

## STUDENT EDUCATION RECORDS POLICY

The Family Educational Rights and Privacy Act of 1974, as amended, ("the Act", commonly referred to as FERPA or the "Buckley Amendment") is designed to protect the confidentiality of the records that educational institutions maintain on their students and to give students access to their records to assure the accuracy of their contents. The Act affords you certain rights with respect to your education records. They are:

1. Access to Education Records: the right to inspect and review your education records within 45 days of the day the University receives a written request for access, anytime after your matriculation.
2. Request for Amendment of Education Records: the right to request amendment of your education records if you believe they are inaccurate or misleading, or otherwise in violation of your privacy rights under the Act.
3. Disclosure of Education Records: the right to consent to disclosures of personally identifiable information in your education records, except to the extent that the Act or any superseding law authorizes disclosure without your consent.
4. Compliance: the right to contact the Family Policy Compliance Office with a complaint concerning the University's compliance with the requirements of the Act. For more information, contact the University Registrar.

### Definitions

Hawai`i Pacific University uses the following definitions in this policy.

**Education records:** any record maintained by the University which is directly related to a student, *with the following exceptions:*

- Records made by University employees which 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 a temporary substitute for the maker of the record;
- Employment records unless the employment is contingent on the fact that the employee is a student;
- Records maintained by University Security solely for law enforcement purposes.
- Records made, maintained and used by professionals or paraprofessionals (e.g., physician, psychiatrist, psychologist, or counselor) only in connection with treatment of the student, and disclosed only to individuals providing the treatment. Such health records may be reviewed by a physician or other appropriate professional of the student's choice.
- Alumni records containing information about individuals after they are no longer students and which do not relate to the individuals as students.

**Legitimate educational interest:** A school official has a legitimate educational interest when the official needs to review an education record in order to fulfill his or her responsibility on behalf of the University, such as when the official is performing a task that is specific in his or her job description or by a contract agreement or other official appointment; performing a task related to a student's education; performing a task related to the discipline of a student; or providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

**School official:** a person employed by the University in an administrative, supervisory, academic, research, or support staff position, including University Security for health and safety purposes only; individuals or entities with whom the University has contracted to provide a service instead of using University personnel (e.g., an attorney or auditor, the National Student Clearinghouse); individuals serving on the Board of Trustees; and students conducting University business (e.g., serving on official committees, working for the University, or assisting another school official in performing his or her tasks).

**Student:** Hawaii Pacific University defines a person as a student effective the first day of the first term of enrollment or the first day that the person moves into Hawaii Pacific University housing, whichever comes first.

**Types, Locations and Custodians of Education Records:** The following is a list of the types of education records that Hawai`i Pacific University maintains, their locations, and their custodians:

<b>Types</b>	<b>Custodian</b>
<b>Admission and Academic Records</b>	University Registrar
<b>Financial Records</b>	Business Office Director of Financial Aid
<b>Advising Records</b>	Academic Advising
<b>Disability Records</b>	Disability Resource Specialist
<b>Disciplinary and Student Conduct Records</b>	Dean of Students
<b>Career Services Records</b>	Career Services Center

### **ACCESS TO EDUCATION RECORDS**

A student has the right to inspect and review his or her education records within 45 days after the University receives a written request for access, any time after the student's matriculation. The student must submit a written request, identifying as precisely as possible the record(s) he or she wishes to review, to the University registrar, dean or other appropriate official records custodian. The University official will make arrangements for the student review of the education records, or will advise the student of the correct official to whom the request should be addressed.

**Waivers:** When a student asks a member of the faculty or administration to write a letter of recommendation to graduate schools or possible employers, the student may be asked to sign a waiver to assure the confidentiality of the recommender's observations. If this occurs, it means only that the person needs to be able to say candidly what he or she thinks about the student's capabilities and potential. Very simply, such candor is in the long-range best interest of all Hawai`i Pacific students and the University.

If a student uses the services of our Career Services Center in an effort to secure employment or access to graduate school, waivers are likely to be requested regarding the student's resume, and any other data of natural interest to interviewers.

Waivers may be signed only for the specific purposes of application for admission, candidacy for honorary recognition (including merit-related financial aid) and application for employment. Waivers will not be required and the student may be told, at his or her request, the names of those supplying references. The student may revoke a waiver, in writing, for future actions but not for letters or recommendations already in his or her education records

**Records not open to student review:** In accordance with federal regulations, students do not have the right to review the following records:

- The financial records of the student's parents.
- Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975.
- Records connected with an application to attend Hawai`i Pacific University if that application was denied.
- Education records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student.
- Those records which are excluded from the FERPA definition of education records.

**Right of the University to refuse to provide copies:** Hawai`i Pacific University reserves the right to deny copies if the transcripts or other records are not required to be made available under FERPA, if the student has an overdue financial obligation to the University, or if there is an unresolved disciplinary action against the student.

**Fee for copies of records:** Official HPU academic transcripts cost \$10 when requested in writing by the student. The fee for copies of other education records, whether in response to student-authorized requests or other requests allowed by law, is \$.50 per page. *We will not provide a copy of transcripts received from other institutions.*

### **REQUEST FOR AMENDMENT OF EDUCATION RECORDS**

A student has the right to request amendment of his or her education records if the student believes the records are inaccurate, misleading, or otherwise in violation of his or her privacy rights under the Act. The student should write the University official responsible for the specific record, clearly identify the part of the record he or she wants changed, and specify why it should be changed.

The University official will reach a decision and inform the student in a reasonable amount of time after receiving the request. If the request to amend the record is denied, the University official will advise the student of his or her right to a hearing on the requested amendment, and provide information on hearing procedures. This hearing will be conducted by a hearing officer or committee appointed by the President. The hearing will be held before an officer or committee with no direct interest in the outcome of the hearing. However, the hearing officer or committee may be employed by, or exist at, the University. The hearing will be held within a reasonable amount of time after the request for a hearing has been made. The hearing officer will notify the student, reasonably in advance, of the date, place and time of the hearing.

The student will be afforded a full and fair opportunity to present evidence relevant to the issue raised. The student may be accompanied by one or more other persons, including an attorney. The hearing officer or committee will make a decision in writing based on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

If the hearing officer or committee supports the complaint, the education record will be amended accordingly and the student will be so informed. If the hearing officer or committee decides not to amend the education record, the student has the right to place in the education record, a statement commenting on the challenged information and/or stating the reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as the contested portion is maintained, and whenever a copy of the education record is sent to any party, the student's statement will be included.

**Destruction of Records:** Nothing in this policy requires the continued maintenance of any student record for any particular length of time. However, if under the terms of this policy the student has requested access to his or her education record, the record will not be destroyed before the custodian has granted the student access.

### **DISCLOSURE OF EDUCATION RECORDS**

The student has the right to consent to disclosures of personally identifiable information in his or her education records, except to the extent that the Act or any superseding law authorizes disclosure without the student's consent. Other than directory information, Hawai'i Pacific University will disclose student education records only with the written consent of the student, except in certain situations where the University retains discretion under FERPA or is authorized under any superseding law to disclose such records without consent, including the following:

1. to school officials who have a legitimate educational interest in the records.

**A school official is:**

- a. a person employed by the University in an administrative, supervisory, academic, research, or support staff position, including University Security, and Student Health staff;
- b. individuals or entities with whom the University has contracted to provide a service instead of using University personnel (e.g., an attorney or auditor, the National Student Loan Clearinghouse);
- c. individuals serving on the Board of Trustees; and
- d. students conducting University business (e.g., serving on official committees, working for the University, or assisting another school official in performing his or her tasks).

A school official has a **legitimate educational interest** when the official needs to review an education record in order to fulfill his or her responsibility on behalf of the University, such as when the official is

- a. performing a task that is specific in his or her job description or by a contract agreement or other official appointment;
- b. performing a task related to a student's education;
- c. performing a task related to the discipline of a student; or
- d. providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. to officials of another school where the student has sought admission or intends to enroll.
3. to authorized officials of the following entities, in connection with federal- or state-supported education programs: the U.S. Department of Education; the U.S. Comptroller General; the U.S. Attorney General; or state and local educational authorities.
4. in connection with a student's request for or receipt of financial aid, including determining the eligibility, amount or conditions of the financial aid or enforcing the terms and conditions of the aid.
5. if required by a state law requiring disclosure that was adopted before November 19, 1974.
6. to state and local authorities to whom such information is specifically allowed to be reported or disclosed under state law in connection with the juvenile justice system.
7. to organizations conducting certain studies for educational purposes for or on behalf of the University.
8. to accrediting organizations, including individuals on visiting committees, to carry out their functions.
9. to parents who claim the student as a dependent for income tax purposes. If a student's tuition is being paid by someone else, but he or she is not a dependent for federal income tax purposes, the student should notify the University Registrar of his or her independent tax status, in which case education record information will be released only with the student's written consent or upon receipt of a federal income tax return indicating the student's dependency status, unless otherwise authorized by law.
10. to comply with a judicial order or a lawfully issued subpoena, provided the University makes a reasonable attempt to notify the student in advance of compliance (except in certain cases involving grand jury subpoenas) or, when the University is involved in a legal action with a parent or student, where disclosure is to the court, without a court order or subpoena, and is relevant for the University to proceed as plaintiff or to defend itself.
11. to appropriate parties in a health or safety emergency.
12. a. to an alleged victim of any crime of violence or non-forcible sexual offense (as defined by FERPA regulations at 34 CFR 99.39), the final results of any University disciplinary proceeding with respect to the crime or offense, regardless of whether the University concluded a violation was committed.
- b. otherwise in connection with a disciplinary proceeding for a crime of violence or non-forcible sexual offense (as defined above), the University retains the discretion to disclose the final results of the disciplinary proceeding only if the University determines that the alleged student perpetrator has committed a violation of University rules/policies with respect to the crime or offense. The name of any other student, victim or witness, may not be disclosed without that other student's consent. Disclosure to any individual other than the alleged victim applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

For purposes of subsections (a) and (b), "final results" must include only the name of the alleged perpetrator student, the violation committed (rules violated and essential supporting findings), and the sanction imposed (disciplinary action taken, date, and duration).

13. to comply with a court order obtained under the USA PATRIOT Act of 2001 for education records considered relevant to a terrorism investigation or prosecution, without advance notice to the student.
14. to disclose to a student's parent information regarding any violation of law or of University rule or policy as to alcohol or controlled substances use or possession, if the student is under age 21 at the time of the disclosure and the University determines that such alcohol/drug use or possession constitutes a disciplinary violation.
15. to disclose information provided to the University under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under that section.
16. to the U.S. Citizenship and Immigration Services (USCIS) / Department of Homeland Security (DHS) concerning an F, J, or M non-immigrant alien, only to the extent necessary for the University to comply with Student and Exchange Visitor Program (SEVP) reporting requirements, as mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act of 2002, and the regulation at 8 CFR 214.1(h). Consent is not necessary for the University to disclose required information to USCIS or DHS in compliance with SEVP reporting obligations.
17. to the apparent creator of a record (e.g., a transcript or letter) when returned by the University for purposes of verifying the record's authenticity.

**Consent for the disclosure** of a student's education records must be in writing, signed and dated by the student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed.

**Record of disclosures:** Except where not required under FERPA regulations (34 CFR 99.33) (e.g., disclosures to parents, disclosures of directory information, disclosures pursuant to court order under the USA PATRIOT Act), the University will inform all third parties (anyone outside the University) to whom personal information from a student's education record is released that no further release of such information is authorized without written consent of the student. The University will maintain a record of third parties who have requested or obtained access to a student's education records (not including parties seeking directory information, parties having student consent, circumstances involving certain grand jury subpoenas, and disclosures pursuant to court order under the USA PATRIOT Act), indicating the legitimate interest that each such person or entity has in obtaining this information. This record of access, to be kept with the student's educational record, is available only to the student and the custodian(s) of the record.

**Directory Information:** Hawai'i Pacific University collects, creates and maintains information about students while they are enrolled. HPU designates the following categories of student information as public or "Directory Information." HPU may disclose such information at its discretion.

- Name
- Addresses
- Phone Numbers
- E-mail addresses
- Date of birth
- Dates of attendance
- Current enrollment status
- Class standing (e.g. sophomore)
- Previous institution(s) attended
- Major field(s) of study
- Awards and honors (e.g. Honor Roll, Dean's List)
- Degree(s) conferred (including dates)
- Full-time or part-time status
- Past and present participation in officially recognized sports and physical factors of athletes (e.g., height, weight)
- Level (Undergraduate/Graduate)

Currently enrolled students may withhold disclosure of directory information. To withhold disclosure, written notification must be received by the University Registrar's Office at 500 Ala Moana Blvd, Suite 5A, Honolulu, HI 96813. Directory information will then be withheld until the student requests in writing to release the hold on disclosure.

The University will honor a request to withhold directory information. Students should understand that, by withholding directory information, some information considered important to students may not reach them.

## **COMPLIANCE**

A student has the right under FERPA to file a complaint with the U.S. Department of Education concerning an alleged failure by Hawaii Pacific University to comply with the requirements of the Act. The office that administers FERPA is the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202, e-mail address [ferpa@ed.gov](mailto:ferpa@ed.gov). The complete regulation and full definitions of terminology are at <http://www.ed.gov/policy/gen/reg/ferpa/> or <http://www.ed.gov/offices/OII/fpco/pdf/ferparegs.pdf>

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University Registrar's Office  
500 Ala Moana Blvd, Suite 5A  
Honolulu, HI 96813  
phone: 808.544.0239 | fax: 808.544.1168  
Office hours: 8:00 am to 5:00 pm, Monday to Friday (HST)  
Email: [registrar@hpu.edu](mailto:registrar@hpu.edu)

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