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Area Information Technology/ Management (Procedures)
Chief Or Responsible Office of Legal Affairs
Office

Family Educational Rights and Privacy Act (FERPA)

Authority for Procedure granted by [UWG PL #5003, Privacy](#)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of Student Educational Records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA rights apply to University applicants upon acceptance and subsequent enrollment for classes at the University.

FERPA provides Students attending a postsecondary institution the following rights concerning their Education Records:

- Inspect and review the Student's Education Records
- Request an amendment to the Student's Education Records believed inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA
- Consent to the disclosure of the Student's Education Records, except to the extent FERPA authorizes disclosure without Consent
- Withhold (i.e., keep from being disclosed) the Student's directory information
- Be notified of the Student's privacy rights under FERPA
- File a complaint with the U.S. Department of Education about the University's alleged failure to comply with FERPA requirements

A. General Provisions for Educational Records

Students have the right to inspect, amend, and challenge the contents of their Educational Records.

University Officials, individually or collectively, acting in the Student's Educational interest are allowed access to Education Records under certain circumstances.

1. Inspection of Education Records

Students have the right, upon request, to review most materials in the Student's Education Records, except:

- Financial records, including any information those records contain, of their parents or guardian
- Confidential letters and recommendations associated with admissions, employment or job placement, or honors, to which the Student has waived rights of inspection and review or which were made part of the Student's Education Records before January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which collected
- Education Records containing information about more than one Student, in which case the University will permit access only to that part of the record that pertains to the inquiring Student
- Records subject to an attorney-client privilege that belongs to the University

To inspect an Education Record, the Student must identify the record(s) they wish to inspect and submit a written request to the University Registrar. The University will arrange access and notify the Student of the date, time, and place the records may be inspected.

If the Registrar to whom the request was originally submitted does not maintain records, the Registrar shall advise the Student of the correct Official and assist the Student in forwarding the request to the appropriate University Official. All requests shall be granted within 45 days from the date the appropriate University Official that maintains the records receives the request.

No documents or records may be altered or removed once a request has been filed. When original documents are shown to the Student, the examination will be permitted only in a University Official's presence and under conditions deemed necessary to prevent the alteration, mutilation, or loss of such records.

The right of inspection includes access to a University Official capable of providing any necessary explanation or interpretation of the data contained in a Student's Education Record. Upon reasonable request by the Student, verbal explanations and interpretations of Education Records will be promptly provided except where a verbal response is not practical or appropriate. Requests for written explanations/interpretations of Education Records must be made in writing. If an Education Record is not in a form readily viewable by the Student (e.g., records stored in a database or electronically), a true and correct copy of the record will be shared with the Student.

Inquiries as to the extent and location of Student Educational Records subject to inspection may be directed to the Office of the Registrar.

2. Amendment of Education Records

After inspection, if a Student believes the Education Record is inaccurate, misleading, or in violation of their privacy rights under FERPA, the Student may request the record be corrected or amended. By law,

the University is only required to consider requests to amend information that is inaccurately recorded. This provision does not apply to requests for substantive changes such as a grade change, removal of materials such as received evaluations, or outcome in a judicial proceeding not covered under the FERPA amendment proceeding.

To correct or amend an Education Record, the Student must submit a written request using the appropriate form. Any written request that does not include the required information will be deemed improper and not considered. The requestor will be notified, in writing, that the request was made improperly.

Proper requests to amend an Education Record must:

- Be written to the Registrar, University Official, or Office responsible for the record
- Identify the part of the record in question
- Specify why the record is inaccurate or misleading
- State the revision requested
- Include support documentation, if needed, to support the request

The University will decide whether the proposed correction or amendment is accepted or rejected within a reasonable time, not to exceed 30 business days. The appropriate records will be amended if an agreement is reached concerning the Student's request. If denied, the Student will be notified in writing as to the reason for the denial and their right to request a hearing.

Where possible, disagreements should be resolved informally. Only the Registrar may authorize a correction within the Education Record with consultation from the respective Dean. Similar authority is held by University Officials such as Vice Presidents, Directors of Admissions, Financial Aid, Human Resources, and respective College Deans for records maintained by their reporting departments.

3. Hearing Process

Under FERPA, Students have the right to a hearing regarding the request for amendment.

Formal hearing requests must be in writing using the appropriate form with a statement of dispute and submitted to the University Registrar or designee. The Registrar will inform the Student in writing, within 30 business days, as to the date, place, and time of the hearing not to exceed 45 business days to allow the Student time to prepare evidence.

The hearing process outlined below does not attempt to recreate or approximate a court of law.

Role and Responsibilities at a Hearing

Outlined below are the rights and responsibilities of all parties when a hearing is requested.

Student Rights and Responsibilities

- To present information and evidence concerning a clerical or recording error in the Education Record. The hearing is not an opportunity to review substantive decisions by University faculty

or staff concerning the evaluation of academic work or outcomes of disciplinary proceedings.

- To have a hearing officer who does not have a direct interest in the result of the hearing.
- To be advised at the hearing by a maximum of two individuals of the Student's choice, including an attorney at the Student's expense.
- To have a full and fair opportunity to present evidence concerning requested corrections to the Education Record.
- To receive a written decision based solely on the evidence provided at the hearing within 30 business days. The decision will include a summary of evidence and reasons for the decision.
- To submit a statement into their Education Record commenting on the contested portion of the record.

Advisors may be present at the hearing to provide support and guidance to the Student. Advisors shall not speak for the Student or direct questions or commentary to the hearing officer during the proceedings.

University Rights and Responsibilities

- To select a hearing officer under FERPA requirements. The hearing officer may be any University Official who does not have a direct interest in the hearing outcome. The Vice President of Academic Affairs or their designee shall serve as the hearing officer for academic matters. The Dean of Students or their designee shall serve as the hearing officer for non-academic matters. The hearing shall, in all respects, be under the control of the hearing officer and shall not be subject to formal rules of evidence or procedure.
- To deny a request for a hearing when the proposed amendment to the Education Record includes only correcting clerical errors.
- To schedule a hearing within a reasonable time, but not more than 30 business days after receiving the hearing request.
- To provide evidence to the hearing officer to support the previous determination not to amend the Student's Education Record.

Role of the Hearing Officer

- To allow the Student to present evidence relevant to the issues raised. The hearing officer has the right to determine whether evidence presented is relevant to the record and issue(s) in question.
- To review written statements summarizing the evidence.
- To render a decision solely on the evidence presented at the hearing.
- To provide the Student with a written decision, including a summary of the evidence and reason for the decision.

Hearing Outcome

The hearing officer's decision is final and is based solely on the evidence presented at the hearing. The hearing officer will summarize the evidence and notify all parties of the reason for the decision.

If the hearing officer finds in favor of the Student that the record is inaccurate, misleading, or otherwise violates the Student's privacy rights, the University will amend the record accordingly. The Student will be notified in writing of the correction.

If the hearing officer finds the challenged information is not inaccurate, misleading, or in violation of the Student's right to privacy, the University will notify the Student of the reason and their right to place a statement in the record.

- If the decision is unsatisfactory, the Student may place a statement with the Education Record commenting on the contested portion of the record and/or why they disagree with the decision not to amend.

The University will maintain the statement with the contested portion in the Education Record. The statement will be kept as part of the Education Records and released whenever the record in question is disclosed.

B. Access to Education Records

1. Consent Requirement for Disclosures

Personally Identifiable Information (PII) in Education Records may not be disclosed without the Student's written Consent, except where FERPA authorizes disclosure without Consent. See 34 C.F.R. 99.31.

2. Exceptions to the Consent Requirements

The University, pursuant to FERPA, may release Education Records without the Student's Consent if the disclosure meets one or more of the following conditions:

University Officials with Legitimate Educational Interests are allowed access to Education Records. Inter-institutional disclosures may be made between institutions that administer or participate in joint programs or activities for legitimate educational interests, including institutions participating in distance education classes under this subsection.

Other Institutions. The University may release a Student's Education Record to officials of other educational institutions where the Student intends to enroll or is enrolled as long as the disclosure is related to the enrollment or transfer.

Audit or Evaluation of Federal or State Education Programs. The University System of Georgia Board of Regents authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U. S. Secretary of Education, and state and local educational authorities who are authorized by law to audit and evaluate a federal or state-supported education program or to enforce federal law which relates to such education programs, or their authorized representatives may access an Education Record as required for the audit, evaluation or enforcement purpose.

Financial Aid. The University may release an Education Record to persons or organizations connected with that Student's application for, or receipt of, financial aid to the extent necessary to determine eligibility, amount, conditions, and enforcement of terms or conditions of such financial aid.

State and Local Officials Pursuant to Statutes Concerning Juvenile Justice. The University may release Education Records to state and local officials authorized by statute to access Student Education Records.

Organizations Conducting Studies. Organizations conducting studies for or on behalf of the University may access Education Records for such studies, provided the study will not permit the personal identification of Students and/or their parents by individuals other than representatives of the organization. The information will be destroyed when no longer needed for the study. The term "organizations" includes, but is not limited to, federal, state, and local agencies and independent organizations.

Accrediting Organizations may access an Education Record required to carry out accrediting functions.

Designated Parents of a Tax Dependent. The University may release information to parents if the Student is a dependent for tax purposes as defined in Section 152 of the Internal Revenue Code. While FERPA permits disclosure of records to parents of dependent Students without Student consent, it does not require such disclosure. For parents to establish the Student's dependency, the parent must provide a copy of their most recently filed federal income tax return. Full rights under FERPA shall be given to either parent absent a court order or other legally binding document explicitly prohibiting it.

Power of Attorney. Educational records may be disclosed to a third party who has a properly executed power of attorney for a Student. A power of attorney must specifically authorize access to academic records or be a general power of attorney that covers any and all documents. If all legal requirements are met, the individual listed on the power of attorney will be treated in the same manner as would the Student.

Judicial Order or Subpoena. Information concerning a Student shall be released in response to a judicial order or lawfully issued subpoena. However, the University must make reasonable efforts to notify the Student of an order or subpoena before complying with it. The University shall not notify a Student of a subpoena if it is from a federal grand jury or is for law enforcement purposes, and the subpoena or order provides that the University shall not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena. In addition, Education Records may be disclosed to the U. S. Attorney General or designee in response to an ex parte order concerning an authorized investigation or prosecution of domestic or international terrorism without prior notice to the Student.

Health and Safety. The University may disclose Student information deemed by the University as appropriate to persons connected with an emergency to protect the Student or the health and safety of other individuals.

Disciplinary Hearing Results.

- **Disclosure to Victims:** The University may disclose to an alleged victim of any crime of violence or a non-forcible sex offense (as those terms defined in 34 C.F.R. 99.39) the final

results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies concerning such crime or offense.

- **Disclosure to Third Parties:** The University may disclose the final results of any disciplinary proceeding against a Student who is an alleged perpetrator of any crime of violence or non-forcible sex offense (as those terms defined in 34 C.F.R. 99.39) if the Student is found responsible for violating the University's rules or policies with respect to such crime or offense. Such disclosure shall include only the Student's name, the violation committed, and any sanction imposed by the University on that Student. Such disclosure may include any other Student's name, such as a victim or witness, only with that other Student's written Consent.
- **Alcohol and Drug Violations:** The University may disclose Student information to a parent or legal guardian regarding any violation of any federal, state, or local law or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance if the Student is under the age of 21 at the time of disclosure and the University determines that the Student is responsible for a disciplinary violation with respect to such use or possession.

Defense of Litigation or Complaints against the University. The University may disclose to the court or agency with jurisdiction over the complaint without a court order or subpoena the Student's Education Records relevant for the University to defend itself if a Student initiates legal action against the University.

Status as a Registered Sex Offender. The University may disclose information concerning a Student's status as a sex offender or other individual required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071 if the information was provided to the University under 42 U.S.C. 14071 and applicable federal guidelines.

Consent of the Student. The University will release Education Records to or allow access to those records by a third party if the Student provides valid Consent capable of verification provided by the Student and names the third party as the person to whom the Education Records may be disclosed.

Disclosure to the Student. A Student has the right, upon request, to review all materials in the Student's Education Records, with exceptions. (see section A1)

Except for disclosures to University Officials with Legitimate Educational Interests and needs, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, disclosures to the Student, and disclosures with written Consent from the Student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible Students have a right to inspect and review the record of disclosures.

3. Directory Information

The University shall publish the categories of Personally Identifiable Information (PII), which the University designates as Directory Information. Directory Information may appear in public documents and be disclosed at the discretion of the University without Student Consent.

Students may submit a written directive (FERPA-Non Disclosure form) to withhold PII from disclosure. Upon receipt of a FERPA- Non Disclosure form, the University will refuse all requests for the Student's information. For additional information, see FERPA for Students webpage.

The University shall provide Student information requested by military recruiters under the Solomon Amendment that includes Directory Information, address, phone number, age, and UWG email addresses. As described in the paragraph above, a Student's request to withhold their Directory Information will be honored and the information withheld from disclosure under the Solomon Amendment.

UWG defines Student Directory Information as:

- Student's Name
- Major Field of Study
- Dates of Attendance
- Most Recent Educational Institution Attended
- Enrollment Status - (e.g., full-time, part-time)
- Class Level (e.g., classification)
- Degrees, Honors, and Awards Received
- Participation in Officially Recognized Activities and Sports
- Height and Weight of Athletes
- Institution-assigned email address
Under this category, an institution-assigned email address may be disclosed without consent only to other, current students. In addition, students may not request email listings of the entire student body or segments thereof, except for academic purposes.
- Hometown
- Thesis/Dissertation title

4. Record-keeping Requirements

The University will maintain a record for each disclosure request and each disclosure, except disclosures to:

- the Student
- to University Officials with Legitimate Educational Interests
- a party seeking Directory Information
- a party with written Consent from the Student
- a federal grand jury or law enforcement agency pursuant to a subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the

information furnished in response to the subpoena not be disclosed or the order is concerning an authorized investigation or prosecution of domestic or international terrorism.

C. Additional Provisions

The University will determine whether FERPA allows disclosure under an exemption and whether UWG will allow disclosure according to 34 CFR § 99.31 when a person other than the Student seeks to inspect Education Records and no FERPA release is on file with the University or otherwise available. Upon receipt of a request, units will consult either with University General Counsel or the Open Records Officer for a response.

1. Annual Notification to Students

The University shall provide an Annual Notice to Students of their rights under FERPA through official communications channels, including University Websites and publications (i.e., catalogs, handbooks, etc.).

2. Copies of Records

The University may charge a fee to search for or to retrieve the education records of a Student.

UWG reserves the right to deny transcripts or other academic records not required to be made available by FERPA. UWG transcripts of the Student's Education Record must be issued to the Student upon written request unless with some exceptions such as those related to bankruptcy, a delinquent financial obligation to the University, or other unresolved issues.

3. Email or Other Electronic Communication

FERPA does not provide information on or prohibit the use of email for non-directory information and/or Personally Identifiable Information (PII).

Therefore, due to the confidential and sensitive nature of non-directory and Personally Identifiable Information (PII), and the risk of accidental disclosure to unintended recipients, UWG Employees and Students must De-Identify and/or Encrypt such information when transmitting via email. Additionally, individuals should carefully verify the recipient's email address and ensure that no unauthorized individuals are copied without a legitimate educational interest.

4. Records of Deceased Students

A deceased Students' records require documentation that certifies authorization to allow disclosure of information (other than directory) to survivors and/or other third parties. With proper documentation, either the parent or the next of kin is considered the owner of the Student's academic records. An official copy of the death certificate must accompany the request if the University does not have prior notice of the Student's death.

File a Complaint

Students have the right to file a complaint with the U.S. Department of Education concerning the University's alleged failure to comply with FERPA. The office that administers FERPA is:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Avenue SW
Washington, DC 20202-8520

Website: studentprivacy.ed.gov/file-a-complaint

Definitions

Annual Notice - notices that the University shall provide to each Student in attendance at the University at least annually of their rights under FERPA, the procedures for exercising their rights, information about the Directory Information Exception, and the process by which a Student may elect to opt-out of the release of the Student's Directory Information under that exception.

Consent - written or electronic consent, signed by the Student or otherwise verified by the Student if electronic, is dated and specifies the specific records to be disclosed, the party to whom the records are disclosed, and the purpose of the disclosure.

De-Identify - the process of editing a document to conceal or remove confidential information before disclosure or publication.

Directory Information - information in a Student's Education Record generally not considered harmful or an invasion of privacy if disclosed.

Education Record - shall have the same meaning as 20 U.S.C. 1232g(a)(3): those records, files, documents, and other materials (in handwriting, print, tapes, film, computer, or another medium) which contain information directly related to a Student and are maintained by UWG or a party acting for the University, including a Student's admissions, disciplinary, academic, financial, employment, etc.

Education Records **do not** include:

- a. Records of instructional, administrative, and educational personnel that are: in the sole possession of the maker (i.e., file notes of conversations); saved only as a personal memory aid; not intended to be accessible or revealed to any individual except in the case of an instructor, a temporary substitute;
- b. Records created and maintained by the University Police Department for law enforcement purposes;
- c. Employment records unrelated to the Student's status as a Student;
- d. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional if the records are used only for the treatment of a Student

and made available only to those persons providing the treatment;

- e. Alumni records contain information about a former Student of the University and do not relate to the person as a Student.

Encrypt (aka encryption) - the process of scrambling data using mathematical models to make it unreadable to unauthorized parties.

Personally Identifiable Information (PII) - for the purposes of these FERPA procedures, Personally Identifiable Information shall have the same meaning as 34 CFR § 99.3, which includes but not limited to:

- a. The student's name;
- b. The name of the student's parent or other family members;
- c. The address of the student or student's family.
- d. A personal identifier, such as the student's social security number, student number, or biometric record (i.e., a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voice-prints; DNA sequence; facial characteristics; and handwriting;
- e. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- f. Other 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; or
- g. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Open Records Officer - the person designated by the University President to receive and respond to requests for records under Georgia's Open Records Act. Under Georgia's Open Records Act, disclosure is a separate consideration from FERPA disclosures.

Student - any individual who is or has been in attendance at an [educational agency or institution](#) and regarding whom the agency or institution maintains [education records](#). For purposes of FERPA, UWG considers an admitted student to be "in attendance" upon the first day of the full semester. It does not include persons who have applied, been accepted, or have registered but did not attend University classes.

University - University of West Georgia (UWG), its colleges, schools, affiliates, divisions, and departments.

University Official with a Legitimate Educational Interest - any person employed by the University that requires access to an Education Record to fulfill their official responsibilities on behalf of the University. These persons may include administrative, supervisory, academic, support staff, the law enforcement

unit and/or health staff; a person or company with whom the University has an affiliation or contract; the USG BOR; a person employed by System Administration; or an individual assisting another University Official in performing their tasks (such as a volunteer or committee member).

Forms

Only approved forms shall be used when complying with this procedure. Associated forms can be found on their respective web pages listed on the [UWG FERPA webpages](#).

Guidelines/Related material

- [FERPA for Students](#) webpage
- [FERPA for Parents and Guardians](#) webpage
- [FERPA for Employees](#) webpage
- [UWG Parents and Families \(The Family Portal\)](#)

Appendices/ Other Resources (i.e., training, checklists, job aids)

The University offers the following FERPA online training module. This online module takes approximately 30 minutes to complete and provides recommendations for common FERPA-related issues.

Go to [DevelopWest](#) and log in with your UWG ID and password to complete the FERPA for Higher Education module.

Frequently Asked Questions (F.A.Q.s)

The U.S. Department of Education allows stakeholders easy access to all [Frequently Asked Questions](#) about Student privacy. All questions contained on their page are tagged for easy browsing either by topic or audience. The section is regularly updated as new questions are received and searchable using the box on the top right of the page.

Below are several questions UWG wishes to highlight for stakeholders.

- [Must postsecondary institutions provide a parent with access to an eligible student's education records?](#)
- [Can parents view a child's post-secondary education record?](#)
- [Can parents be informed about students' violation of alcohol and controlled substance rules?](#)
- [In the case of a divorce, do both parents have rights under FERPA?](#)
- [If a student under 18 is enrolled in both high school and a local college, do parents have the right to inspect and review his or her education records?](#)

- F. Does a spouse of an eligible student have rights with respect to that student's education records?
- G. An eligible student that opted out of directory information has left the school. Now that the student is no longer in attendance, may the school disclose that students directory information?
- H. Does FERPA permit educational agencies and institutions turn over videos to the police upon request or following an incident that may warrant police involvement?
- I. Does FERPA protect the education records of students that are deceased?
- J. May postsecondary institutions disclose results of disciplinary proceedings?
- K. What records are exempted from FERPA?
- L. May an educational agency or institution disclose information over the phone?
- M. May a postsecondary institution disclose financial aid records without written consent?

Approval Signatures

Step Description

Approver

Date