

FERPA Compliance Program



Office of Compliance, Investigations & Ethics

Office of the University Registrar



University of
Pittsburgh

Office of the University Registrar

220 Thackeray Hall
139 University Place
Pittsburgh, PA 15260

412-624-7600
registrar.pitt.edu

Office of Compliance, Investigations & Ethics

Craig Hall, Suites 508-516
200 S. Craig Street
Pittsburgh, PA 15260

(412) 383-4553
compliance.pitt.edu

FERPA COMPLIANCE PROGRAM

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I. Overview of Requirements

The Family Educational Rights and Privacy Act of 1974 (FERPA) protects the privacy of student educational records. This law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA establishes a set of rights applicable to all students of the University, and sets forth the responsibilities of the University regarding the protection of information contained within student education records, including guidance on disclosures.

This program outlines how the University complies with FERPA, including specific procedures for students who wish to exercise their rights, and the roles and responsibilities of University Employees, School Officials, and Records Custodians. All University schools, departments, and units are expected to adhere to this compliance program.

II. Policy and Procedure

a. Definitions

Directory Information: information contained in an Education Record that would not generally be considered harmful or an invasion of privacy if disclosed. The University considers the following elements of Education Records to be Directory Information:

- Name
- Address
- Telephone Number
- Email Address
- Dates of Attendance
- Enrollment Status
- Level and Classification
- Field(s) of Study
- Degree Candidacy and/or Expected Graduation Date
- Degree(s) Conferred and Credential(s) Awarded, including Date(s) of such Conferrals or Awards
- Awards, Scholarships, and Honors
- Thesis and Dissertation Titles
- Previous Institution(s) Attended
- Image or Likeness
- Past and Present Participation in Officially Recognized University Activities
- Date of Birth*

Disclosure (or “Disclose(d)”): To permit access to or the release, transfer, or other communication of Personally Identifiable Information contained in an Education Record by any means (including oral, written, or electronic means) to any party except the party identified as the party that provided or created the Education Record

Education Record: Records directly related to a Student and maintained by the University or a party acting for the University. This definition of Education Records does not include:

- Records that are kept in the sole possession of the creator, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the creator of the Record
- Employment records made and maintained in the normal course of business, relating exclusively to that person’s capacity as an employee, and not available for any other purpose. However, the records related to a Student’s employment are education records when:
 - The position in which the student is employed depends on their status as a student, including when the Student receives a grade or credit based on their performance in such capacity
- Records of the University of Pittsburgh Police Department (“UPPD”) that are created and maintained by the UPPD for a law enforcement purpose
- Records that are:
 - Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity or assisting in that capacity;
 - Created, maintained, or used only in connection with a provision of treatment to that Student; and
 - Not Disclosed to anyone other than individuals providing the treatment. For the purposes of this definition, “treatment” does not include remedial education activities or activities that are part of the program of instruction at the University
- Peer-graded assignments prior to being collected and recorded by an instructor

In Attendance: Includes but is not limited to:

- The period of time during which a Student attends or attended the University in person or through remote engagement; or
- The period during which a student is working under a work-study program
- The period of attendance at the University begins once they are registered for their initial term of enrollment

Legitimate Educational Interest: The need for a School Official to access specific Student Education Records in the course of performing their duties for the University

Personally Identifiable Information (“PII”): Information that can be used to distinguish or trace a Student’s identity with reasonable certainty either directly or indirectly through linkages with other information

Record: Any information provided in any way, including, but not limited to, handwriting, print, electronic data, audio or video recording, microfilm, or microfiche

Record Custodian: An individual or department that is designated as maintaining specific types of Records. As a result, this individual or department serves as the official contact for access to Education Records of that type

School Official (i.e. an official of the University): An individual who engages in the instructional, supervisory, advisory, administrative, governance, public safety, research, and support functions of the University. They need not necessarily be a paid employee of the University. A School Official may include a contractor, consultant, volunteer, service provider, or other party under the direct control of the University to whom the University has contracted institutional services or functions for which the University would otherwise use an employee

Student: An individual who is or has been In Attendance at the University and for whom the University maintains an Education Record

University Employee: an individual who is hired and compensated by the University either directly or through a third-party. This definition includes, but is not limited to, full-time, part-time, and contract employees, graduate student assistants, post-docs, and teaching fellows

Written Consent: permission that is signed and dated by the Student and:

- Specifies the Education Record(s) that may be Disclosed; and
- Identifies the party or class of parties to whom the Disclosure may be made

b. Key Provisions

- i. Students have the right to inspect and review their Education Records
- ii. Students have the right to exercise limited control over the disclosure of information contained in their Education Records
- iii. Students have the right to request to amend their Education Records
- iv. Students have the right to file a complaint with the U.S. Department of Education
- v. The University is required to annually notify students of their rights under FERPA
- vi. The University is required to notify students that it may disclose Directory Information from Education Records without written consent from a Student unless the Student has notified the University in writing of their request to restrict the disclosure of their Directory Information
- vii. The University may use reasonable methods to identify and authenticate the identity of parties requesting PII from Education Records
- viii. The University is responsible for maintaining a record of disclosures of a Student's Education Records except as set forth below:
 1. Disclosures to the Student, except as set forth in Section V.a.ii.1 in this program
 2. Disclosures pursuant to Written Consent of the Student;
 3. Disclosures to School Officials who have a Legitimate Educational Interest;
 4. Disclosures of Directory Information; and
 5. Disclosures in response to a) subpoenas where the issuing court has ordered that the existence or the contents of the subpoenas or the information furnished in response to the subpoena not be disclosed; or b) an ex parte court order obtained by the U.S. Attorney General concerning acts of terrorism

III. Student Rights Under FERPA

Students looking to exercise any of these rights can find more information, guidance, and links to necessary forms in the FERPA: Guidance for Students document.

a. Inspect and Review

- i. Students who desire to inspect and review their education records should submit a request in writing to the Office of the University Registrar. Students should expect to be asked to verify their identity before reviewing their records. Students are not permitted to review education records that are not their own.

- ii. The Office of the University Registrar will be available to identify the appropriate Records Custodian who should process the request. Records custodians should respond to the student and provide an opportunity for the student to review the record within 45 days of the request.
- b. Exercise Limited Control
 - i. Students who desire to exercise limited control over their education records can do so in two ways.
 - a. Students can restrict the University from disclosing Directory Information from their education records by submitting a request form to the Office of the University Registrar. This request may be rescinded at any time.
 - b. Students can permit the disclosure of certain information from their education records to other individuals by providing signed consent for the disclosure.
 - ii. The Office of the University Registrar will be available to identify the appropriate Records Custodian who should process these requests.
- c. Request to Amend
 - i. Students desiring to request that their education records be amended can do so if they believe the information in their record to be inaccurate, misleading, or in violation of their privacy rights by submitting the request in writing to the Office of the University Registrar. This amendment request procedure should not be used to appeal final grades or academic status¹.
 - ii. The Office of the University Registrar will be available to identify the appropriate Records Custodian who should consider these requests. Records Custodians may approve or deny the amendment request.
 - iii. Students whose amendment requests are denied have the right to request a hearing. The Office of the University Registrar will communicate hearing procedures upon request.
- d. File a complaint
 - i. Students looking to report a potential violation of FERPA can do so in two ways:
 - 1. Students looking to report a compliance concern to the University's Office of Compliance, Investigations, and Ethics can make a report to the Pitt Concern Connection.
 - 2. Students who believe their FERPA rights have been violated or are alleging failures by the University to comply with the requirements of FERPA can report with the U.S. Department of Education.

¹ Please follow appropriate school procedures for challenging grades and academic status.

IV. University Notification Requirements

- a. Annual Notification of Rights
 - i. The University notifies students of their rights under FERPA by distributing the [Annual Notification of Rights](#) to students through the Student Code of Conduct, which is distributed to students via email each year.
 - ii. The University also makes the Annual Notification of Rights available in the following ways:
 - 1. Office of the University Registrar website
 - 2. Office of Compliance, Investigations, and Ethics website
 - 3. Course Catalog
- b. Directory information
 - i. The University defines what it considers to be directory information, which may be disclosed by the University without prior consent unless a student has submitted a restriction request (Section III) in the following ways:
 - 1. [University Policy AC 04: FERPA](#)
 - 2. Annual Notification of Rights
 - 3. Office of the University Registrar website
 - 4. Office of Compliance, Investigations, and Ethics website

V. Record Custodian Responsibilities

- a. Records Custodians serve as the official contacts for specific types of Education Records. The Office of the University Registrar will assist in identifying Records Custodians as needed.
- b. Records Custodians can find more information, guidance, and links to necessary forms in the FERPA: Guidance for Records Custodians document.
- c. Records Custodian responsibilities under this Compliance Program include but are not limited to:
 - 1. Responding to requests to inspect and review Education Records within 45 days
 - 2. Responding to student requests to exercise limited control over their Education Records and updating records as appropriate
 - 3. Responding to student requests to amend their Education Records within 30 days, updating records as appropriate, and providing students with information pertaining to their right to a hearing as needed
 - 4. Tracking and maintaining records disclosures of Education Record information as needed
 - 5. Tracking of responses to amendment requests within 30 days
 - 6. Tracking of hearing requests and explanatory statement related to amendment requests as needed

VI. Training Requirements

- a. All new employees to the University will be required to complete FERPA training as part of the regular onboarding process. This should include faculty, full-time and part-time staff, temporary staff, and student employees.
- b. All University employees are required to complete annual FERPA training in coordination with the Office of Compliance, Investigations, and Ethics.
- c. Designated Records Custodians and School Officials may be required to complete additional training on specific procedures, protocols, and best practices for handling of Education Records in coordination with the Office of the University Registrar.

VII. Roles and Responsibilities

- a. The Office of Compliance, Investigations, and Ethics
 - i. Implementation of annual all-employee FERPA training completion and regular reporting in partnership with Pitt IT
 - ii. Maintenance and storage of FERPA Compliance Program, guidance documents, and forms
- b. Office of the University Registrar
 - i. Maintenance and Annual Verification of list of Records Custodians
 - ii. Oversight of Records Custodian disclosures and adherence to Compliance Program protocols and timetables
 - iii. Assist students looking to exercise rights to do so in alignment with proper protocols
 - iv. Oversight and implementation of Records Custodian trainings on specific procedures, protocols, and best practices for handling Education Records

Appendix A – Permitted Disclosures of Personally Identifiable Information from a Student's Education Record to a Third Party without Requiring a Student's Prior Written Consent

- When the Disclosure is to other School Officials with Legitimate Educational Interest.
- When the Disclosure is to School Officials of another postsecondary institution where a Student seeks or intends to enroll or where the Student is already enrolled so long as the Disclosure is for purposes related to the Student's enrollment or transfer.
- When the Disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education, or State and Local Educational Authorities that require information for audit or evaluation of federal or state-supported education programs, or for enforcement of or compliance with legal conditions that relate to federal requirements for those programs.
- When the Disclosure is in connection with financial aid that the Student has applied for or received if the information is needed to determine the Student's eligibility for the aid, determine the amount of aid, determine the conditions for the receipt of the aid, or enforce the terms and conditions of the aid.
- When the Disclosure is to state and local officials or authorities to whom this is allowed under specific conditions existing prior to November 19, 1974.
- When the Disclosure is to an organization to conduct studies on the University's behalf. These include studies for developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.
- When the Disclosure is to accrediting organizations to carry out their accrediting functions.
- When the Disclosure is to the parents of a dependent Student as defined under section 152 of the Internal Revenue Code of 1986.
- When the Disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the University:
 - makes a reasonable effort to notify the Student of the order or subpoena in advance of compliance, so that the Student may seek protective action unless the Disclosure is in compliance with:
 - a federal grand jury subpoena and the court has ordered

that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

- any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - an ex parte court order obtained by the United States Attorney General (or their designee) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
- When the University initiates legal action against a parent or Student, the University may Disclose to the court, without a court order or subpoena, the Education Records of the Student that are relevant for the University to proceed with the legal action as a plaintiff.
 - When a Student initiates legal action against the University, the University may Disclose to the court, without a court order or subpoena, the Student's Education Records that are relevant for the University to defend itself.
 - When the Disclosure is in connection with a health or safety emergency to appropriate parties if knowledge of the information is necessary to protect the health and safety of the Student or other individuals.
 - When the Disclosure is information that the University has designated as Directory Information, and the Student has not restricted Disclosure of such information.
 - When the Disclosure is to the Student.
 - When the Disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The Disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense. The University may Disclose the final results of the disciplinary proceeding regardless of whether it concluded a violation was committed.
 - When the Disclosure is the final result of a disciplinary proceeding against a Student in which the Student is found to have committed a crime of violence (as defined in 18 United States Code Section 6) or a non-forcible sex offense and the Student has violated the University's rules or policies.
 - When the Disclosure of information is to a parent of the Student regarding the

Student's violation of any Federal, State, or local law, or any rule or policy of the University governing the use or possession of alcohol or controlled substances if: the Student is under age 21 at the time of Disclosure, and the University determines the Student has committed a disciplinary violation with respect to such use or possession.

- When the Disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Action of 1994, 42 U.S.C. 14071, and the information was provided to the University under 42 U.S.C. 14071 and applicable federal guidelines.