

GOVERNORS STATE UNIVERSITY
ACCESS TO STUDENT EDUCATIONAL RECORDS

PURPOSE

In compliance with Section 438 of the General Education Provisions Act (as amended) entitled "Family Educational Rights and Privacy Act of 1974" (FERPA) the following policy outlines procedures available to access student records, while protecting their confidentiality.

DEFINITIONS

1. "Student" is one who has attended or who is attending Governors State University and whose records are in the files of the University.
2. "Education Records" are those records which are directly related to a student and maintained by the institution or by a party acting for the institution. The following are not considered education records: files made by and kept in the sole possession of the maker which are not accessible to any other person, law enforcement records, and medical records.
3. "Directory Information" is information contained in an education record which would not generally be considered harmful or an invasion of privacy if released. This includes name, address, telephone number, photo, dates of attendance, enrollment status, classification, previous educational institutions attended, fields of study, awards, honors, degrees conferred with dates.
4. "Record" means any information or data recorded in any medium, including but not limited to handwriting, electronic, print, tapes, file, disks, microfilm, and microfiche.
5. "Records custodian" is the office or administrative officer (or their designee) who is responsible for maintaining student records.
6. "School officials" is any person who is a trustee, officer, agent, or employee of the institution. This includes a person or organization employed by or under contract with the University to perform a special administrative or professional task, such as an attorney or auditor, or the National Student Clearinghouse.
7. "Legitimate educational interest" is any authorized interest or activity undertaken in the name of the institution for which access to an education record is necessary or appropriate to the proper performance of the undertaking. The following criteria should guide a school official in determining the need to know and legitimacy of access to student records:

- a. Performing a task that is specified in the official's position description or by a contract agreement, OR
- b. Performing a task related to a student's education, OR
- c. Providing a service or benefit relating to the student such as health care, counseling, job placement, or financial aid.

POLICY

A. Location of Records

All students have records in the Office of the Registrar and are maintained by the University Registrar. However, students may have one or more of the following records: admissions; cumulative academic records; health; accounting/financial; financial aid; student insurance; and student conduct/disciplinary. These may be maintained by one or more of the records custodians listed below:

Office	Administrative Officer
Academic Resource Center	Executive Director
Admissions	AVP/Director
Athletics	Director
Career Services	AVP/Director
Center for Student Engagement and Intercultural Programs	Executive Director
Counseling and Wellness Center	Director
Student Affairs	Dean of Students
Disability Services	Director
College of Arts and Sciences	Dean
College of Business	Dean
College of Education	Dean
College of Health & Human Services	Dean
Financial Aid	Director
University Housing	Director
International Services	Director
Registrar's Office	Registrar
Student Accounts	Assistant Director
Veterans Resource Center	Director
Undergraduate Academic Advising Center	Director

Some colleges and departments/divisions may maintain records separately. A list of colleges and departments which have separate records, their location, and person responsible for the record may be obtained from the office of the dean of the college in which the department/division is located.

B. Availability of Records to Students

A student's record is open to the student with the following exceptions:

1. Letters of recommendation placed in the files prior to January 1, 1975.
2. Confidential references or other documents subject to waivers signed by the student relinquishing the right of access to the document.
3. Record of parent's financial status
4. Medical records are not available to anyone other than those providing treatment, however, medical records can be reviewed by a physician or other appropriate professional of the student's choice or as otherwise provided by Illinois law. The Health Center (part of the Counseling & Wellness Center) is covered by the Health Insurance Portability & Accountability Act (HIPAA) regulations. Federal regulations now make it clear that university Education Records are excluded from coverage under the HIPAA Privacy and Security Rules. Accordingly, if you receive services from the Health Center or Advocate Health Care, then HIPAA regulations will apply to records maintained by the facility.
5. Employment records kept in the normal course of business which relate exclusively to persons as employees and are not used for any other purpose.

C. Availability of Records to University Personnel

School officials with a legitimate interest in a student's education records may access those records without the student's consent.

The determination of a "legitimate need to know" will be made by the records custodian responsible for the maintenance of the record. If there are questions or concerns about an individual's educational interest or need in having access to specific information, please consult with the Provost (or designee), or the University Registrar.

D. Release of Information to Third Parties

1. 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 is available in the Office of the Registrar.
2. Other information in the education record can be released, or access given, to third parties (i.e., anyone not the student or a school official) only at the written request of the student.
3. Other information in the education record will be released to third parties without the consent of the student:
 - a. To officials of another school, upon request, in which a student seeks or intends to enroll.
 - b. To certain officials of the United States Department of Education, and state and local educational authorities, in connection with the audit and evaluation of certain state or federally supported education programs and to enforce laws.
 - c. To determine eligibility, amount, or conditions of financial aid or to enforce the terms and conditions of financial aid for which the student has applied or received.
 - d. To organizations conducting certain studies for or on behalf of the University.
 - e. To accrediting organizations to carry out their functions.
 - f. To parents or guardians of dependent students as defined in section 152 of the Internal Revenue Code of 1954.
 - g. To comply with a judicial order or a lawfully issued subpoena.
 - h. To appropriate parties in a health or safety emergency if the information is necessary to protect the health or safety of other students or other persons.
 - i. The results of any disciplinary proceeding conducted by the University against an alleged perpetrator of a crime of violence to the alleged victim of that crime.
4. Education records will be released to third parties only by the University Registrar, Director of Financial Aid, or the Vice President of Student Affairs (or their designees). 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 office(s).

5. The third party must submit the request in writing and must specify legitimate reason. A copy will be housed in the University's Legal Counsel.
6. 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 court order (excluding 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.
7. 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 (or their designees) except when the reason for the request is an institutional audit, procedural evaluation, or research.

E. Access Procedure

The University has established procedures enabling students to have access to their records by requesting access from the records custodian and providing for interpretation and correction/amendment of records. These procedures are established and maintained by the Registrar.

F. 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 by requesting the records custodian to amend the records. These procedures are established and maintained by the Registrar.

G. Student Complaints about Rights Violations under FERPA

If a student has a complaint about securing his or her rights under FERPA, the student may contact:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202-8520

H. Annual Notification

Annual notification of this policy is published through the GSU catalog and the Student Handbook.

ACKNOWLEDGEMENT

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RESPONSIBLE PARTY

The University Registrar is responsible for establishing procedures for this policy.

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