

FERPA Compliance Program: Guidance for Record Custodians

I. Purpose

This document provides detailed guidance to Record Custodians required to act in accordance with [AC 04 FERPA: Access to and Release of Education Records](#) Policy ("University FERPA Policy"). This document is designed to be used in conjunction with the accompanying [FERPA Compliance Program](#).

II. Records Custodians

A Record Custodian is 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.

Record Custodians differ from School Officials, in that a School Official may be an employee, contractor, consultant, volunteer, service provider, or other party that has designated institutional services or functions that permit access to education records as needed. These are not designated as official contacts with primary responsibility for maintenance of a specific type of record. The Office of the University Registrar will provide guidance on identifying Records Custodians as needed.

III. Responsibilities of Record Custodians

Records Custodians assist the Office of the University Registrar to implement the standards in the University FERPA Policy. They also assist with compliance with any related regulations for Education Records under their care.

Record Custodian responsibilities include:

1. Maintain records of request for access and Disclosures made from Education Records
2. Perform identify verification for individuals or third parties prior to Disclosure of Education Record resulting from consent forms on file with the Office of the University Registrar
3. Receive and process requests to inspect and review records from students according to the University FERPA Policy and Procedure
4. Receive and process requests to amend records from students according to the University FERPA Policy and Procedure
5. Charging appropriate fees for providing copies of Student Education Records, as determined by respective departments and the Office of the University Registrar

IV. Maintaining Requests for Access and Disclosure Requests

Records Custodians must maintain records of all requests for access to Education Records and all disclosures of Personally Identifiable Information (PII) contained in Education Records.

PII is 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.

- a. Records of request and disclosure must:
 - i. Include the parties who have requested or received Personally Identifiable Information from the Education Record
 - ii. Include the Legitimate Interests the parties had in requesting or obtaining the information
 - iii. Become an integral part of the Student's Education Record
 - iv. Be maintained at least as long as the requested or disclosed Education Record exists
- b. Records do not need to be maintained when:
 - i. A disclosure is made directly to the student whose information is contained in the Education Record
 - ii. A disclosure is made as a direct result of a Student consent
 - iii. A disclosure is made to a School Official with a Legitimate Educational Interest
 - iv. A disclosure is made as the result of a directive from a Federal Grand Jury or other law enforcement subpoena

Records Custodians should create a record that includes the parties who have requested or received PII from the Education Records, the legitimate interests the parties had in requesting or obtaining the information within the system of record (Peoplesoft, Perceptive Content, etc.). Please contact the [Office of the University Registrar](#) with questions about this process.

See Appendix A for more examples of when records need to be maintained.

V. Processing Inspect and Review Requests

Records Custodians may receive student requests to inspect and review their own Education Records.

- a. Records Custodians must:
 - i. Verify the identity of the student
 - ii. Coordinate an opportunity for the student to review the requested Education Record within 45 calendar days
 - i. If the student or former student is not within a reasonable commuting distance, reviewing the records remotely is an option. Please contact the [Office of the University Registrar](#) for more information.

Record Custodians may receive requests from third parties to gain access to a

Student's Education Records.

- a. Records Custodians must:
 - i. Ensure that a valid written consent form is on file prior to disclosure. Form must:
 - i. Be signed and dated by the student
 - a. Electronic signatures must be able to be authenticated through student credentials that are verified through University systems (via single sign-on, university email, e-signature services, SIS, etc.)
 - ii. Specify the Education Record(s) that may be disclosed
 - iii. Identify the party or parties to whom the disclosure may be made
 - ii. Verify the identity of the individuals or third parties prior to disclosure using reasonable methods
 - iii. Coordinate an opportunity for the third party to receive and/or review the requested Education Record within a reasonable timeframe

VI. Processing Amendment Requests

Records Custodians will receive student requests to make amendments to their Education Records from the Office of the University Registrar. These amendments will not include appeals to change final grades or academic status.

- a. Records Custodians must:
 - i. Verify the identity of the student
 - ii. Respond to a student's amendment request within 30 days
 - iii. Evaluate whether the information contained in the Education Record is inaccurate, misleading, or in violation of the privacy rights of the
 - i. If Yes:
 - a. Notify the student that the amendment has been approved and the record has been changed
 - ii. If No:
 - a. Notify the student that the amendment has been denied, and that they have a right to request a hearing.
 - b. Students will submit hearing requests directly to the Office of the University Registrar and will be provided the hearing procedures by that office.
 - c. Records Custodians will be notified of the hearing results and must comply with the decision to approve or deny the amendment
 - d. Record Custodians will be responsible for adding and maintaining any Explanatory Statements requested by the student to the Education Record for as long as the Education Record is maintained

- e. Explanatory Statements must be disclosed any time the disputed part of the record is disclosed

VII. Charging Fees for Copies of Records

Please contact the Office of the University Registrar if your school, department, or unit charges students, former students, or third parties for copies of educational records.

VIII. Training

All Records Custodians should complete the required FERPA training modules on an annual basis. Please contact the Office of Compliance, Investigations, and Ethics if you have questions about these training modules.

Records Custodians will also be contacted by the Office of the University Registrar throughout the year in regard to procedural updates and FERPA-related topics. Records Custodians may also be required to attend additional trainings or discussions.

IX. Reporting Violations Regarding FERPA Non-compliance

Violations regarding the University FERPA Policy should be reported to the [Pitt Concern Connection](#). The Office of Compliance, Investigation, and Ethics may consult with the Office of the University Registrar, Office of General Counsel, and other university departments and units as necessary to determine the extent of the violation and the appropriate course of action.

X. Disciplinary Action

Violations of this guidance and failure to comply with University FERPA Policy and FERPA Compliance Program may result in disciplinary action in accordance with University Policies.