**Standard for student viewing LORs**:

When a student completes the waiver, yes waive my right to see, then they will not be able to view letters submitted on their behalf. If they say yes to waive access (which is what recommenders want) <-? then they can see the recommendation. The prospective students can easily ask their recommenders for copies if they so choose.

It is up to the program (MES, MiT, MPA) about when the student can view the letters if they have NOT waived access.

Recommenders know whether or not student has waived access to view.

UG practice is that they do not allow students to view. They do not ask the question. From Elaine in Registration: As an applicant, the student would not be considered an eligible student under FERPA so the inspect and review would not apply.

What is legal or not in this case?

New Standard: We won’t except your recommendation until you check Y/N to the waiver. Is the waiver field not required? Must not be.

Discussion for CollegeNet this summer:  Can we make this required? - no, we cannot require that the student waive their access to view per below:

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<http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf>

7/7/16

§ 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student

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(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

(1) Financial records, including any information those records contain, of his or her parents;

(2) Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and

(3) Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:

(i) The student has waived his or her right to inspect and review those letters and statements; and

(ii) Those letters and statements are related to the student's:

(A) Admission to an educational institution;

(B) Application for employment; or

(C) Receipt of an honor or honorary recognition.

(c)(1) A waiver under paragraph (b)(3)(i) of this section is valid only if:

(i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

(ii) The waiver is made in writing and signed by the student, regardless of age.

(2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:

(i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

(ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

(3)(i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.

(ii) A revocation under paragraph (c)(3)(i) of this section must

be in writing.

(Authority: 20 U.S.C. 1232g(a)(1) (A), (B), (C), and (D))

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