

University Policy 2201: Student Records (Federal Statute: Family Educational Rights & Privacy Act of 1974 [FERPA])

Category: Community Expectations

Subcategory: Record Management & Privacy

Covered Individuals: All USU Students

Responsible Executive: Provost & Executive Vice President

Policy Custodian: Office of the Registrar, Vice Provost & University Registrar

Last Revised: 2025/08/22

Previous USU Policy Number: 504:

2201.1 PURPOSE AND SCOPE

Utah State University values Students' right to privacy regarding Student [Education Records](#). The Family Educational Rights and Privacy Act (FERPA or the Act) sets forth requirements regarding the privacy of Student Education Records, and Utah State University adheres to this law. This policy provides a structure and framework for maintaining the privacy and security of Student Education Records.

This policy applies to all university employees, affiliates, [School Officials](#), and [Students](#).

2201.2 POLICY

FERPA affords Students certain rights with respect to their Education Records. These rights include (1) the right to inspect and review information contained in their Education Records, (2) the right to request to amend their Education Records, (3) the right to control access or the [Disclosure](#) of Education Records, with certain exceptions specified in the Act, and (4) 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.

2.1 Student Rights

2.1.1 The right to inspect and review information contained in Student Education Records

A School Official should grant a request to inspect Education Records within 45 days of receiving the request for access.

In a request for access, the Student should identify the record(s) they wish to inspect. The School Official will make arrangements for access and notify the Student of the time and place where the records may be inspected. If the School Official to whom the request was submitted does not maintain the records, that School Official shall advise the Student of the correct School Official to whom the request should be addressed.

Students may request a copy of their Education Records. Students requesting copies may be required to pay a reasonable fee.

There may be occasions when a record may not be copied, especially if doing so may compromise another Student's or faculty member's privacy.

The university may deny access to the following records:

- (a.) Parents' financial statements
- (b.) letters of recommendation, if the Student has waived their right of access
- (c.) records filed before January 1, 1975
- (d.) records connected with denied applications to attend Utah State University
- (e.) records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except as a temporary substitute for the maker of the record
- (f.) records made or maintained by a physician, psychiatrist, psychologist, or other professional or paraprofessional acting in a professional capacity related to treating a Student
- (g.) records relating to Students employed in positions at the university that are not available to non-Students
- (h.) or records not included in the FERPA definition of Education Records.

2.1.2 The right to request the amendment of their Education Records

The Student has the right to request an amendment to the content of an Education Record when they believe their records are inaccurate, misleading, or otherwise in violation of the Student's privacy rights under FERPA.

The Student can submit a written request to the Office of the Registrar. The Office of the Registrar will provide a written response within a reasonable timeframe. If the request is denied, the Office of the Registrar will notify the Student of their rights. If approved, the amendment will be made within a reasonable timeframe.

2.1.3 The right to control access or the Disclosure of Education Records

Except as otherwise noted in this policy, Utah State University must receive [Consent](#) from Students before disclosing any personally identifiable information from their Education Records. Students may give the university their Consent to disclose information to [Parents](#), other individuals, or third parties.

Exceptions.

As allowed by FERPA, Utah State University may release personally identifiable information from a Student's Education Record without first obtaining the Student's written permission when the Disclosure is:

- (a.) to a School Official with a [Legitimate Educational Interest](#). A School Official has a Legitimate Educational Interest if the School Official needs to review an Education Record to fulfill their professional responsibility to the University;
- (b.) to a School Official of a school in which the Student seeks or intends to enroll;
- (c.) to an agency from which the Student has applied for, or is receiving, financial aid;
- (d.) in response to a valid subpoena or court order issued within Utah or by a federal court;
- (e.) [Directory Information](#), which is available to the public upon request without the Student's permission unless the Student has requested in writing that the information be kept confidential;
- (f.) information from a Student's Education Records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the Student or other persons;
- (g.) to Parents of a Student claimed as a dependent on a Parent's most recent tax statement;
- (h.) or other information as specified in the Act.

2.1.4 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.

The 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

2.2 Parents' Access to Education Records

Parents may have access to a Student's Education Records with the Student's Consent. A Parent may access a Student's Education Records without the Student's Consent if the parent establishes that they claimed the Student as a "dependent" as defined in Section 152 of the Internal Revenue Code of 1986. To establish that the Parent claimed the Student as a dependent, the Parent must provide the university with a copy of the Parent's federal income tax form from the most recently completed tax year.

2201.3 RESPONSIBILITIES

3.1 University Responsibilities

The university will provide mandatory FERPA training annually to all School Officials who have access to or contact with Student Education Records.

Unauthorized Disclosure of Education Records violates this policy. The university may take disciplinary action for violations of this policy, up to and including termination of employment, regardless of whether criminal or civil penalties are imposed.

Utah State University will notify Students annually regarding their rights under FERPA.

3.2 Deans, Department Heads, Directors & Supervisors

Deans, department heads, directors, and other supervisory personnel are responsible for ensuring that their respective faculty and staff understand the Family Educational Rights and Privacy Act of 1974 and complete FERPA compliance training annually.

Deans, department heads, directors, and other supervisory personnel are responsible for ensuring that their respective faculty and staff adhere to the restraints and regulations contained in the Family Educational Rights and Privacy Act.

3.3 University Employees

New and current Utah State University employees must understand the rights of Students specified under FERPA. University employees must complete mandatory FERPA training annually.

All university employees must maintain the confidentiality of any Education Records they come into contact with. University employees must protect Students' right to inspect and review information in Student Education Records. University employees must protect Students' right to request the amendment of their Education Records. University employees must protect Students' right to control access to or Disclosure of their educational records.

All university employees must report violations to the University. Reports may be made to the University Registrar, the Chief Information Security Officer, the Privacy Officer, or through university reporting tools.

2201.4 REFERENCES

- Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g (1974) (as amended)
- Student Code, Article VI, [University Regulations Regarding Academic Integrity](#)
- Internal Revenue Code, 26 U.S.C. § 152.

2201.5 RELATED USU POLICIES

- USU Policy 2200: [Disclosure of University Records](#)
- USU Policy 2202: [Privacy and Security of Protected Health Information under HIPAA](#)

- USU Policy 5200: [Information Security](#)

2201.6 DEFINITIONS

- **Consent** means written permission from the Student to disclose Education Records, including the scope of the information to be shared, the purpose, and the recipient.
- **Directory Information** is information contained in an Education Record of a Student that would not generally be considered harmful or an invasion of privacy if disclosed.
- **Disclosure** means the act of sharing, releasing, or providing access to Education Records or personally identifiable information contained therein.
- **Education Record** means any record maintained by Utah State University directly related to the Student.
 - An education record does *not* include:
 - (1) a personal record kept by a staff member, if it is kept in the sole possession of the maker of the record and is not accessible to or revealed to any other person, except a temporary substitute for the maker of the record;
 - (2) records created and maintained by the Utah State University Police Department for law enforcement purposes;
 - (3) an employment record of an individual whose employment is not contingent on the fact that they are a Student, provided the record is used only in relation to the individual's employment;
 - (4) records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, if the records are used *only* for treatment of a Student and made available *only* to those persons providing the treatment; or
 - (5) alumni records, which contain information about a Student after they are no longer in attendance at the university and which do not relate to the person as a Student.
- **Legitimate Educational Interest** means the demonstrated “need to know” by School Officials who act in Students’ educational interest, including faculty, administrators, staff, and other persons who manage Student record information, including Student employees.
- **Parent** means a parent of a Student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- **School Official** means (a) a person employed by the university in an administrative, academic, research, or support staff position, whether full- or part-time, (b) a person appointed by the Utah Board of Higher Education or the USU Board of Trustees, (c) a person employed by, under contract to, or assigned to the university to perform a special task for the benefit of the university, such as an attorney or auditor, (d) a person who is employed by the Utah State University Police Department, (e) a person serving on an official disciplinary, grievance, or appeals committee.
- **Student** means any individual who is attending or has attended Utah State University. Attendance begins on the first day of the semester for which the Student is admitted.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

Related Forms and Tools

- [University General Catalog](#)
- Directory information can be found at the Office of the Registrar website

Contacts

- [Fran Hopkin, Vice Provost & University Registrar](#)

POLICY HISTORY

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