directory number Telephone numbers Date of birth Degrees, honors, and awards received (including Dean's List, National Merit, National Achievement, and National Hispanic Scholars) Academic level Academic major College Dates of attendance Enrollment Status (e.g., undergraduate or graduate, full-time or part-time) Participation in officially recognized activities and sports Most recently attended educational institution Weight/height of athletic team members	All other information Any information that the student has indicated as non-releasable, including directory information

Conditions of Release of Educational Records

Directory Information

Directory information may be released to anyone without the consent of the student, unless the student indicates otherwise to University Registrar Services. Note that the social security number or other nondirectory information, either alone or in conjunction with other data elements, may not be used to identify student records when disclosing or confirming directory information without the student's written consent.

Controlling Directory Information Release

Unless otherwise requested, a student's name, college, major, enrollment status (undergraduate, graduate), and ASU email address may appear in the directory of faculty, staff, and students on ASU's web pages when a person signs in using their ASURITE ID and password. To avoid the release of directory information on the WEB or in general, the appropriate form must be submitted to University Registrar Services.

ASU has a policy that regulates the sale of enrolled student directory information through University Registrar Services. If a FERPA hold is on the student's file, the directory information will not be included for these requests.

Personally Identifiable Information

Personally identifiable information about a student includes not only the name of the student and other personal identifiers but also a list or description of personal characteristics or any other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the student and/or relevant circumstances, to identify the student with reasonable certainty. Further, personally identifiable information includes all information about a student that is not defined as directory information, as well as any information that the student has indicated may not be released, including directory information.

Personally identifiable information may not be released without the student's consent, except under the following circumstances or to the individuals/organizations listed below or otherwise as permitted by law. These releases are permissible, not required.

1. ASU school officials with a legitimate educational interest. See definitions of "school official" and "legitimate educational interest" below in the Definitions section of this policy.
2. ASU officials, including teachers, who have a legitimate educational interest in the information and officials of any institution governed by the Arizona Board of Regents (ABOR) to the extent necessary to implement and enforce sanctions under the *ABOR Student Code of Conduct*
3. officials of other schools in which the student seeks admission, intends to enroll, or is already enrolled, if the disclosure relates to the student's enrollment or transfer provided that the student, upon request, receives a copy of the record that has been transferred and has an opportunity to challenge, upon request, the content of the record
4. authorized representatives of the U.S. comptroller general, the secretary of the Department of Education, the assistant secretary for education, and state educational authorities:
 - a. for the purpose of audit and evaluation of federally supported education programs or the enforcement of and compliance with legal requirements related to these programs
 - or
 - b. in connection with financial aid for which a student has applied or which a student has received.

In these instances, personally identifiable information from the education records of the student may be disclosed only as necessary for purposes such as:

1. determining the eligibility of the student for financial aid
2. determining the amount of financial aid
3. determining the conditions that will be imposed regarding the financial aid
- or
4. enforcing the terms or conditions of financial aid.

Any data collected by these representatives under these conditions is required to be protected by the persons receiving it in a manner that will not permit the personal identification of students and their parents by other than those authorized above, except when:

1. written consent of the student has been obtained

or

2. the collection of personally identifiable information is specifically authorized by federal law.

5. state and local officials or authorities to whom such information is specifically required to be reported or disclosed under state statutes enacted before November 19, 1974, specifically concerning the juvenile justice system
6. federal, state, local, and independent organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of:
- a. developing, validating, or administering predictive tests
 - b. administering student aid programs

and

c. improving instruction.

Note: This exception requires ASU to enter into a written agreement with the organization that specifies the purpose, scope, duration of the study, the information to be disclosed, and the disposition requirements for all personally identifiable information when the study is completed.

7. accrediting organizations in order to carry out accrediting functions
8. parents of a dependent student defined in the *Internal Revenue Code*, as evidenced by a notarized affidavit stating that the student is a dependent for income tax purposes, or other documentation as may be separately approved by the university registrar, on a case-by-case basis
9. appropriate parties in a health or safety emergency. The totality of the circumstances will be considered in determining whether personally identifiable information should be disclosed, including but not limited to the following:
- a. the seriousness of the threat to the health or safety of the student or other individuals
 - b. the necessity of gaining the information to deal with the emergency
 - c. the ability of the parties to whom the information is disclosed to deal with the emergency

and

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

or

10. persons holding a judicial order or lawfully issued subpoena. The school official will make a reasonable effort to notify the student of the order or the subpoena several days in advance of compliance except when the order or subpoena was issued for a law enforcement purpose and states that the student is not to be notified. Also, the school official will notify the third party receiving the education records of its obligation to notify the student before further redisclosure in compliance with a court order or subpoena.

Exceptions Related to Student Conduct

Disclosure of Violent Acts

ASU may:

1. disclose to an alleged victim of any crime of violence (as that term is defined in 18 *United States Code* § 16) or a nonforcible sex offense the final results of any disciplinary proceeding conducted by ASU against the alleged perpetrator of such crime or offense with respect to such crime or offense
 2. disclose the final results of any disciplinary proceeding conducted by ASU against a student who is an alleged perpetrator of any crime of violence (as that term is defined in 18 *United States Code* § 16) or a nonforcible sex offense if ASU determines as a result of that disciplinary proceeding that the student committed a violation of the university's rules or policies with respect to such crime or offense
- or
3. disclose information concerning sex offenders and other individuals required to register under § 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 *United States Code* § 14071, and the information provided to ASU under 42 *United States Code* § 14071 and applicable federal guidelines.

Disclosure of Disciplinary Records

ASU may:

1. include appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community
- or
2. disclose such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

Disclosure of Drug and Alcohol Violations

ASU may disclose to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law or of any rule or policy of the institution governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if:

1. the student is under the age of 21
- and
2. the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

This shall not be construed to supersede any provision of state law that prohibits ASU from making the disclosure described in this section.

Investigation and Prosecution of Terrorism

ASU may, upon receipt of an *ex parte* court order, release educational records to the U.S. Attorney General or his or her designee related to the investigation or prosecution of an offense described in 18 *United States Code* § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 *United States Code* § 2331.

ASU, by acting in good faith to produce education records in accordance with an order issued under this subsection, shall not be liable to any person for that production.

Limitation on Redisclosure

ASU may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the student. Personally identifiable information disclosed to an agency or organization may be used by its officers, employees, and agents only for the purposes for which the disclosure was made. These limitations on redisclosure are referred to as third party restrictions.

Third Party Restrictions Statement

The following statement appears on records released to agencies or organizations:

“Information contained herein is for the intended purpose only and is not to be used for any other purpose or released to any other person or organization without the written consent of the student whose name appears herein.”

If you are unable to comply, in accordance with the federal *Family Educational Rights and Privacy Act of 1974*, you are required to return this record immediately to [University Registrar Services](#).

Waiving Rights under the Act

A student may waive any of his or her rights under the act. All waivers must be in writing to be valid.

Required Record of Releases of Information

Except as otherwise required by law, ASU shall maintain records of each request for and release of personally identifiable information. This information shall be kept with the student’s education records and maintained by the custodian of the record.

The record indicates the parties who have requested or obtained personally identifiable information, the legitimate interest these parties had in requesting or obtaining the information, and the date of such a request or disclosure.

Records of release or disclosure shall be available for inspection only to the student, university personnel responsible for custody of the record, and authorized representatives listed in this policy under [Conditions of Release of Educational Records](#) above.

These records must be maintained for as long as the education records to which they pertain are maintained.

The act dictates the following exceptions to the requirement for the recording of release of information:

1. requests by or disclosures to the student
2. requests by or disclosures to university personnel having a legitimate educational interest in the record
3. disclosures pursuant to a student’s written consent when the consent is specific with respect to the party, or parties, to whom the disclosure is made
4. requests for directory information

and

5. disclosures pursuant to a judicial order or lawfully issued subpoena.

Right to Inspect and Review Education Records

ASU shall permit a student to inspect and review his or her education records. Inspection of education records takes place at reasonable times during business hours.

Limitations on Student Inspection and Review of Education Records

ASU is not required to release the following information from the education records of a student:

1. financial records and statements or any related information of the student's parents
2. confidential letters and statements of recommendation if the student:
 - a. waived his or her right to inspect and review those letters and statements
and
 - b. those letters and statements are related to the student's admission to ASU, application for employment, or receipt of an honor or honorary recognition.

Such a waiver is valid only if it is not a condition of admission to or receipt of a benefit or service from the institution and it is in writing and signed by the student. If the student provides such a waiver, the student must be given, upon request, the names of persons providing the recommendations, and the institution may not use the letters for any purpose other than that for which they were originally intended. The student may revoke the waiver in writing; however, revocation affects only those documents received after the date of the revocation.

3. education records of a student that contain information on more than one student

(In such a case, a student may inspect and review or be informed of only the specific information that pertains to that student.)

4. the following records are not included in the definition of education records and are, therefore, exempt from inspection and review under FERPA:
 - a. records made or maintained by an ASU employee that are in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker of the record
 - b. records of the ASU Police Department (ASU PD) maintained solely for law enforcement purposes
 - c. employment records as made and maintained in the normal course of business

(This does not apply to an individual in attendance at the university who is employed as a result of his or her status as a student.)

- d. treatment records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the capacity of one of the above professionals made, maintained, or used only in connection with treatment of the student and disclosed only to individuals providing the treatment

(The student may request that the record be made available to a physician or other comparable, appropriate professional for review.)

- e. records created or received that contain only information relating to a person after that individual is no longer a student in attendance and the records are not directly related to the individual's attendance as a student (e.g., information pertaining to the accomplishments of alumni)

and

- f. grades on peer-graded papers before they are collected and recorded by an instructor.

Amendment of Education Records

Having reviewed their records, students who wish to challenge the content of the record on file must follow the procedures set forth below. Grades may not be challenged under this act; only the improper recording of a grade may be challenged under this act.

Informal Request

The student who believes that information contained in his or her education records is misleading, inaccurate, or violates the privacy rights of the student, may request that ASU amend such records. A request to amend a student's education record(s) should be made at the level closest to the source of the information. Informal meetings and discussions with the instructor or the university official responsible for the record should be utilized to satisfy a particular inquiry. The disposition of this request should be made within a reasonable period of time.

Formal Request and Right to a Hearing

The student must be advised by the university of the right to a formal appeal hearing if the university instructor or other official decides not to amend the education records of the student in response to the informal request. An appeal must be made in writing through the university official responsible for the record. The hearing will be conducted in accordance with the following:

1. The hearing will be held within a 30-day time period after the receipt of the request. A student must be given reasonable advance notice of the date, place, and time of the hearing.
2. The hearing will be conducted by the university registrar or his or her designee, who will serve as chair, two members of the faculty or staff, and two students. The provost of the university will appoint committee members who do not have a direct interest in the outcome of the hearing.
3. The committee is an administrative aid and not a judicial body and, therefore, does not follow formal rules of court procedure.
4. The student may retain counsel (not necessarily legal counsel) at his or her own expense and the respondent may also be advised by counsel. Counsel may be present, if requested, during all testimony, but may only advise the complainant or respondent.
5. The student must be afforded an opportunity to present evidence relevant to any alleged misleading or inaccurate information contained in the record.
6. The committee will present its findings, in the form of a recommendation, to the provost of the university.
7. The committee must present its recommendation in writing to the provost of the university within 30 calendar days after the conclusion of the hearing. The recommendation will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the recommendation.
8. The provost's decision is not subject to appeal within the university system.

If, as a result of the hearing, the university decides that the record is misleading, inaccurate, or otherwise in violation of the privacy rights of the student, it will correct the education records of the student accordingly and inform the student in writing. This will be done usually within 45 days of the original request by the student. However, if the university decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will inform the student of the right to place in the education records a statement commenting upon the contested information in the education records, setting forth any reasons for disagreeing with the decision of the institution.

Any explanation placed in the education record of the student will be maintained by the university as part of the education record of the student as long as the record is maintained. If the contested portion of the education record of the student is disclosed by the university to any party, the explanation will also be disclosed to that party.

Complaints that cannot be resolved within the university may be filed in writing with:

Family Policy Compliance Office
U.S. Department of Education

Enforcement

The secretary of education will investigate complaints and/or initiate his/her own investigation and report the findings in writing to the complainant and the university.

If the secretary of education finds a lack of compliance with the act or regulations and determines that voluntary compliance cannot be secured after providing a reasonable period of time, the secretary may take any legally available enforcement action in accordance with the act, including but not limited to the loss of federal funds.

Limitation on Destruction of Education Records

No education record may be destroyed if there is an outstanding request to inspect and review it.

Location of Records

The custodian of academic transcript records at ASU is the university registrar.

Copying Fee

A reasonable fee will be charged for copies of education records.

Interpretation

Requests for additional information or clarification regarding this policy may be directed to the [University Registrar Services](#).

Definitions

Access

The right of students to review and inspect the education records of the student and to control the review and inspection of the education records by third parties.

Act

The federal *Family Educational Rights and Privacy Act of 1974*, also referred to as the Buckley Amendment and/or FERPA.

Attendance

A student is considered to be in attendance upon registering for a course offered in person, by paper correspondence, videoconference, satellite, internet or other electronic information and telecommunications technologies for students who are not physically present in the classroom.

Dependency

A student's dependency on his or her parent for tax purposes, as defined in the *Internal Revenue Code*.

Directory Information

Directory information, as provided in the table under the "Education Records" section of this policy, may be released to anyone without consent of the student, unless the student indicates otherwise, except to the extent that FERPA authorizes disclosure without consent.

Directory Number

A unique number that is internally generated and used to manage e-mail service. It may be displayed with an ASU e-mail address in Web directory searches.

Disclosure

Permitting access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record. Note that the Social Security Number or other nondirectory information, either alone or in conjunction with other data elements, may not be used to identify student records when disclosing or confirming directory information without the student's written consent.

Education Records

An education record is any record that is directly related to a student and is maintained by ASU or by a party acting for the university. Education records include any information or data recorded in any medium, including but not limited to: handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. For a list of records excluded from the definition of education records, see "Limitations on Inspection and Review of Education Records."

Educational Institution/Agency

Any public or private institution/agency, including all of its components, that receives funds under any federal program for which the secretary of the U.S. Department of Education has administrative responsibility and are subject to the FERPA regulations.

Financial Aid

A payment of funds provided to an individual that is conditioned on attendance of the individual at the university.

Legitimate Educational Interest

An interest in an education record that is justified under one or more of the following conditions:

1. the information or records requested are relevant and necessary to accomplish some task or determination related to the legitimate educational interest of the student
2. the official needs to review an education record in order to fulfill his or her professional responsibilities for the university
3. the task or determination is an employment responsibility or a properly assigned subject for the inquirer's determination
and/or
4. the task or determination is consistent with the purpose for which the records, information, or data are maintained.

Parent

A parent, guardian, or an individual acting as a parent of the student in the absence of a parent or guardian.

Personally Identifiable Information

The term includes but is not limited to the following:

1. student name
2. name of student's parent or other family members
3. address of the student or student's family
4. a personal identifier, such as the student's Social Security Number, student identification number, or biometric record
5. other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. information requested by a person who the institution reasonably believes or knows the identity of the student to whom the education record relates.

School Officials (or University Officials)

Administrators, faculty, professional staff, academic advisors, clerical or support employees, including ASU law enforcement unit personnel and ASU health staff; volunteers; a person or company with whom the university has contracted as its agent, acting with a legitimate educational interest, to provide a service instead of using university employees or officials (such as an attorney, auditor, collection agent, service provider); a person serving on the Board of Regents; staff in the Alumni Association and ASU Foundation offices; 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.

Secretary

The secretary of the U.S. Department of Education or his or her delegate.

Student

A student is any individual formally admitted and is or has been in attendance at ASU. The term does not apply to applicants for admission, nor does it apply to persons who have been admitted but who have not registered.

Third Party Restriction

A restriction preventing a third party to whom an education record has been released from releasing or redisclosing the information to anyone except the student or ASU.

Cross-Reference

For related information, see [SSM 203-08](#), "Affidavit of Dependency for Release of Records."