

STUDENT RECORDS POLICY

I. Introduction.

The University of Alabama in Huntsville maintains records regarding its students that facilitates their educational development and promotes the effective administration of University's affairs. These student records are the subject of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, a federal law applicable to most colleges and universities, as well as other educational institutions. Under FERPA, students are provided certain rights of privacy in and access to their education records, and the institution's use of these records is regulated. In order to ensure compliance with FERPA requirements regarding these rights, the University has formulated and adopted the following student records policy.

II. General Definitions.

For the purposes of this policy, a student is defined as any individual currently or previously enrolled in an academic offering at UAH, as to whom education records are maintained by the institution. An applicant or prospective attendee is therefore not regarded as a student.

An education record is understood to encompass generally those records, files, and other materials maintained by the University, whether in a printed, handwritten, audio, video, or computer media format, and containing information directly related to a student in his or her role as a student. Records of instructional, supervisory, and administrative personnel in the sole possession of and accessible only to the maker (or a substitute) are specifically excluded from this definition. Independent records of Campus Police that are kept for law enforcement purposes only and are available only to law enforcement officials are also not a part of the education record. A further exclusion is provided for records made or maintained by physicians, psychiatrists, psychologists, or other professionals or paraprofessionals in connection with the treatment of a student and not available to anyone else except the individuals providing the treatment. Finally, the education record does not extend to information about an individual's activities or status during any period of nonenrollment (such as, for example, after graduation).

III. Records Officials.

The chief official in each office in which student education records are located (herein, a "records official") shall be responsible for the custody, management, and use of those records. Records officials shall maintain a list of the student records for which they are responsible, indicating the location and general contents of the records. Any student request concerning a record or file, including a request to amend a record, a request for access by the student, and a request for disclosure to a third party, should be directed to the appropriate records official. Forms for such requests may be obtained from the latter.

IV. Student Access to Education Records.

Every student shall have the right to inspect and review, in the presence of a University staff member, the contents of his or her education records. To exercise this right a student should go to the office where the record is located and initiate a request in writing specifying or describing the particular item, record, or file desired. If the student cannot personally appear, he or she must submit a notarized request to the office. A proper request for inspection shall be granted within a reasonable time, but in no event later than 45 days after the request. If, in the opinion of the records official, inspection and review can reasonably be accomplished only by providing copies of the documents, copies shall be made and provided at a cost to the student, payable in advance and reflecting the actual cost of reproduction. However, copies of part or all of a student's education record will not be issued to the student or any other party as long as there are delinquent financial obligations owed by the student to the University.

The right of inspection and review does not extend to the following:

- a. Financial statements of the student's parents.
- b. Confidential recommendations placed in the student's file prior to January 1, 1975, if such recommendations were obtained under a documented policy or understanding of confidentiality and are used only for the purpose intended.
- c. Confidential recommendations associated with admissions, employment applications, or honors as to which the student has given a signed, written waiver of any right of review and inspection. The student, upon request, shall be told the names of the individuals providing the recommendations.

If the record contains information about more than one student, access will be granted only to that portion pertaining to the inquiring student.

The University will respond to any reasonable request for an explanation or interpretation of an item in a student's file. Requests for such explanation or interpretation should be addressed in writing to the appropriate records official.

V. Waiver of Access.

A student may by voluntary choice waive any rights afforded by FERPA. Such a waiver must be in writing and be signed by the student.

The University may specifically request that a student waive the right to inspect and review confidential recommendations in the student's education record concerning admissions, employment applications, or honors. However, the giving of such a waiver is optional with the student and shall in no way be a condition to admission, financial aid, or any other University benefit. A student signing such a waiver is entitled, upon request, to a list of the names of the individuals providing letters and statements of recommendation and shall have the continuing

assurance of the University that these recommendations will be used only for the purpose for which they were originally intended.

A student may by a writing revoke a waiver with respect to materials solicited after the revocation.

VI. Amendment of Education Records.

A. Request for Amendment.

A student who believes that his or her education record contains information that is inaccurate, misleading, or violation of the student's privacy rights is entitled to request that the record be amended. This request shall be made to the records official in the office where the record is located, and the student may, if desired, discuss the matter informally with such official. Within 30 days after the request is made, the records official shall decide either to grant or deny the request and shall inform the student accordingly. If the decision is to refuse any amendment, the official shall further advise the student of the right to a hearing on the issue.

B. Hearing.

In the event that the student wishes to have a hearing, he or she shall submit a request in writing to the Provost/Vice President for Academic Affairs (herein, the "Provost") identifying the objectionable item or record and the grounds for the challenge. After receiving the request, the Provost shall appoint a University official who does not have a direct interest in the outcome to serve as the hearing officer.

The hearing officer shall then set a date for the hearing, no later than 30 days after the request for the hearing was received by the Provost, and shall give the student reasonably advance notice of the place, date, and time. At the hearing the student may present evidence relevant to the issue under consideration and may be assisted by one or more persons of his or her choice, including an attorney. Any expense associated with the appearance of counsel or any other person to assist the student must be borne by the student. The hearing officer may receive any other testimony or evidence relevant to the matter under consideration.

Within 10 days after the hearing is completed, the hearing officer shall render a decision as to whether or not the challenged item or record is inaccurate, misleading, or in violation of privacy rights. The decision must be based solely on the evidence received at the hearing, it shall be rendered in the form of a written statement summarizing the evidence and specifying the reasons for the decision, and it shall be final. Copies of the decision shall be delivered to all parties concerned. If the decision is favorable to the student, an appropriate amendment or correction shall be made to the student's education record. If the decision is adverse to the student, he or she shall be informed by the hearing officer of the right to submit a written statement commenting on the challenged information in the record and setting forth reasons for disagreement with the decision. This statement shall be placed in and maintained with the education record, and it shall accompany any release of the record in question.

C. Limitation on Right to Challenge - Academic Evaluations.

The foregoing right of challenge cannot be used by a student to question any substantive educational or academic judgment which is accurately recorded. Neither FERPA nor the policy of the University permits a student to contest, for example, a course grade on the grounds that a higher grade should have been assigned.

VII. Disclosure of Education Records.

A. Disclosure upon Student's Authorization/Consent.

A student may request that information from or a copy of material in his or her education records be transmitted by the University to third persons. Such a request or authorization must be made to the appropriate records official in writing and shall identify the record to be disclosed, the intended recipient, and the purpose for which the disclosure is to be made. The student shall also, upon request, be given a copy of the disclosed record.

As a general rule, subject to the exceptions stated below, a student's education records or personally identifiable information from such records will not be disclosed to third parties in the absence of written consent or authorization from the student. "Personally identifiable information" is deemed to refer to any recorded information or data (such as the student's name, address, social security number, etc.) from which the student's identity can readily be ascertained. The University will furnish a document in the form required by law for the student's authorization.

B. Exceptions to Requirement of Authorization/Consent

1. Specified Circumstances or Conditions.

The Act provides certain exceptions to this rule of non-disclosure. Accordingly, disclosure of education records or personally identifiable information therein may be made by the University without the necessity of written permission from the student to the following parties on the conditions stated:

a. University officials who have a legitimate educational interest in the records. The term "University official" shall mean any UAH employee, any employee of the University of Alabama System, or any member of the Board of Trustees of The University of Alabama; any student carrying out an official, institutional function, such as through service on a University committee, board, etc.; and any individual or entity that is, by contract, performing services for and/or acting on behalf of the University. A "legitimate educational interest" shall be deemed to exist if the official has reasonable need for the information to perform an appropriate task clearly within the official's defined area of responsibility, to perform a task related to the education or discipline of the student, or to provide a benefit or service relating to the student.

- b. Officials of other institutions where the student seeks to enroll. A copy of the record provided will be given to the student, if requested.
- c. Persons or organizations providing financial aid sought or received by the student, but only to the extent necessary to determine eligibility or the amount or conditions of such aid or to enforce the terms thereof.
- d. Representatives of certain federal agencies and state educational authorities in connection with the audit and/or evaluation of federally supported educational programs or the enforcement of legal requirements associated with such programs.
- e. State and local government officials to whom disclosure of information is allowed by state statute, where the disclosure concerns the juvenile justice system and its ability to serve the student.
- f. Organizations conducting studies relating to predictive tests, student aid programs, and instruction, but only if personal identification of the student is not made to individuals outside the organization and the information is destroyed when no longer needed.
- g. Accrediting agencies.
- h. Parents of a student who is a dependent, as defined by Section 152 of the Internal Revenue Code of 1954. A written statement by the parents asserting such dependency shall be required to establish their entitlement under this exception.
- i. Designated parties pursuant to the mandate of a judicial order or lawfully issued subpoena. In such instance, the University shall make a reasonable effort to notify the student about the legal process prior to compliance with it, unless the court or issuing agency has issued a non-disclosure order that would forbid such notice.
- j. Appropriate parties in an emergency where necessary to protect the health or safety of the student or other individuals. Evaluation of the circumstances to determine whether or not "necessity" exists shall include consideration of the seriousness of the health or safety threat, the extent of the urgency in time, the need for the information, and the ability of the recipient of the information to deal with the emergency.
- k. Parents of a student under 21 years of age who has been found by the University, under the procedures set forth in the Code of Student Conduct, to have committed a disciplinary infraction by virtue of having violated federal, state, or local law or institutional policy governing the use or possession of alcohol or a controlled substance. In such an instance, the Vice President for Student Affairs may provide a synopsis of information regarding such misconduct from the disciplinary case file.

In addition, FERPA allows the University to include in a student's education record information about disciplinary action taken against the student for conduct posing a significant risk to the safety or well-being of the student, other students, or other members of the campus community. Such information may be disclosed to UAH officials and officials at other educational institutions who have a legitimate educational interest in the student's behavior.

FERPA also allows disclosure to the victim of a crime of violence or a nonforcible sex offense of the final results of a disciplinary proceeding initiated against the alleged perpetrator for such crime or offense, pursuant to the procedures set forth in the Code of Student Conduct. Disclosure may also be made to other parties of final results of such a proceeding involving the same charges when there has been a determination that the institution's rules were, in fact, violated. The final results, disclosed by the Vice President for Student Affairs, may include only the name of the student charged, the violation committed, and any sanctions imposed by the University on that student.

Oral communications not based on information from education records, even if personally identifiable in nature, are not subject to the non-disclosure restrictions stated herein.

2. Directory Information.

In accordance with FERPA, the categories of information listed below are hereby designated as "directory information" and are considered to comprise the public record of a student's attendance. As such, part or all of this information may, at the sole discretion of the University, be released to a third party or the public generally. Directory information includes the following items: a student's name, address (local and permanent), telephone number, e-mail address, date and place of birth, enrollment status (full-time or part-time), major field of study, participation in officially recognized activities and sports, weight and height statistics of athletic team members, dates of attendance, degrees and awards/honors received, the most recent institution previously attended, and a photograph of the student.

A student in attendance at the University may, however, prohibit the release of directory information at any time by so requesting in writing. A form for making such request is available in Charger Central, University Center, Room 118. A request for non-disclosure will be honored until the student submits a new request to the Office of Student Records allowing disclosure of directory information. All non-disclosure forms shall be kept in the Office of Admissions and Records, and release of directory information shall in every instance be cleared in advance with that Office to prevent unauthorized disclosure.

3. Student Education Record Access Log.

Each records official shall maintain a log identifying all parties who, without the student's written consent, request or obtain access to a student's education record. The log shall also indicate the interest of each party in the record or the reason for the request. No entry need be made for release of directory information or for disclosure to University officials, the student, or

the student's parents. The log shall be kept with the education record and shall be available for examination by the student.

Recipients of information concerning a student (other than a parent, a recipient of directory information, or a recipient under a court order or lawful subpoena) shall be instructed that the information must not be shared with anyone else without the student's written permission. As a limitation on this requirement, however, a further disclosure may be made by the recipient pursuant to the foregoing statutory exceptions (see VII.B.1. above). If the initial disclosure by the University is made with the understanding that the recipient may further disclose the information to other parties as authorized by these statutory exceptions, the names of such additional parties and a description of the legitimate interest of each such party in obtaining the information must also be recorded on the log.

Disclosures from a student's education record, with or without the student's consent, are to be handled by the appropriate records official.

VIII. Posting of Grades.

An instructor may post student grades in a course by using a code designation for each student instead of his or her name, provided that the code does not permit anyone other than the instructor and the student to determine the student's identity. Use of Social Security numbers or student identification numbers is considered to violate FERPA, so these numbers shall not be used. The instructor shall also comply with the following requirements prior to posting grades in a permitted manner:

- a. An announcement shall be made to the class that grades will be posted and the procedure to be used described. Students shall be informed that they may choose not to participate in the procedure by simply notifying the instructor of their objection within 72 hours after the announcement.
- b. No grades shall be posted until after the lapse of the 72 hour period to allow for any objections. Thereafter, only the grades of those students who have not objected shall be posted.

IX. Retention of Records.

When a student has requested access to his or her education records, such records may not be destroyed until inspection and review have been provided. The access log and any explanatory comments submitted by a student may not be destroyed until the particular education record to which they pertain are destroyed. Within these limitations, education records shall be retained for as long as University policy dictates. Only records officials or higher administrative officials within the University may issue decisions regarding the non-retention or destruction of education records, and only then in accordance with University policy.

X. Grievance Procedures.

Any student who believes that the University has failed to comply with the requirements recited in this policy statement and imposed by law regarding his or her education records may notify and request assistance from the Provost. Additionally, any student may file a formal complaint with the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue S.W., Washington, D.C. 20201-4605, and seek redress in the manner provided by law.

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