



## 04.150 STUDENT RECORDS & FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) POLICY

**Authority:** Chancellor

**History:** Revised August 2017; Revised August 2016; Revised April 2, 2009; Revised May 7, 2008; Revised and Reformatted May 24, 2005; Revised June 8, 2004

**Source of Authority:** 20 U.S.C. § 1232(g); 34 C.F.R. Part 99

**Related Link:** [UNC Policy Manual 700.2\[R\]](#)

**Responsible Office:** Registrar

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### I. Purpose

The Family Educational Rights and Privacy Act of 1974 (FERPA, also known as the “Buckley Amendment”), guarantees certain rights for students and eligible parents regarding access to, confidentiality of, and correction of the student’s education records. FERPA provides that a student may inspect his or her education records. If the student finds the records to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights, the student may request amendment to the record. FERPA also provides that a student’s personally identifiable information may not be released to someone else unless (1) the student has given a proper written consent for disclosure or (2) provisions of FERPA or the corresponding federal regulations permit the information to be released without the student’s consent. This policy is administered in accordance with the FERPA regulations published in 34 CFR Part 99.

### II. Disclosure of Directory Information

- A. The university may release the following directory information to the public without the student’s consent: name; classification; college and major; dates of attendance; degree(s) earned; honors and awards received, including selection to the dean’s list, chancellor’s list (*discontinued fall 2013*), honorary organization, scholarship, or the GPA range for the selection; conduct information; local address; local or contact telephone number; UNCW electronic mail address; most recent previous educational institution attended; place of birth; participation in officially recognized activities and sports; and the weight and height and date of birth of members of athletic teams.
- B. Under FERPA, the student has the right to request that the disclosure of directory information be withheld. If a student wishes to have the

student's directory information withheld, they must complete a "Request to Prevent Disclosure of Directory Information" form in the Office of the Registrar.

### **III. Disclosure of Personally Identifiable Information**

- A. The university may release personally identifiable information from student education records without the student's consent to school officials who have a legitimate educational interest to access the records.
- B. "Education records" mean records that are maintained by UNCW in any media (e.g. paper, electronic, digital image, film, video, audio tape) which contain information directly related to a student and are personally identifiable to a student. Education records do not include:
  - 1. Personal records of university employees that are in the sole possession of the maker (i.e. notes of conversations), are used only as a personal memory aid, and are not accessible or revealed to any individual except a temporary substitute;
  - 2. Records of the UNCW police department used for law enforcement purposes;
  - 3. Student medical and counseling records maintained and used only in connection with provision of medical treatment or counseling of the student and are made available only to the individuals providing the treatment;
  - 4. Employment records unrelated to the student's status as a student (these records are covered under the N.C. Personnel Records Act);
  - 5. Records created or received after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (i.e. alumni records); or
  - 6. Grades on peer-graded papers before they are collected and recorded by a faculty member.
- C. "School official" means:
  - 1. An employee, agent or officer of the university or The University of North Carolina's General Administration in an administrative, supervisory, academic or research, or support staff position and acting in his or her official capacity, including a student assisting another school official in performing his or her tasks;
  - 2. A person serving on university committees, boards, and/or councils, including an individual serving on a disciplinary or grievance committee;

3. Another educational institution that requests records for a particular student who seeks or intends to enroll or where the student is already enrolled provided the disclosure is for purposes related to the student's enrollment or transfer; and
  4. A person or company with whom the university has contracted (e.g. internship and clinical facilities, attorney, auditor, or collection agent) but limited to only the specific student information needed to fulfill the contract. The contracting entity is bound to follow FERPA regulations for control, maintenance, use and re-disclosure of the information provided to it.
- D. "Legitimate educational interest" means a school official who is performing an authorized task or an activity that he or she is undertaking in the name of the university for which access to an educational record is necessary or appropriate to fulfill his or her professional responsibilities for the university.
- E. "Student" means an individual who is or has been in attendance at UNCW for degree seeking courses, non-credit courses, life-long learning courses, and/or certificate courses. It does not include persons who have been admitted but did not attend the university. For the purposes of this policy, "attendance" starts with orientation or course registration and includes in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom and the period during which an individual is working under a UNCW work-study program.
- F. In addition, the university may disclose personally identifiable information from a student's educational records without a student's consent to either individuals or entities permitted such access under applicable federal law and regulations, as more fully specified in 34 CFR § 99.31. Such exceptions include, but are not limited to, the following situations: to parents of dependent students; to accreditation organizations or agencies; to comply with a lawfully issued subpoena or court order; to protect the health and safety of the student or others in an emergency; in litigation or for implied waivers by the student. For certain disclosures, university officials must record when, what records, and to whom they have disclosed personally identified information to third parties. In the case of emergencies, school officials must also record the articulable or significant threat that formed the basis for the disclosure.

#### **IV. Alcohol and Drug Violations and Violent Crimes**

- A. Unless there are extenuating circumstances, the university will not generally notify parents or legal guardians of students under the age of 21 of the first time alcohol violation. Parents and guardians will be notified if the student is determined by the university to be a danger to himself/herself, others, or to property.
- B. The university may notify parents and legal guardians of all second and subsequent alcohol violations. For purposes of determining what constitutes a second or subsequent violation, multiple related violations during a single incident will be treated as one offense.
- C. The university may notify parents or legal guardians of students under the age of 21 of any drug violations.
- D. The university may disclose the final results of campus disciplinary proceedings in which a student is charged with a violent crime or non-forcible sex offense. For offenses heard under the Student Gender-Based/Sexual Misconduct Policy 04.130, the university will disclose information to the alleged victim in accordance with Section VIII.H of that Policy. For other violent offenses, disclosure to alleged victims of the crime or offense will be made, upon written request, regardless of whether the student was found responsible. Disclosure to third parties may be made only if the student is found responsible. Disclosure is limited to the name of the violator, the type of violation found to have occurred, and the sanction imposed by the university.

**V. Inspection and Review of Records**

- A. FERPA provides students with the right to inspect and review (within 45 days of request) information contained in their education records (as defined above), challenge the contents of their education records and to have a hearing if the outcome of the challenge is unsatisfactory (see below), and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable.
- B. The registrar has been designated by the university to coordinate the inspection and review procedures for student education records. Such records are maintained at several locations on the campus. The locations are shown in Appendix A to this policy, together with the title of the official custodian to be contacted for access to the records. A written request may be required. Students wishing to review their education records must make written requests to the administrator shown there. If the student is uncertain as to the location of a particular record, a written request should be addressed to the registrar listing the item or items of interest.

- C. Students are limited to inspecting and reviewing their records within the Office of the Registrar. If a student is not within commuting distance, the Office of the Registrar can provide copies of the requested records in an electronic or printed format. Charges for printing documents may be assessed at the discretion of the registrar.
- D. Students may not inspect and review the following, as specified in FERPA: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The university is not required to permit students to inspect and review confidential letters and recommendations placed in their files, providing those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

## **VI. Amendment of Student Record**

- A. If a student believes that the information contained in his/her education records is inaccurate or misleading, or that it violates privacy or other rights, the student may request that the university amend the record. Such request shall be in writing addressed to the registrar, and shall specify the amendment sought.
- B. The registrar or his/her designee shall, within 30 days after receiving the student's request, and after consulting with appropriate university officials, decide whether the record will be amended in accordance with the request, and inform the student. If the decision is to refuse to amend the record in accordance with the request, the registrar shall simultaneously advise the student that he/she may request a hearing to challenge the content of the education record to ensure that the information therein is not inaccurate, misleading or otherwise in violation of the privacy or the rights of the student.
- C. If the registrar receives a request for a hearing, he/she shall request that the chancellor appoint a panel of three university faculty or staff members to conduct the hearing. Persons appointed shall be individuals who have no direct interest in the outcome of the hearing. The chancellor shall designate the chair of the panel and shall provide the panel such assistance as deemed appropriate.
- D. The chair of the hearing panel established as in Section VI.C. above shall notify the student and the registrar of the date, time and place of the hearing at least five days before the hearing.

- E. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue whether the information in the student's education record is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The student may be assisted by individuals of his/her choice at his/her own expense, including an advisor.
- F. The registrar or persons appearing in his/her behalf shall be afforded a like opportunity.
- G. The panel shall make its decision solely on the basis of the evidence presented at the hearing. The decision of the panel shall be in writing and shall include a summary of the evidence and the reasons for the decision.
- H. If the opinion of the panel is that the information in the student's record is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the committee shall forward to the chancellor its written recommendation. The chancellor will forward to the student a decision in ten class days.
- I. If the panel decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the education record a statement commenting on the records and setting forth the reasons for disagreeing with the agency or institution. Such statement shall thereafter be maintained as part of the education record and thereafter disclosed to any party to whom the contested record is disclosed.
- J. If the student believes that the procedures determining the challenge were unfair or not in keeping with FERPA requirements, he/she may direct a written appeal to the chancellor.
- K. Students who believe that the adjudications of their challenges were unfair, or not in keeping with FERPA may request in writing, assistance from the chancellor. Further, students who believe that their rights have been abridged, may file complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202, concerning the alleged failures of the university to comply with the law. For further information, students may consult the registrar, who has available copies of the statute and the Department of Education's regulations.

## APPENDIX A: LOCATIONS AND CUSTODIANS OF STUDENT RECORDS

- A. Academic Records:
  - 1. Office of the Registrar, University Registrar, James Hall
  - 2. Offices of each academic department, Department Chair
  - 3. Offices of each college or school, Dean
  - 4. Continuing Studies, Swain Center
  
- B. Disciplinary Records  
Office of the Dean of Students, Fisher University Union
  
- C. Employment Records
  - 1. Office of Scholarship & Financial Aid, Director, Warwick Center
  - 2. Career Center, Director, Fisher University Union
  
- D. Counseling Records  
Counseling Center, Director, DePaolo Hall
  
- E. Medical Records  
Student Health Center, Director, DePaolo Hall
  
- F. Financial Aid Records  
Office of Scholarship & Financial Aid, Warwick Center
  
- G. University Police Records  
University Police Department, Chief, University Police Headquarters
  
- H. Career Services Records  
Career Center, Director, Fisher University Union
  
- I. Records Relating to International Student Programs  
Office of International Programs, Associate Vice Chancellor, Alderman Hall
  
- J. Records Relating to Student Athletes  
Athletic Department, Athletics Director, Nixon Annex
  
- K. Admissions Records (current year)
  - 1. Director of Undergraduate Admissions, James Hall
  - 2. Graduate Admissions, Graduate School, James Hall
  
- L. Admission Records (prior years)  
Office of the Registrar, James Hall
  
- M. Student Accounts Records  
Student Accounts and Cashier Office, Director, Warwick Center