

Law Center Policy Statement Number: PS- 30LC
Title/Topic: Student Privacy Rights
Effective Date: March 2, 2009

PURPOSE

To inform all concerned of the rights and prerogatives of students under the Family Educational Rights and Privacy Act of 1974 (sometimes referred to herein as "the Act"), and to outline procedures for those students who wish to inspect and review their education records.

DEFINITIONS

Education records are those records which directly relate to a student and are maintained by the Law Center or a party acting for the Law Center. The term does not include:

- records of faculty members, deans, directors, or other Law Center personnel which are in the sole possession of the maker and are not accessible to or revealed to any other individual except a temporary substitute for the maker of the record;
- records maintained or created by the LSU Police Department for the purpose of law enforcement;
- records of physicians, psychologists, and other professional persons who provide professional services to the student which are not part of the program of instruction of the University and which are not disclosed to anyone without the student's consent;
- records which contain only information relating to a person after that person was no longer a student at the Law Center.

Personally identifiable information is that which, when associated with an educational record, allows the record to be identified with a specific person. This information includes (a) the name of the student, the student's parent or other family member; (b) the address of the student or student's family; (c) a personal identifier, such as a Social Security number or student number; (d) a list of personal characteristics which would make the student's identity easily traceable; or (e) other information which would make the student's identity easily traceable.

A student is any individual for whom the Law Center maintains an education record; the term does not extend to a person who applies for admission until he/she has actually been in attendance at the Law Center.

Directory information is information available to the public, or specified sectors thereof, which may or may not be published in the Student Directory or other publications. Directory information is defined as follows:

- a. Student's name, local address, and telephone number
- b. Student's home address

- c. Student's E-Mail Address.
- d. Date/place of student's birth
- e. Student's major field of study/classification
- f. Student's participation in officially recognized activities and sports; weight and height of members of athletic teams
- g. Dates of student's attendance
- h. Degrees, awards, and honors received by student
- i. The most recent previous educational institution attended by the student

Students who wish to withhold any information in these categories should complete a form available in the Office of Admissions and Student Records by the tenth class day in any semester/term and indicate which items should not be considered directory information. The hold will remain in effect until the student requests that it be lifted. Only currently enrolled students may place a hold on the release of directory information.

GENERAL POLICY

I. Introduction

The Law Center, consistent with the regulations of the Family Educational Rights and Privacy Act of 1974 (Act), insures students access to their education records maintained by the Law Center and prohibits the release of personally identifiable information from these records without the student's permission, except as specified by law. Only parties with the right to receive educational records pursuant to this policy statement and identified as such shall be entitled to receive the information. See the statement "Privacy of Student Records" in the Law Center Catalog, issued annually.

Copies of this policy statement will be provided to students and/or their parents upon request to the Office of Admissions and Student Records.

II. Access to Education Records by Students and Parents of Dependent Students

A. Access by Students

To gain access to their education records, students must submit a written request which identifies, as precisely as possible, the record(s) the students wish to inspect, or provide adequate personal identification, to the appropriate office, as follows:

University Scholastic records -- (courses taken, grades earned, academic actions, and application materials) -- Registrar, Office of Admissions and Student Records, 202 Law Center, Baton Rouge, LA 70803.

Financial records -- Bursar, Office of Bursar Operations, Louisiana State University, Baton Rouge, LA 70803.

Student Aid and Scholarship records -- Director, Office of Student Aid and Scholarships,
Louisiana State University, Baton Rouge, LA 70803

Students who have been enrolled on more than one campus of the LSU System must request records from the appropriate office on each campus. If copies of records are desired, the student is required to pay any costs for these copies.

Access to records will ordinarily be provided within 24 hours of the student's request. Under no circumstances will access be delayed more than 45 days after the student's initial request.

The Law Center reserves the right to deny copies of records, including transcripts, not required to be made available by the Act if the student has an unpaid financial obligation to the Law Center.

Students will not be permitted to inspect financial records and statements of their parents or any confidential letters and confidential statements of recommendation placed in their records before January 1, 1975.

II. Access by Parents of Dependent Students

It is assumed that a professional student is not a dependent of his/her parents or guardians, unless the University is notified to the contrary by the student or his/her parents or guardians.

An individual claiming a student as his/her dependent shall provide to the Office of Admissions and Student Records an affidavit satisfactory to the Law Center stating that the student whose records are requested is a dependent of the affiant, as defined by section 152 of the Internal Revenue Code of 1986, as amended. At the Law Center's discretion, a copy of IRS Form 1040 may be appropriate.

Parents of dependent students have the same rights to access as do students, as noted in paragraph I.A. and in Section IV of this policy statement.

III. Scope of Student Rights and Procedures for Challenging

The information in the education record may be challenged by the student (or parent of a dependent student) as inaccurate, misleading, or in violation of privacy or other rights of the student. The student (or parent) may submit a written request that the record(s) be amended.

Within 60 days of receipt of the written request, the Law Center shall inform the student as to whether the record(s) will be amended. If the decision is negative, the student may submit a written request for a hearing in order to challenge the content of the record(s).

Within 30 days of receipt of the written request for a hearing, the Law Center will inform the student of the date, place, and time of the hearing and of the identity of the official in charge of the hearing. The notice will be mailed to the student at least two weeks in advance of the hearing.

The student will be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted by individuals or an attorney at his/her expense. The Law Center will announce its decision in writing within 30 days of the conclusion of the hearing. The decision will be

based solely on the evidence presented and will include a summary of the evidence and reasons for the decision.

If, as a result of the hearing, the Law Center decides that the student's record should be amended, it will amend the record(s). If not, the Law Center will inform the student that he/she has the 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. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the Law Center discloses the contested portion of the record, it must also disclose the statement.

Challenges and requests for hearing must be in writing and should be directed to the officer responsible for the maintenance of the record(s).

A grade may be challenged under the Act only on the grounds that it was inaccurately recorded.

IV. Release of Education Records under the Law without the Student's Permission

Personally identifiable information from education records cannot be released without the student's permission except as follows:

1. To Law Center employees who have a legitimate educational interest as determined by the Law Center. All students' education records are open to the Chancellor, the Vice-Chancellors, and directors. In addition, the following individuals are also LSU Law Center officials:
 - a. A person employed by the Law Center in an administrative, supervisory, academic, research or support staff position, including health and medical staff and teaching assistants and student assistants.
 - b. A person appointed by the Board of Supervisors.
 - c. A person employed by or under contract to the Law Center to perform a special task, such as a Law Center attorney.
 - d. A person employed by the LSU Police Department.

A school official has a legitimate education interest if the official acts in the following capacities: is performing a task that is specified in his or her position description or contract agreement, related to a student's education or to the discipline of a student; providing a service or benefit relating to the student or the student's family (e.g., health care, counseling, job placement, financial aid, etc.); or maintaining the safety and security of the campus.

2. To other educational institutions in which the student seeks to enroll (the student or parent, if the student is a dependent, may, upon request, obtain a copy of the record that was sent).
3. To public officials as specified in the Act.

4. To agencies and offices administering financial aid; only those records required in connection with a student's application for financial aid can be provided.
5. To organizations for use in developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such agencies must agree not to divulge personally identifiable records to outsiders and must agree ultimately to destroy these records.
6. To accrediting agencies in order to carry out accreditation functions.
7. To parents or guardians of students who are dependents for income tax purposes.
8. To appropriate persons in the case of health and safety emergencies, if knowledge of the information is necessary to protect the health or safety of the student or other persons.
9. To courts of law in response to court orders or subpoenas. When responding to a court order or subpoena, the institution must make a reasonable effort to notify the student of all such orders or subpoenas in advance of compliance. Students will not be notified when the subpoena is issued by a Federal Grand Jury or for any law enforcement purpose, that orders the University not to disclose the existence or contents of the subpoena.
10. To the alleged victim of any crime of violence, as described in section 16 of title 18, United States Code, the results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime with respect to that crime. This disclosure shall be limited to the alleged victim who may not disclose the information to the public generally.

Requests for release of personally identifiable information by persons other than University employees must be made in writing. Such requests will be recorded in the office maintaining the record from which the information is requested or released, and the record of release of information will be made a part of the student's educational record. The record of disclosure or of request for disclosure under such circumstances will include the name(s) of the person(s) who requested the information and the reason(s) for the request.

V. Release of Education Records under the Law with the Student's Permission

Requests for access to education records by any person other than those listed in Section IV will be refused, unless the student has submitted a written, dated, and signed waiver to allow access to his/her records. The waiver must specify the records to be released, the reasons for the release, and the name of the party or class of parties to whom records should be released.

VI. Faculty Responsibility Regarding Privacy of Students' Grades

Faculty members are responsible for maintaining the privacy of students' grades for any course or for any activity (project/test/quiz/paper) which is part of a course.

This policy is violated if a student's grade is (1) openly discussed in class; (2) visible on papers, tests, or projects as they are returned, e.g., passed down the row or left on a desk to be picked up; (3) publicly posted in a personally identifiable manner; or released over the telephone to anyone other than the student or the parents of a dependent student.

Disclosure of a student's grades by a faculty member may be made only in a manner that makes the grades identifiable only to the faculty member and the student.

Since the social security number is classed as "personally identifiable information" (see definition on page 1 of this policy statement), the disclosure of grades with the student's social security number or name is not allowed without the student's written permission.

VII. Final Responsibility for Interpretation of this Policy Statement

Final responsibility for interpretation of the provisions of this policy statement rests with the Law Center Registrar, who is also the custodian of the student's official education record.

The Law Center is also responsible for insuring that all Law Center personnel who have access to educational records, either through Law Center/University databases or printed reports, have indicated their awareness of this policy.

SOURCE

20 U.S.C. §1232(g), Family Educational and Privacy Rights

34 C.F.R. 099.1 et seq., Privacy Rights of Parents and Students