

Family Educational Rights and Privacy Act (FERPA) Policy

The University of Pikeville's policy regarding student educational records adheres to the requirements and regulations of the Family Educational Rights and Privacy Act. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Education records are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. Record means any information maintained in any way, including, but not limited to, handwriting, video, audio tape, computer media, film, print, microfilm, and microfiche.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. FERPA places limitations on the disclosure of personally identifiable information (PII) maintained by the University of Pikeville concerning students and limits access to educational records, including the right to inspect and review, right to consent to disclosures, with certain exceptions; the right to obtain copies; the right to seek amendment or correction of such records through informal and formal internal procedures; and the right to place a statement in such educational records explaining any information which the student believes to be inaccurate or misleading.

Application

FERPA applies once an "eligible student" is enrolled and is "in attendance". The following guidelines have been developed to help gauge when this happens at the University of Pikeville and when FERPA begins to apply to our students.

For undergraduate and graduate programs, education records become protected by FERPA once the student attends the first day of courses.

For professional programs (D.O. and O.D.), FERPA will start on the first day of orientation.

An important caveat to all of this is regarding information that is shared with UPIKE on potential applicants. Any information that a potential UPIKE applicant shares is considered FERPA protected information and should not be disclosed to any party besides the applicant or any party approved by a FERPA release on file. Shared information will become part of the student record once the student attends class. Any shared information of students who have not attended courses should be marked for disposal following document retention procedures.

Directory Information

Per FERPA regulations, the University of Pikeville holds certain information to be “directory information” and, therefore, subject to disclosure without prior consent from the student. Unless written objection is received no later than 30 days from the commencement of the academic year, the University of Pikeville designates the following items as directory information:

- Student’s Name
- Address
- Electronic mail address (UPIKE only)
- Telephone listing
- Date and place of birth
- Photographs
- Major field(s) of study
- Dates of attendance
- Enrollment Status (full-time; part-time, undergraduate, graduate, professional)
- Most recent previous school attended
- Degrees awarded
- Classification/Grade Level
- Name of the undergraduate, graduate, and/or professional school attended
- Participation in officially recognized activities and sports
- Weight and height of athletes
- Honors and awards received

Authorized Disclosures

Educational records may be disclosed to school officials (administrators, staff, faculty, coaches, individuals and/or organizations to whom the University has contracted or are conducting studies on behalf of the University for services, studies, or research) who have a “legitimate educational interest” in the student without prior consent of the student. “School official” is defined by the Department of Education as the following:

- Person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff)
- Person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent)
- Person serving on the Board of Trustees and/or
- 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 a “legitimate educational interest” if a review of a student’s record is necessary to fulfill the official’s professional responsibilities to the University. School officials may have legitimate educational interests in students currently enrolled and those no longer enrolled.

If a significant threat to the health or safety of a student or other individual is determined, university personnel may disclose information from education records to any person, including parents, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. University personnel must record the significant threat that formed the rational basis for the disclosure.

Other exceptions to allow disclosure of education records include sole possession records, records created and maintained by a law enforcement unit for a law enforcement purpose, employment records (unless contingent on attendance), medical records made and maintained in the course of treatment and disclosed only to those individuals providing treatment, records that only contain information about a student after he or she is no longer a student at the University of Pikeville (i.e. alumni records).

Additional Information

Objections must be in writing, signed and dated by the student, and directed to the University of Pikeville Registrar’s Office. Objections may also be delivered by email to carlabranham@upike.edu. Complaints regarding alleged rights violations accorded students by the Family Educational Rights and Privacy Act may be directed to:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave. S.W.
Washington, D.C. 20202-8520

For additional information: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Definitions

Family Education Rights and Privacy Act (FERPA)

FERPA is a privacy act passed in 1974 that protects the privacy of student education records. This law applies to all schools that receive funds from an applicable U.S. Department of Education program.

Eligible Student

Eligible students are those who have reached the age of 18 or have attended school beyond the high school level, whichever occurs first and are thus eligible for the rights described within FERPA. FERPA rights are transferred from parents to eligible students once one of the criteria is met.

Education Records

Education records are records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records (at the K-12 level), student financial information (at the postsecondary level), and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail.

Source: 34 CFR § 99.2

Directory Information

Directory information is information contained in a student's education records that would not generally be considered harmful or an invasion of privacy if disclosed.