Family and Educational Rights Privacy Act

Release of Information Pertaining to Students

In compliance with the Family Educational Rights and Privacy Act of 1974, as amended, the following policy outlines the procedures available for access to student records. This policy is intended to ensure the confidentiality of student records.

1. **Definitions**
   a. “Student” is defined as one who has attended or is attending Northeastern Illinois University and whose records are in the files of the University.
   b. “Education records’’ are those records which are directly related to a student and are maintained by the institution or by a party acting for the institution. "Education records’’ do not include files made by and kept in the sole possession of the maker which are not accessible to any other person.
   c. “Directory information” includes name, address, telephone number, dates of attendance, enrollment status, level, previous institutions attended, field(s) of study, awards, honors, degrees conferred with dates, past and present participation in officially recognized sports and activities, prior military service, campus e-mail address, date and place of birth, and photographs. (See Section V, Release of Information).
2. **Location of Education Records**
   All students have records in Enrollment Management Services and are maintained by the University Registrar.

   Students may also have records in the following offices which are maintained by the administrative officer listed:

Nontraditional Degree Programs[1]	B-151	Director
College of Arts and Sciences[1]	BBH-158A	Dean
Daniel L. Goodwin College of Education[1]	LWH-4044	Dean
College of Business and Technology[1]	CBM-184	Dean
Career Development	B-119	Director
Financial Aid	D-201	Director
College of Graduate Studies and Research	LWH-0006	Dean
Student Affairs	C-336	Vice President/Dean

   [1]Some departments maintain records separate from the College. A list of departments or programs which have separate records, their location, and the person responsible for the record may be obtained from the office of the dean of the college in which the department or program is located.

3. **Availability of Records to Students**
   A student’s record is open to the student, with the following exceptions:
   a. Letters of recommendation placed in files prior to January 1, 1975 which were intended to be confidential and used only for the purpose for which they were prepared.
   b. Records of parents’ financial status.
   c. Medical and psychological records. Medical and psychological records are not available to anyone other than those providing treatment, but can be reviewed by a physician or licensed professional of the student patient’s choice.
   d. Some items of academic record under certain conditions. To ensure the validity and confidentiality of references prepared off campus and on campus, certain documents may carry waivers, signed by the student, relinquishing the student’s right of access to the document.

      Waivers are subject to the following conditions:
      i. Waivers can be signed only for the specific purposes of application for admission, candidacy for honor or honorary recognition, including financial aid, based at least in part on merit, and candidacy for employment;
      ii. Waivers cannot be required;
      iii. The student shall be told, upon request, the names of those supplying references. All items in the academic record not covered by waivers are open to the student. Material not covered by waivers may not be protected by keeping it out of the student’s file.
4. **Availability of Records to University Personnel**
   Student records are open to members of the currently employed University faculty and staff who have a legitimate need to know their contents, with the following provisions/ restrictions:

   The university faculty or staff member must be performing a task that is specified in his or her position description or by a contract agreement, OR performing a task related to student’s education, OR providing a service or benefit relating to the student such as health care, counseling, job placement or financial aid. A professor, therefore, may access the records of an enrolled student in his or her class.

   In addition, Northeastern has contracted with The National Student Clearinghouse to provide services to students on our behalf (e.g., degree and enrollment verification).

a. The determination of a “legitimate need to know” will be made by the person responsible for the maintenance of the record. This determination must be made scrupulously and with respect for the individual whose record is involved.
b. Those letters and statements in an education record which are inaccessible to students (filed before January 1, 1975, or segregated by waivers) are to be used only for the purposes for which they were prepared.

5. **Release of Information to Third Parties**
   a. Directory information may be released to agencies or persons outside the university unless the student completes the appropriate form which indicates that this information should be withheld. This form may be obtained in Enrollment Management Services and must be filed within the first ten days of classes.
   b. Other information in the education record normally will be released to third parties (i.e., anyone not a member of the faculty or staff) only at the written request of the student. A student may secure from the appropriate office a “consent form” authorizing the release of specified records to specific individuals.
   c. Other information in the education record will be released to third parties without the consent of the student only as follows:
      i. Information will be released:
         - To Federal and State Officers in connection with the audit and evaluation of federally supported educational programs and to enforce federal laws;
         - As required by State law;
         - To research projects on behalf of educational agencies seeking test norms, improving instruction, etc., provided that there is no personal identification of students;
         - To accrediting agencies carrying out their functions;
         - In response to a subpoena or court order;
         - To officials of another school, upon request, in which a student seeks or intends to enroll
         - To parents of a dependent (as defined by the IRS code) student.
         - Results of a disciplinary hearing to an alleged victim of a crime of violence.
         - To persons in an emergency if the knowledge of information is necessary to protect the health or safety of the student or other persons.
      ii. Education records will be released to third parties only by the University Registrar, Director of Financial Aid or the Vice President for Student Affairs. No other University office will release education record information to third parties directly except in the case of institutional audits. Third party requests to other University offices shall be referred to one of the aforementioned officials.
      iii. The third party must submit the request in writing and must specify a legitimate reason. A copy shall be filed with the University's General Counsel.
      iv. A reasonable attempt will be made to notify the student prior to the release of information if: (a) the request for information takes the form of a subpoena or a court order (excluding certain law enforcement subpoenas and ex parte orders), and (b) disclosure without notice would infringe upon the student’s rights under the Family Educational Rights and Privacy Act. Judgments on condition (b) will be made by the University's General Counsel.
      v. A notation of the release made to third parties will be kept in the student’s record by the University Registrar, Director of Financial Aid or the Vice President for Student Affairs except when the reason for the request is an institutional audit, procedural evaluation, or research. Reasons shall be evaluated in consultation with the University's General Counsel. Such notation is open only to the student and the person in charge of the record.
   d. The third party is prohibited by the Family Educational Rights and Privacy Act from subsequently releasing personally identifiable information to other (or fourth) parties, and shall be so informed in writing by the University official who releases information.

6. **Access Procedure**
   The University has established the following procedures enabling the student to have access to his or her record within 15 working days of the request and has provided for interpretation and challenge.
   a. The student may see his or her file by filling out a specific request form at the office where the record of interest is maintained.
   b. Access is to be granted promptly and no later than 15 working days from the date of request.
   c. The student may make the request in person or by mail.
   d. The student may obtain copies of records upon request (for which the university may charge an appropriate fee per page) with the following exceptions:
      i. Copies of transcripts from other schools will not be released.
   e. The student may request and receive interpretation of his or her record from the person (or designate) responsible for the maintenance of the record.

7. **Review on Challenge**
   a. In the event a student challenges the content of the education record on the basis that an item(s) is inaccurate, misleading, or violates the privacy or other rights of the student, the custodian of the education record shall discuss the challenge with the student and attempt to resolve the challenge within a framework of maintaining the integrity, accuracy, and usefulness of the record. If the student wishes to insert a written explanation regarding the content of the record, such written explanation is to be accepted and included in the record.
   b. If the custodian and student are unable to resolve the challenge, they shall schedule a meeting with the appropriate dean, within 15 days of the challenge for further review.

c. If no resolution can be effected, the matter will be referred to the appropriate Vice President's Hearing Panel.

d. It is the obligation of the University to amend the education record if it is found that information contained therein is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and the student's statement commenting on the education records which may be inserted therein shall be maintained as part of the educational records and shall be disclosed, together with the contested portion, to any party entitled to receive the education records.

8. **The Hearing**

a. General principles:
A request for a hearing must be specific to a record, be submitted in writing to the custodian of the record, and include an explanation or justification of the request for a hearing. It is the responsibility of the student to prepare the written request.

b. The Hearing Panel shall be appointed by the appropriate Vice President. It shall consist of:

i. At least one administration official of the University who does not have an interest in the direct outcome of the hearing;

ii. One faculty member of the University who does not have an interest in the direct outcome of the hearing;

iii. Two representatives from the Student Government or appropriate body.

The custodian of the record(s) or his or her designate shall be present as a resource person, but only as an *ex-officio* member of the panel.

c. The hearing panel process shall afford the student a full and fair opportunity to present evidence relevant to the issue being raised. The process will ensure that:

i. Hearings will be scheduled within a reasonable period of time not to exceed 45 days from the date on which the appeal was heard by the appropriate dean;

ii. Hearings will not be open to the public;

iii. Neither the student in question, nor his/her representative, shall serve on the panel;

iv. Decisions of the panel will be by majority vote and will be final;

v. Results of the hearing, to include a summary of the evidence and the reasons for such decision, will be communicated in writing to the student and to the custodian(s) of the record being challenged within a period not to exceed 45 days after the conclusion of the hearing.

9. **Notification Regarding Access to Records**
Annual notification of this policy shall be made in official publications, such as the online Schedule of Classes and the Academic Catalog.

10. **Continued Maintenance**
Nothing in this policy requires the continued maintenance of any student record. However, if under the terms of this policy a student has requested access to the record, no destruction of the record shall be made before access has been granted to the student. Persons in charge of records should ensure that only pertinent items are retained in student files.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605