



## STUDENT RECORDS POLICY

### I. Introduction.

The University of Alabama in Huntsville (“University”) 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.

*“Directory Information”:* Information in a student’s education record that is not generally regarded harmful or an invasion of privacy if disclosed. The University’s designation of specific kinds of information considered “directory” is set forth below in this policy.

*“Education Record”:* 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. Certain institutional records are excluded from a student’s educational record, however:

1. Records of instructional, supervisory, and administrative personnel in the sole possession of and accessible only to the maker (or a substitute).
2. Independent records of Campus Police that are kept for law enforcement purposes only and are available only to law enforcement.
3. 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.

4. Grades on peer-graded papers before they are collected and recorded by the instructor.

5. Recorded information about an individual's activities or status after the individual is no longer a student in attendance and not directly related to the individual's attendance.

*"Personally identifiable information"*: Any recorded information or data from which the student's identity can readily be ascertained. It includes a student's name, address, social security number, the name of the student's parents or other family members, student number, etc. It also includes indirect identifiers, such as date and place of birth, mother's maiden name, etc.; other information that would allow a reasonable person in the campus community to identify the student; and information requested by an individual who the University reasonably believes knows the identity of the student to whom the record relates.

*"Student"*: For the purposes of this policy, a student is defined as any individual who is or has been in attendance at the University as to whom education records are maintained by the institution. An applicant or prospective attendee is not regarded as a student. A person in attendance includes both one who is receiving instruction in person and one who, though not physically present in the classroom, is receiving instruction by paper correspondence, video conference, satellite, Internet or other electronic information and telecommunications technologies. A student in a work-study program is considered in attendance during both the "work" and "study" portions of the program.

### **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.**

#### **A. Right to Inspect and Review.**

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.

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

1. Financial statements of the student's parents.
2. 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.
3. 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.
4. Access to information about another student, if the record requested contains information about more than one student.

C. Explanation of Record.

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 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/Executive 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 that 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 - 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 University will furnish a document in the form required by law for the student's authorization. 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.

**VIII. Disclosure of Education Records - Without Student's Authorization/Consent**

A. Specified Circumstances or Conditions.

FERPA provides certain exceptions to the general rule of disclosure only upon the condition of a student's consent. Accordingly, disclosure of education records or personally identifiable information therein may be made by the University without the necessity of the student's written permission to the following parties on the conditions stated:

1. University officials who have a legitimate educational interest in the records. The term "University official" shall mean any University employee, any employee of the other institutions in 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 service on a University committee, board, etc.; and any individual or entity that is, by an "outsourcing" arrangement, performing an institutional service or function for which the University would otherwise use an employee. 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. The individual or entity performing "outsourced" services or functions must be under the direct control of the University with respect to the use and maintenance of the education record. The University will use reasonable methods to ensure that the foregoing officials are given access only to those records in which they have a legitimate educational interest.

2. Officials of other institutions where the student seeks to enroll (or where the student is enrolled if the disclosure relates to the enrollment). A copy of the record provided will be given to the student, if requested.

3. 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.

4. 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.

5. 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.

6. Organizations conducting studies relating to predictive tests, student aid programs, and instruction for or on behalf of the University, but only (i.) if personal identification of the student is not made to individuals outside the organization and the information is destroyed when no longer needed, and (ii.) if the organization and the University have entered into a written contract stating the purpose, scope, and duration of the study, requiring the organization to use the information from the education record only for the purpose of the study, and providing the foregoing protections for the student.

7. Accrediting agencies.

8. 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.

9. 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.

10. An appropriate party in connection with an emergency if knowledge of the information disclosed is necessary to protect the health or safety of the student or other individuals. The University is to make a case-by-case determination of whether an articulable and significant threat exists that would warrant disclosure under this "health or safety emergency" exception, taking into account all of the circumstances, including the severity or significance of the health or safety threat, the need for the information, etc.

An “appropriate party” may include law enforcement officials, public health officials, trained medical personnel, individuals with state/local emergency management agencies, and parents. This exception is limited in time to the period of the emergency and is limited to a situation involving an actual, impending, or imminent emergency. Within a reasonable time after disclosure, the University must place in the student’s education record a statement that describes the threat justifying the disclosure and names the parties to whom information was provided.

11. Parents of a student under 21 years of age who has been found by the University, under the procedures set forth in its 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 Dean of Students may provide a synopsis of information regarding such misconduct from the disciplinary case file.

12. The victim of a crime of violence or a non-forcible 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 University’s 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 Dean of Students, may include only the name of the student charged, the violation committed, and any sanctions imposed by the University on that student.

13. University officials and instructors, and officials and instructors at other educational institutions, of 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, as long as the University determines that such officials/instructors have a legitimate educational interest in the student's behavior.

14. Veterans Administration officials pursuant to 38 U.S.C. § 3690(c) for the purpose of allowing such officials to ascertain institutional compliance with the requirements of programs providing educational benefits to veterans.

15. Federal officers conducting an authorized investigation or prosecution of domestic or international terrorism pursuant to a court order obtained under the USA Patriot Act of 2001 for education records considered relevant to such an investigation or prosecution. See 20 U.S.C. §1232g(j)(1).

16. Appropriate parties concerning information provided to the University under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14071) regarding registered sex offenders who are required to register under that

section. See 20 U.S.C. 1232g (b)(7)(A).

17. The U.S. Citizenship and Immigration Services or Department of Homeland Security concerning an F, J, or M nonimmigrant alien to comply with the Illegal Immigration Reform and Immigration Responsibility Act of 1996, the USA Patriot Act of 2001, the Enhanced Border Security and Visa Entry Reform Act of 2002, and 8 CFR 214.1(h). See 20 U.S.C. § 1372(c)(2).

B. “De-Identified Information

The University may release, without consent, education records or information from such records that have been “de-identified” through the removal of all personally identifiable information. Moreover, the University or a party receiving education records or personally identifiable information from such records may release de-identified student level data therefrom for the purpose of education research under conditions established by federal administrative regulations.

C. Information Not Derived from Education Record

A University official is not prohibited by FERPA from disclosing or discussing information about a student that is a matter of common knowledge or information acquired through personal knowledge or observation. FERPA protects only personally identifiable information contained in or derived from the student’s education record.

D. Return or Release of Record

The release or return of an education record to its original provider or creator is not considered a “disclosure” and may be done without the consent of the student. Also, the University may return a questionable document to the purported sender to verify its accuracy without the student’s consent.

E. Identification and Authentication of Recipient

The University shall identify and authenticate the identity of parents, University officials, and any other recipients of personally identifiable information from a student’s education record.

F. 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

(including both the local and permanent number), personal e-mail address, date and place of birth, enrollment status (full-time or part-time), class standing (freshman, sophomore, junior, senior, or graduate student), 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 (the so-called "opting out" request). A form for making such request is available in Charger Central at the University Center. A request for non-disclosure will be honored until the student submits a new request in Charger Central allowing disclosure of directory information. All non-disclosure forms shall be kept in the Office of Student Records (Charger Central), and release of directory information shall in every instance be cleared in advance with that Office to prevent unauthorized disclosure.

The fact that a student opts out of directory information disclosures shall not prevent the University from identifying a student by name or from disclosing a student's electronic identifier or institutional e-mail address in class. The "opt out" right does not include the right to be anonymous in the classroom nor to impede routine classroom communications and interactions.

G. 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 VIII.A. 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.

## **IX. 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.

## **X. 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.

## **XI. Annual Notice**

The University shall provide an annual notice to students in attendance of their rights under FERPA. The notice shall include information about their right to obtain access to their education records; to seek an amendment of any education record information believed to be inaccurate, misleading, or violate of privacy rights; to require their consent as a condition to disclosure of their education records to others, unless allowed by FERPA; and to file a complaint with the U.S. Department of Education. The procedures for exercising these rights shall be described.

## **XII. 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, 400 Maryland Avenue S.W., Washington, D.C. 20202, and seek redress in the manner provided by law.

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*Vistasp Karbhari, Provost & Executive Vice President for Academic Affairs*

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