

Office/Contact: Office of the Registrar

Source: SDBOR Policies 3.3.1 and 3.3.2; 20 U.S.C. § 1232g, 34 CFR Part 99, and amendments thereto

Link: <https://public.powerdms.com/SDRegents/tree/documents/1778730>;

<https://public.powerdms.com/SDRegents/tree/documents/1680637>; <https://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol1/pdf/CFR-2011-title34-vol1-part99.pdf>

Associated Forms: [FERPA Release Form](#)

SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Student Records (FERPA)

NUMBER: 3:2

1. Purpose

This policy and its procedures set forth the University's authority to release certain Student Education Records and personally identifiable information about a student to the public and Students' rights with respect to their Student Education Records.

2. Definitions

- a. Directory Information: Information designated by the University of the kinds that may be defined as such under FERPA:
 - i. Publicly Available Directory Information: Student's name, class level (undergraduate, or graduate), degrees received, major and minor programs of study, hometown, and dates of attendance.
 - ii. Nonpublic Directory Information: Student's University email address, photographic material (not including Student ID photo), full-time/part-time status, honors and awards, athletic participation, and graduation date.
- b. Student: An individual who is or has been in attendance at the University and for whom the University has maintained an education record.
- c. Student Education Record: A record, or part of a record, which contains information directly related to a Student and is maintained by the University or University agent. Personal notes of faculty and staff used temporarily and not maintained by the University, records created after a Student is no longer a Student and are not directly related to their attendance, employment records not directly related to Student status, certain medical and counseling records, records of law enforcement used for law enforcement purposes, and certain financial records are not considered Student Education Records.
- d. University (e.g., "School") Official: A person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted its agent to provide a service instead of using University

employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University Official in performing their tasks.

3. Policy

- a. University employees, agents, and affiliates with access to Student Education Records and Student personally identifiable information shall follow FERPA and its implementing regulations and amendments thereto, in accordance with SDBOR policies and this policy and procedures.
- b. The Registrar, or designee, is the University Official who coordinates inspection, review, and disclosure procedures for Student Education Records. Mass information requests of Directory Information for solicitation purposes will be routed through the Office of Academic Affairs.
- c. The University may release Publicly Available Directory Information concerning a Student to third parties without the consent of the Student, so long as the Student has not opted out of the Directory Information.
- d. The University may release Nonpublic Directory Information to a University Official through password protected means without the written consent of a Student, so long as the Student has not opted out of the Directory Information.
- e. The University shall obtain the proper written consent of a Student before the release of Nonpublic Directory Information or the release of Student Education Records, and personally identifiable information contained therein, to a third party, except as otherwise allowed by law and SDBOR and University policies.
- f. The University may release Student Education Records and personally identifiable information contained in other records without written consent:
 - i. To a University Official with a legitimate educational interest. A University Official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the University. This includes Students, whether an undergraduate or graduate assistant, who are employed with the University and provide assistance with grading or recording of grades.
 - ii. To comply with a lawfully issued court order or subpoena, or ex-parte order pursuant to the Patriot Act, upon prior notice to the Student when required by applicable law.
 - iii. To certain officials of the U.S. Department of Education, Comptroller General and state and local educational authorities in connection with an audit or evaluation of or compliance with legal requirements.
 - iv. To financial aid personnel in conjunction with an application for financial assistance for the purposes of determining eligibility, amount, or conditions of

aid or to enforce terms and conditions of the aid.

- v. To all appropriate individuals, whose knowledge of the information is necessary to protect the health or safety of the Student or others. If, when taking into account the totality of circumstances pertaining to a threat to the health or safety of the Student or others, the University determines there is an articulable and significant threat, it is determined the information is necessary to protect the health or safety of the Student or others.
 - vi. To health authorities, the names and current addresses of Students who have certain communicable diseases; to law enforcement for legal compliance related to registration and disclosure requirements for violent crime laws; or for legal compliance related to disclosure to victims of certain crimes of violence.
 - vii. To entities conducting studies for, or on behalf of, educational agencies or the University to develop, validate, or administer predictive tests; for Student aid programs; to improve instruction; or to accrediting entities fulfilling accrediting functions.
 - viii. To an outside contractor, consultant, volunteer, or other party who is authorized to act for the University, is performing a service the University would otherwise perform itself, is subject to University control with regard to the records, and the outsourcing is subject to the appropriate restrictions on re-disclosure.
 - ix. To initiate legal action against a parent or Student or to defend the University if a parent or Student initiates legal action and the records are relevant to the action, upon written notice of intended release.
 - x. To parents or legal guardians upon written consent of the Student or other legal exception.
- g. The University may release Student Education Records without a Student's consent after removing personally identifiable information and after making a determination that the Student's identity is not detectible, regardless of the number of releases that would be made in whole or part.
 - h. Third party recipients of personally identifiable information may only use the information for the purpose intended and are not permitted to disclose that information to others without the proper written consent of the eligible Student or pursuant to applicable law.
 - i. Third party recipients who receive information on behalf of the duties they perform for the University may make further disclosures if they are authorized to act on behalf of the University. Information about recipients of further disclosures must be provided to the University.
 - j. The University affords Students their full rights in conformity with FERPA. These rights include:
 - i. The right to inspect and review the Student's education records within 45 days of the day the University receives a request for access.

- ii. The right to request an amendment of the Student's Education Records that the Student believes are inaccurate, misleading, or otherwise in violation of the Student's privacy rights under FERPA. Should the University not subsequently amend the record, the Student will be afforded an opportunity for a hearing, and procedures will be maintained by the Registrar's Office. Academic challenges related to grades must be processed through the University Academic Appeals policy.
 - iii. The right to provide written consent before the University discloses personally identifiable information from the Student's education records, except to the extent that FERPA authorizes disclosure without consent.
 - iv. The right to notice of FERPA rights through annual publication of the University policy, procedures, and notices regarding FERPA. The University Registrar, successor, or designee is responsible for notice publication and dissemination.
 - v. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. If a Student believes the University is not complying with FERPA, he or she may also attempt to resolve the issue through the Registrar's Office.
- k. Records requests for and any disclosures of Student Education Records and personally identifiable student information will be maintained by the record custodian for as long as the education record in question is maintained by the University in conformity with the requirements of FERPA, SDBOR and University FERPA and records retention policies.

4. Procedures

- a. A currently enrolled Student may opt out of any or all Directory Information by completing a request form in the Registrar's Office, on or before the census date of a term. If the Student chooses to opt out, a security code will be placed on the student's records within the Student Information System. University personnel will be restricted from information when a security code is in place. The request is in effect until rescinded by the Student.
- b. If a Student wishes to inspect and review their Student Education Records, the Student should submit to the Registrar, Dean, Head of the Academic Department, or other appropriate University Official, a written request that identifies the record(s) the Student wishes to inspect. The Student may also be required to present picture identification. The University Official will make arrangements for timely access and notify the Student of the time and place where the records may be inspected. Should copies of the records be required, the University will provide copies of the records and may assess a lawful copy fee. Only official copies of transcripts are provided. The University will withhold or redact personally identifiable information or non-public information in accordance with applicable privacy and public records provisions. If the records are not maintained by the University Official to whom the request was submitted, that official shall advise the Student of the correct University Official to whom the request should be addressed.
- c. If a Student wishes to request amendment of his or her education records, the Student shall write the University Official responsible for the record, clearly identify the part of the record the Student wants changed, and specify why it should be changed. If the

University Official decides not to amend the record as requested, the University Official will notify the Student in writing of the decision and the Student's right to a hearing regarding the request for the amendment. Additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.

- d. If a Student wishes to provide written consent before the University discloses personally identifiable information from the Student's education records, except to the extent that FERPA authorizes disclosure without consent, the Student should contact the Registrar's Office for the appropriate procedure.
- e. If a Student wishes to report violations of this policy for resolution on campus, the Student may do so with the Registrar's Office. If a Student wishes to file a complaint with the U.S. Department of Education, the Student should contact the office that administers FERPA. The current name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Available for download at: <http://www.ed.gov/policy/gen/guid/fpco/index.html>

5. Responsible Administrator

The Vice President for Student Affairs and Registrar, successors, or designees are responsible for the annual and ad hoc review of this policy and its procedures and filing this policy and updates with the SDBOR Executive Director. The University President is responsible for approval of modifications to this policy and its procedures.

SOURCE: Approved by President on 08/01/2014. Revised 01/29/2024 (clerical).