



KENTUCKY STATE
UNIVERSITY

FEDERAL REGULATIONS

Provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974 (as amended) Public Law 93-380

This is to serve notice to all students of Kentucky State University of the rights and restrictions regarding the maintenance, inspection, and release of student records contained in the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended. The University is composed of three colleges and offers a wide variety of services to students. Each college and service require the maintenance of some records concerning students enrolled in a particular college or participating in a nonacademic service. The location and type of record maintained by the University depends upon the field of study or service in which the student is enrolled. The following is a list of the types of records maintained by the University for students:

- Grade reports
- Transcripts
- Curriculum information
- Student test scores (ACT, SAT, AP, etc.)
- Correspondence with students
- Withdrawal records
- Admission forms
- Applications for graduation
- Student teacher evaluations
- Field training evaluations and correspondence
- Evaluation forms
- Mid-term evaluation
- Biographical data
- Nominations for awards
- Letters of recommendation
- Professional conduct agreements and liability insurance coverage
- Disciplinary records
- **Access to Records:** In general, the records maintained by the University are available only to the student, to University personnel with legitimate educational interests, to other institutions where the student is seeking financial aid, and to authorized representatives of the Comptroller General of the U.S., the Secretary of Education, or an administrative head of an education agency, in connection with an audit or evaluation of federally support programs, and as provided by Section 164.283 of the Kentucky Revised Statutes. However, information may be released by the institution to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons. Records may also be furnished in compliance with a judicial order or pursuant to a subpoena or with the consent of the student.

Students may inspect and review all records pertaining to them within forty-five (45) days of making request for same, except for

- a. records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting or assisting in a professional capacity in connection with treatment of the student (except that the student may have these records reviewed by a physician or appropriate professional designated by the student),
 - b. financial records of the student's parents,
 - c. confidential letters and recommendations put in the files prior to January 1, 1975, and
 - d. confidential recommendations relating to admission, applications for employment, or honors, if the student has waived his/her right to review such records. Where a particular record cannot be reviewed by a student without revealing confidential information relating to other students, the records custodian will inform the student, upon request, of the contents of the record pertaining to that student.
- Parents who claim a student as a dependent may present their federal tax declaration, in lieu of having the student's written consent, to gain access to information concerning their children's grades.
- **Disciplinary Records:** Disciplinary records are defined as those records (maintained in electronic or hard-copy format) which relate exclusively to violations of Standards Governing Student Conduct as delineated in the Kentucky State University Student Handbook, revised 2020-2021, which have been adjudicated through the Division of Student Engagement and Campus Life.
- Complaints to the Division of Student Engagement and Campus Life which have been voluntarily withdrawn are not considered disciplinary records. A student's disciplinary record include and is limited to:
- a. complaint,
 - b. notification letter,
 - c. investigative report and findings,
 - d. notice of appeal,
 - e. notice of hearing,
 - f. documents presented as evidence and/or maintained by the hearing bodies during hearing,
 - g. final disposition.
- **Directory Information:** The University may release information without the student's consent where the information is classified as "directory information." The following categories of information have been designated by the University as directory information: name, address (excluding KSU residence hall room number), telephone listing (excluding cell phone), email address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, academic level (undergraduate or graduate), academic class (freshman, sophomore, junior, or senior), dates of attendance, enrollment status, degrees and awards received, student photo or likeness, and the most recent previous education institution attended by the student. Students who do not wish such information released without their consent should notify the Student Records Office in writing. Any such request should be sent to

Kentucky State University
Academic Services Building Room 323
400 East Main Street
Frankfort, Kentucky 40601

• **Notification of Rights Under FERPA for Postsecondary**

Institutions: The Family Educational Rights and Privacy Act affords students certain rights with respect to their education records. All KSU students are informed of their FERPA rights each year during the fall term through an email notification sent to their official KSU email address. Each student's FERPA rights are:

- a. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. 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 official to whom the request should be addressed.
- b. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is 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 (such as an attorney, auditor, or collection agent); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate education interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

- d. 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 are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-8520.

- **Procedures for Challenge:** A student who believes that any record maintained by the University pertaining directly to that student is inaccurate, misleading, or otherwise violative of the right of privacy of the student as provided by Title IV of Pub. L. 90-247, as amended, and Publ. L. 93-380 as amended by Senate Joint Resolution 40 (1974) may request a hearing before a panel of three persons appointed by the President of the University. The panel may direct that appropriate action be taken to correct, explain, or expunge the record(s) challenged.

Request for hearings should be addressed to the:

Office of University General Counsel
Kentucky State University, Hume, Room 102
400 East Main Street
Frankfort, KY 40601.

**Student Right-To-Know Act
(Pub. L. 101-542)**

Section 103 of the Student Right-To-Know and Campus Security Act of 1990 (Public Law 101-542) as amended by the Higher Education Technical Amendments of 1991 (Public Law 102-26) requires public disclosure of relevant graduation rate information for students enrolled in colleges and universities receiving federal financial assistance annually beginning July 1, 1993. Graduation rate information is published each year on the University's website or may be obtained upon request from the

Office of the Provost and Vice President for Academic Affairs
Hume Hall, Suite 202
400 East Main Street
Frankfort, KY 40601