

## Introduction

The Family Educational Rights and Privacy Act gives students the right to review their education record and the right to request the record's amendment for any ministerial/clerical errors that are discovered after review. The process of requesting an amendment also includes provision for a formal hearing if there is disagreement between the student and the holder of the record as to whether an amendment should be made. Changing or amending the student's educational record is limited to inaccurate, misleading information or if the information contained in the record is a violation of a student's privacy rights [34 CFR 99.21(b)(2)]. **Amendments to a student's education record on substantive matters such as a grade change (when the problem is not a recording error) or a change in the result of disciplinary adjudication are not covered by FERPA and will not be considered by the University under this procedure.** To request an amendment to his or her education record, a student must follow the procedures listed below.

## Requesting Record Review

A student wishing to review all or a portion of his or her education record must make a written request to review the record to the Custodian of Records (University Registrar). Request forms are available from the Registrar. A University official will respond to such requests within fourteen (14) days to schedule a date for the review to occur. Depending on the amount of material to be reviewed, the review date may occur as late as forty-five (45) days after the request is made in order to allow requested materials to be gathered in one location.

## Requesting Education Record Correction

After a student has reviewed his or her education record, a request to amend the record must be made in writing to the University Registrar. By law, the University is required to consider only requests to amend information that is *inaccurately recorded*. Requests for amendments such as a grade change, removal of materials such as received evaluations, any other decision of a University faculty member or official, or outcome in a judicial proceeding are not covered under the FERPA amendment proceeding.

A proper request to correct a student education record must:

- Be written to the University Registrar;
- Clearly identify the part of the record they want to be changed; and
- Specify why the record is inaccurate or misleading.

Any written request which does not include the required information will not be considered and the requestor will be notified in writing that their request was not made properly.

Upon receipt of a proper request for amendment, the University will make a prompt determination within a reasonable time, but not more than thirty days, as to whether the proposed correction is accepted or rejected. The student will be notified in writing that the amendment has occurred or that the request is denied. A letter denying the request will state the reasons for the decision and notify the student of the right to request a hearing.

## Requesting a Hearing

A hearing request must be made in writing by the student and directed to the University Registrar. The Registrar will notify the student, within a reasonable time after the request is received, but not more than thirty business days, as to the date, time and place of the hearing. In most circumstances, the hearing date will be within forty-five business days of such notice so that the student may be prepared for the hearing. **The hearing procedures outlined do not attempt to recreate or approximate a court of law.**

### Student Rights at the Hearing

- To present information and evidence concerning a clerical or recording error in the education record which needs to be corrected. **The hearing is not an opportunity to review substantive decisions by University faculty or staff concerning evaluation of academic work or outcomes of disciplinary proceedings.**

- To have a hearing officer who does not have a direct interest in the outcome of the hearing.
- To be advised by one or more individuals, including counsel.
- To have a full and fair opportunity to present evidence concerning requested corrections to the education record.
- To receive, within a reasonable period of time after the hearing, but not more than thirty business days, a written decision based solely on the evidence provided at the hearing. The decision will include a summary of evidence and reasons for the decision.
- To submit a statement into his or her education record commenting on the contested portion of the record which will be provided to any person who later views that portion of their education record, if the amendment is denied.

### **University Rights and Responsibilities When a Hearing is Requested**

- To select a hearing officer in accordance with FERPA requirements. The hearing officer may be any University official who does not have a direct interest in the hearing outcome. The Provost will determine the school official who will conduct the hearing. **The hearing shall in all respects be under the control of the hearing officer and shall not be subject to formal rules of evidence or procedure.**
- To deny a request for a hearing when the proposed amendment to the education record includes anything more than correcting clerical errors.
- To schedule a hearing within a reasonable time, but not more than thirty business days, after receiving the hearing request.
- To provide evidence to the hearing officer to support the previous determination not to amend the student's education record.

### **Role of the Hearing Officer**

- To allow the student the opportunity to present evidence relevant to the issues raised. The hearing officer has the right to determine whether particular evidence presented is relevant to the record and issue(s) in question.
- To make his or her decision solely on the evidence presented at the hearing.
- To provide the student with a timely written decision, including a summary of the evidence and reason for the decision.

### **Hearing Outcome**

If the hearing officer finds that the record is inaccurate, misleading or otherwise in violation of the privacy rights of the student, the University will amend the record accordingly. The student will be notified in writing of the correction.

If the hearing officer finds that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the University will notify the student of the right to place a statement in the record commenting on the contested portion of the record, or stating why he or she disagrees with the decision not to amend, or both. The University will maintain this statement with the contested portion of the student's education record for as long as the record is maintained. The statement will be disclosed whenever the University is required to disclose the portion of the record to which the statement relates.