

# FRANCIS MARION UNIVERSITY

## FERPA POLICY STATEMENT

### DEFINITIONS

For the purposes of this policy, Francis Marion University has used the following definitions of terms.

Student – any person who attends or has attended Francis Marion University through traditional or on-line enrollment.

Education records – any record (in handwriting, print, tapes, film, database or other medium—including email) maintained by Francis Marion University or an agent of the university which is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
3. Records maintained by Francis Marion University if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and the Unit does not have access to education records maintained by the University.
4. Records maintained by the university nurse if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.

### RETENTION AND DISPOSAL OF STUDENT RECORDS

Francis Marion University follows the procedures for the retention and disposal of student records as outlined in the *American Association of Collegiate Registrars and Admissions Officers FERPA Guide*, 2012. The University has a specific schedule and a general schedule for retention and disposal of transcripts. The South Carolina Commission on Higher Education requires that transcripts must be retained for a minimum of 50 years from graduation or termination. According to the General Records Retention Schedule for State Colleges and Universities, official transcripts should be retained for 75 years after graduation or date of last attendance.

### ANNUAL NOTIFICATION

Students will be notified of their FERPA rights annually by publication in the University *Student Handbook*.

### PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request in the Office of the Registrar.

Students should submit to the Office of the Registrar a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The Office of the Registrar will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records which related to him.

#### FRANCIS MARION UNIVERISTY RIGHT TO REFUSE ACCESS

Francis Marion University reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975.
3. Records connected with an application to attend Francis Marion University if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

#### REFUSAL TO PROVIDE COPIES

Francis Marion University reserves the right to deny transcripts or copies of records not required to be made available by the FERPA in ant of the following situations:

1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.

#### FEES COPIES OF RECORDS

The fee for copies will be seven dollars per page.

#### DISCLOSURE OF EDUCATION RECORDS

Francis Marion University will disclose information from student's education records only with the written consent of the student, except:

1. To school officials who have a legitimate educational interest in the records.  
A school official is:

\*A person employed by the University in an administrative, supervisory, academic or research, or support staff position.

\* A person currently serving on the Board of Trustees.

\* A person employed by or under contract to the University to perform a special task, such as the attorney or auditor.

A school official has a legitimate educational interest if the official is:

\* Performing a task that is specified in his or her position description or by a contract agreement.

\* Perfuming a task related to a student's education.

\* Performing a task related to the discipline of a student.

2. The officials of another school, upon request, in which a student seeks or intends to enroll. (Note: FERPA requires a college or university to make a reasonable attempt to notify the student of the transfer unless it states in its policy that it intends to forward records on request.)

3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state if federally supported educational programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the edibility, amount or conditions of the aid.
5. If required by a state law requiring disclosure that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the university.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena.
10. To appropriate parties in a health or safety emergency.
11. To an alleged victim of any crime of violence of the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.

## DIRECTORY INFORMATION

FERPA permits the release of "directory information" about a student without a student's consent. FMU has designated the following items as directory information: student's name, enrollment status, address, telephone listing, FMU email address, date and place of birth, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational institution attended, and eligibility for honor societies.

Directory information may be published in a campus directory and other university publications and may be released to the mass media for publication (for example, Dean's List, President's List, commencement list, etc.). Students have the rights to request that this information not be disclosed by completing a Request of Non-Disclosure form, available in the Registrar's Office, by the end of the drop/add period for each academic term. A request for non-disclosure prohibits the University from releasing the student's name and other information for purposes for which the student may wish to be recognized (for example, announcements of scholarship awards and other honors, notices of commencement exercises, induction into honor societies, participation in university activities, etc.). After a request for non-disclosure has been made, the University is NOT responsible for obtaining subsequent permission from the student to release the information for specific circumstances as described above.

## RECORD REQUESTS FOR DISCLOSURE

Francis Marion University will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional information party whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

## CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student must ask the Registrar of Francis Marion University to amend a record. In so doing, the student should identify the part of the record he/she wants changed and specify why he/she believe it is inaccurate, misleading or in violation of his or her privacy or other rights.
2. Francis Marion University may comply with the request or it may decide not to comply. If it decides not to comply, Francis Marion will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Francis Marion University will arrange for a hearing, and notify the student, reasonably in advance, of date place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. FMU reserves the right to have the University legal counsel present.
5. Francis Marion University will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If Francis Marion University decides that the challenged information is inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as the contested portion is maintained. If Francis Marion discloses the contested portion of the record, it must also disclose the statement.
8. If Francis Marion University decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

## TYPES, LOCATION, AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records the University maintains, their locations, and their custodians.

| <b>Types</b>   | <b>Location</b>  | <b>Custodian</b>   |
|--|--|--|
| Admissions Records   | Registrar's Office   | Registrar  |
| Cumulative Academic Records (Current students and five years after graduation or withdrawal)   | Registrar's Office   | Registrar  |
| Cumulative Academic Records (Former students; over five years after graduation or withdrawal)  | University Archives<br>Registrar's Office  | Registrar  |
| Counseling Center and Student Health Records   | Health Services<br>Educational Foundation<br>Building  | Director of Counseling and Testing                             |
| Financial Records for Financial Assistance   | Financial Assistance Office  | Director, Financial Assistance                                 |
| Placement Records  | Career Development<br>Center for Academic Success<br>and Advisement  | Director, Career Development                                   |
| Disciplinary Records   | Students Services<br>Smith University Center   | Dean of Students   |
| Financial Records  | Office of Business Affairs-<br>Accounting  | Vice President for Business Affairs                            |
| Occasional Records<br>(Student education records not included in the types above as minutes of faculty committee meetings, copies of correspondence in offices not listed, etc.) | The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection or review. | The staff person who maintains such occasional systems records |

FMU reserves the right to revise its procedures regarding FERPA at any time and without notice when required by applicable legal requirements and changes.

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