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**POLICY TITLE:**

**Family Educational Rights and Privacy Act (FERPA)**

**APPLIES TO:**

**Students, Faculty, and Staff**

**ADMINISTRATIVE AUTHORITY:**

**Office of the Provost and Vice President of Academic & Student Affairs**

**Office of the Registrar**

**Office of General Counsel**

**APPROVED BY:**

**Kentucky State University Board of Regents**

**EFFECTIVE DATE:**

**August 8, 2025**

**NEXT REVIEW DATE:**

**August 8, 2028**

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**POLICY STATEMENT:**

Kentucky State University (KSU) is committed to protecting the privacy of student education records in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended. This policy outlines student rights regarding their education records, defines key terms, and sets forth KSU's procedures for access, disclosure, and amendment of such records. KSU complies fully with FERPA, which protects the privacy of student education records, provides students with rights to inspect, review, and seek amendment of their education records, and governs the disclosure of education records.

**DEFINITIONS:****Consent**

A signed (written or electronic) and dated agreement by a student that meets the requirements of 34 CFR § 99.30, specifying the records to be disclosed, the specific purpose of disclosure, and the party or class of parties

to whom disclosure may be made.

### **Directory Information**

Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. KSU designates the following as directory information:

- Student name
- Address (local and/or permanent)
- Telephone number (home and cellular)
- KSU-issued email address
- Major field(s) of study and minor field(s) of study
- Enrollment status (e.g., undergraduate, graduate, full-time, part-time, withdrawn)
- Participation in officially recognized activities and sports (including the weight and height of members of athletic teams)
- Degrees, honors, and awards received (including dates)
- Dates of attendance (periods of enrollment, not daily attendance)
- Class level (e.g., freshman, sophomore)
- Most recent previous educational agency or institution attended
- Photograph or digital image (for purposes such as KSU ID cards or internal systems, with student notification)

KSU may disclose any of these items without prior written consent unless a student has submitted a formal request to the Registrar to withhold their directory information. KSU is not obligated to release directory information to any party, even if a student has not restricted its release. The determination of whether to release directory information will be made by the appropriate KSU official on a case-by-case basis, considering the purpose of the request.

### **Disclosure**

To permit access to or the release, transfer, or other communication of personally identifiable information contained in electronic records by any means, including oral, written, or electronic.

### **Education Records**

Any record directly related to a student and maintained by KSU or a party acting on behalf of KSU. These include, but are not limited to, grades, transcripts, class lists, student course schedules, student financial information, financial aid records, student discipline files, and academic advising records. Education records can exist in any medium, including but not limited to, handwritten, print, tapes, film, microfilm, microfiche, or digital/electronic formats.

Education Records do not include:

- Sole possession records: Records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- KSU Police law enforcement records: Records created and maintained by the KSU Police Department for law

enforcement purposes.

- Employment records: Records made and maintained in the normal course of business that relate exclusively to an individual in that individual's capacity as an employee, provided that employment is not contingent upon student status (e.g., work-study employment records *are* education records).
- Medical treatment records: Records on a student 18 years of age or older, or attending a postsecondary institution, made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, and that are made, maintained, or used only in connection with treatment of the student and are not disclosed to anyone than individuals providing the treatment. (These records may, however, be subject to other privacy protections, such as HIPAA).
- Alumni records: Records containing information about an individual after they are no longer a student at KSU and that do not relate to their time as a student.
- Peer-graded papers before they are collected and recorded by an instructor.

### **Legitimate Educational Interest**

The demonstrated "need-to-know" by a school official for access to specific education records to perform an assigned duty or task that is a regular part of their KSU job responsibilities or a contractual obligation on behalf of KSU. Curiosity, personal interest, or a general interest in a student's academic progress do not constitute a legitimate educational interest. Determination of legitimate educational interest will be made by the supervisor or head of the unit in which the school official is employed or engage, the Office of General Counsel, or by the custodian of the requested record.

### **Personally Identifiable Information**

Information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. This includes, but is not limited to, the student's name, address, Social Security Number, student ID number, biometric records, and other direct identifiers, as well as indirect identifiers such as date of birth, place of birth, and mother's maiden name when combined with other information.

### **Record**

Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

### **School Official**

A person employed by KSU in an administrative, supervisory, academic, research, or support staff position (including law enforcement personnel and health staff); a person serving on the Board of Regents; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks; or a contractor, consultant, volunteer, or other outside party to whom KSU has outsourced institutional services or function (e.g., attorney, auditor, collection agent, IT service provider,

National Student Clearinghouse, or a clinical facility where a student is receiving training). The outside party must perform an institutional service or function for which KSU would otherwise use employees, be under the direct control of KSU with respect to the use and maintenance of education records, and be subject to the requirements of 34 CFR § 99.33(a) concerning the use and re-disclosure of personally identifiable information from education records.

### **Student**

Any individual who is or has been in attendance at KSU (i.e., enrolled in at least one course) and regarding whom KSU maintains education records. This includes students who have applied, been admitted, and are registered for classes, as well as former students. It does not include individuals who have applied for admission but never attended KSU.

## **PROCESS:**

### **Student Rights Under FERPA**

Students at KSU are annually notified of their FERPA rights via the online registration process, the student handbook, and/or email. These rights include:

- The right to inspect and review their education records within 45 days of the day KSU receives a written request for access. KSU will make arrangement for access and notify the student of the time and place where the records may be inspected.
- The right to request the amendment of education records the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. This right does not extend to challenging substantive academic decisions such as grades, unless the recorded grade is different from the grade actually assigned by the instructor.
- The right to provide written consent before KSU discloses personally identifiable information from the student's education records, except to the extent FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by KSU to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-8520.
- The right to be informed about KSU's FERPA policy and the procedures for exercising their rights under FERPA.

### **Inspection and Amendment of Records**

#### **Procedure for Inspecting Records:**

- Students wishing to inspect their education records must submit a written, dated request to the KSU Registrar (or other appropriate record custodian, e.g., Office of Financial Aid for financial aid records). The request must identify the specific record(s) the student wishes to inspect.

- The Registrar (or appropriate custodian) will make arrangements for access and notify the student of the time and place where the records may be inspected. This will typically be within 10–15 business days but no later than 45 calendar days from the receipt of the request.
- KSU may charge a reasonable fee for copies of records if requested by the student, unless imposing a fee would effectively prevent the student from exercising their right to inspect and review the records. No fee will be charged to search for or retrieve records for inspection.
- KSU is not required to provide students with copies of transcripts from other institutions previously attended; students should request these from the originating institution.
- If an education record contains information about more than one student, the requesting student may inspect and review only the information that relates directly to them.

#### **Procedure for Requesting Amendment of Records:**

- Students who believe their education records contain information that is inaccurate, misleading, or in violation of their privacy rights may ask KSU to amend the record. This process cannot be used to challenge a grade, an instructor's evaluation of academic performance, a disciplinary decision, or other substantive decisions properly made by KSU officials, except to correct an alleged inaccuracy in the recording of such information.
- The student must submit a written request to the KSU Registrar (or relevant office that maintains the record), clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading, or otherwise in violation of their privacy rights. The request should include supporting documentation, if any.
- KSU will review the request and notify the student in writing of its decision within 30 business days of receiving the request.
  - If KSU decides not to amend the record as requested, it will advise the student of their right to a hearing regarding the request for amendment.
  - If KSU decides to amend the record, it will notify the student in writing that the record has been amended and inform the student of any implications for related records.

#### **Hearing Process (if Amendment Request is Denied)**

- If KSU denies the student's request for amendment, the student may request a formal hearing.
- The hearing request must be made in writing to the Provost and Vice President of Academic & Student Affairs, or their designee, within 15 business days of the denial.
- The hearing will be conducted by a committee of three school officials appointed by the Provost or their designee. The committee members shall not have a direct interest in the outcome of the hearing. The hearing will be held within 30 business day of the amendment request.

- The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their own choice, including an attorney, at their own expense.
- KSU will make its decision in writing, based solely on the evidence presented at the hearing, within 10 business days after the hearing. The decision will include a summary of the evidence and the reasons for the decision.
- If, as a result of the hearing, KSU decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy rights, it will amend the record accordingly and inform the student in writing.
- If, as a result of the hearing, KSU decides not to amend the record, it will inform the student of their right to place a statement in the record commenting on the contested information and/or stating any reasons for disagreeing with the decision. This statement will be maintained by KSU as part of the student's education records as long as the contested portion is maintained, and it will be disclosed by KSU whenever the contested portion of the record is disclosed.

#### **Disclosure Without Prior Written Consent**

FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions. Except for disclosures to school officials with legitimate educational interests, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information (unless restricted), and disclosures to the student, KSU must record all such disclosures. These exceptions include, but are not limited to:

- **School Officials with Legitimate Educational Interests:** Disclosure to school officials who have legitimate education interest in the information. KSU will use reasonable methods, such as technological access controls and staff training, to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.
- **Other Institutions:** Disclosure to officials of another school, school system, institution of postsecondary education where the 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. KSU will, upon request, forward education records to other agencies or institutions in which the student seeks or intends to enroll.
- **Audit or Evaluation:** Disclosure to authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities. Such disclosures may be made in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- **Financial Aid:** Disclosure in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

- **Studies:** Disclosure to organizations conducting studies for, or on behalf of, KSU for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction, provided that the studies are conducted in a manner that does not permit personal identification of students by individuals other than representatives of the organization, the information is destroyed when no longer needed for the purposes for which it was obtained, and KSU enters into a written agreement with the organization that meets FERPA requirements.
- **Accrediting Organizations:** Disclosure to accrediting organizations to carry out their accrediting functions.
- **Parents of a Dependent Student:** Disclosure to parents of a student who is a dependent for IRS tax purposes. KSU requires parents to submit a signed, written request along with a copy of their most recent federal income tax return showing the student was claimed as a dependent. KSU retains discretion in disclosing information to parents of dependent students.
- **Judicial Order or Lawfully Issued Subpoena:** Disclosure to comply with a judicial order or lawfully issued subpoena. KSU will make a reasonable effort to notify the student of the order or subpoena in advance of compliance, unless the court or issuing agency has ordered KSU not to disclose the existence or contents of the subpoena (e.g., a grand jury subpoena or other subpoena issued for a law enforcement purpose that specifies non-notification).
- **Health and Safety Emergencies:** Disclosure to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The determination of whether a health or safety emergency exists that warrants disclosure will be made by the Vice Provost of Student Affairs, the KSU Police Chief, or KSU Nursing Staff. This exception is limited to the period of the emergency and does not allow for a blanket release of personally identifiable information.
- **Disciplinary Proceedings (Victims):** Disclosure to an alleged victim of a crime of violence (as defined in 18 U.S.C. § 16) or a non-forcible sex offense, the final results of any institutional disciplinary proceeding conducted by KSU against the alleged perpetrator of that crime or offense with respect to that crime or offense. Disclosure of the final results is limited to the name of the student perpetrator, the violation committed, and any sanction imposed.
- **Alcohol and Drug Violations (Parents):** Disclosure to a parent or legal guardian of a student under the age of 21 regarding the student's violation of any federal, state, or local law, or any rule or policy of KSU, governing the use or possession of alcohol or a controlled substance, if KSU determines the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of disclosure to the parent.
- **Information Regarding Registered Sex Offenders:** Disclosure of information provided to KSU under 42 U.S.C. § 14071 (regarding registered sex offenders) concerning a student required to register as a sex offender in Kentucky.
- **De-Identified Information:** Disclosure of information from which all personally identifiable information has been effectively removed, provided that KSU has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

## **Directory Information**

- Students have the right to restrict the disclosure of their directory information. To do so, students must complete and submit a request to restrict directory information form (available from the Registrar's Office).
- A new form must be submitted for each academic year if the student wishes the restriction to continue. If a new form is not received by August 1 of each year, any previous restriction will be lifted.
- Students should carefully consider the consequences of restricting all directory information. If a student places a comprehensive restriction on their directory information, KSU cannot release this information to external parties and the student's name will not appear in publications such as the commencement program, honor rolls, or dean's lists. KSU also cannot confirm directory information to potential employers, scholarship providers, or other entities without the student's specific written consent for each instance.
- KSU will honor a student's request to restrict directory information made in accordance with these procedures. However, KSU cannot assume responsibility for contacting the student for permission to release it in all circumstances and cannot be responsible for information that may have been released prior to the processing of the restriction request.
- The restriction on directory information does not apply to disclosures to school officials with legitimate educational interests or in other situations where FERPA authorizes disclosure without consent (e.g., health and safety emergencies, lawfully issued subpoenas).
- KSU provides annual notification to students of their rights concerning directory information, including the types of information designated as directory information and the student's right to refuse to let KSU designate any or all of those types of information as directory information.

## **Record of Disclosures**

- KSU will maintain a record of each request for access to, and each disclosure of personally identifiable information from, a student's education records, except for disclosures:
  - To the student him/herself;
  - To school officials with legitimate educational interests;
  - Pursuant to the student's written consent;
  - Of directory information (unless the student has restricted its release and the disclosure is not otherwise authorized without consent); or
  - Pursuant to certain types of subpoenas or court orders as specified in 34 CFR § 99.32.
- This record of disclosure will include the names of the parties who requested or received personally identifiable information from the educational records and the legitimate interests the parties had in requesting or obtaining the information, as well as the date of disclosure.
- The record of disclosure is considered part of the student's education record and may be inspected by the student in accordance with the procedures outlined in this policy.
- This record will be maintained with the student's education records for as long as the underlying education records are maintained.



## **FERPA Training**

- All KSU faculty, staff, administrators, and other school officials who in the course of their duties may have access to education records are required to complete FERPA training.
- Training will be provided on a regular basis through the Office of Human Resources (HR) or electronic delivery. Training is required annually.
- Completion of FERPA training is mandatory and will be documented by HR. Failure to complete required training may result in limitation or revocation of access to student education records, as well as disciplinary action up to and including termination.

## **Data Security and Third-Party Vendors**

- KSU is committed to ensure the security and confidentiality of student education records. Appropriate physical, electronic, and administrative safeguards, consistent with KSU data security policies, are in place to protect personally identifiable information from unauthorized access, use, disclosure, alteration, or destruction.
- When KSU enters into agreements with third-party vendors to perform institutional services or functions that require access to student education records, these vendors are required to comply with FERPA.

## **Deceased Students**

- While FERPA rights cease upon a student's death, KSU recognizes the privacy interests of deceased students and their families. As a matter of policy, access to the education records of deceased students will generally be granted to the executor/executrix or administrator of the deceased student's estate or, if no probate action is initiated, to the student's next of kin.
- Requests for access must be made in writing to the Registrar's Office and accompanied by a certified copy of the student's death certificate and appropriate documentation verifying the requestor's legal status as executor/administrator or their relationship as next of kin (e.g., birth certificate, marriage certificate).
- KSU reserves the right to deny requests, to provide only limited information, or to redact information pertaining to other individuals, based on the circumstances and in its sole discretion, while respecting the legitimate interests of the family.

## **REFERENCES AND RELATED MATERIALS:**

- Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
- FERPA Regulations, 34 CFR Part 99
- U.S. Department of Education, Student Privacy Policy Office website

## **CONTACTS:**

Subject	Office	Telephone	E-mail
Policy Questions	Provost	(502) 597-6238	<a href="mailto:Michael.Dailey@kysu.edu">Michael.Dailey@kysu.edu</a>

Policy Questions	Registrar	(502) 597-5795	<a href="mailto:Yolanda.Benson@kysu.edu">Yolanda.Benson@kysu.edu</a>
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**HISTORY:**

Revision Type	Date of Issuance/Revision	Drafter(s)/Editor(s)
Issued (New Standalone Policy)	June 2025	Zach Atwell

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