



## Family Educational Rights & Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (In the context of UWest, an "eligible student" under FERPA is a student who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's own education records within 45 days after the day the registrar receives a request for access.
  - A student should submit to the registrar a written request that identifies the record(s) the student wishes to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the registrar's office, the registrar shall direct the student to the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's own education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
  - A student who wishes to ask UWest to amend a record should write the registrar's office, clearly identify the part of the record the student wants changed, and specify why it should be changed.
  - If UWest decides not to amend the record as requested, the registrar will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to provide written consent before UWest discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
  - 3.1 Under the FERPA exception for disclosure UWest may disclose education records without a student's prior written consent to school officials with legitimate educational interests. A school official is typically:
    - a person employed by UWest in an administrative, supervisory, academic, research, or support staff position (including security personnel and health/wellness staff);
    - a person serving on the board of trustees;
    - a student serving on an official committee, such as a disciplinary or grievance committee.
    - a volunteer or contractor outside of UWest who performs an institutional service of function for which the university would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks.
  - 3.2 A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for UWest.
4. The right to file a complaint with the US Department of Education concerning alleged failures by UWest to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to 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 such disclosures.

UWest retains the right to disclose PII from the education records without obtaining prior written consent of the students to the following parties or agencies:

- school officials with legitimate educational interests, as explained in section 3.1 above.
- officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to § 99.34.
- authorized representatives of the US Comptroller General, the US Attorney General, the US Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures

under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may in turn make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.

- organizations conducting studies for, or on behalf of, the school, in order to:
  - (a) develop, validate, or administer predictive tests;
  - (b) administer student aid programs; or
  - (c) improve instruction.
- accrediting organizations to carry out their accrediting functions.
- appropriate officials in connection with a health or safety emergency.
- to comply with a judicial order or lawfully issued subpoena.
- a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her.
- parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.
- information the school has designated as "directory information" under §99.37 (see below).
- in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

## Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA) requires that UWest, with certain exceptions, obtain written consent prior to the disclosure of personally identifiable information from a student's education records. However, UWest may disclose appropriately designated "directory information" without written consent, unless the student has advised UWest to the contrary by opting out of such release. The primary purpose of directory information is to allow UWest to include information in school publications and press releases. Examples include posted honor rolls or other recognition lists; commencement programs; and event announcements listing honorees or other participants.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent. It should be noted that by policy, UWest does not release directory information to any outside agency including recruiters, job agencies, except as allowed by law or as limited above.

Under the standard protection of FERPA, a signed consent of release is necessary for the release of any "Non-Directory Information." Students may submit a Transcript Request, Enrollment or Degree Verification, or a Release of Educational Records form to the registrar's office for this purpose.

UWest has designated the following as "Directory Information". This information may be disclosed without the consent or knowledge of the student unless the student has notified UWest in advance that they wish to opt out of such releases: photo, name, email address, major field of study, student status (if graduated), and degrees, honors, and awards received.

The purpose of establishing this definition of "Directory Information" is to allow students to prevent the disclosure of this information should they choose to do so. Students who wish to opt out of directory information listings such as the commencement program, dean's list, etc. must submit a Release of Educational Records/Opt Out form to the registrar's office indicating that no directory or non-directory information may be released without specific written authorization.

Alumni and former student educational records will be treated according to the last privacy level selected by the student prior to graduation or withdrawal from UWest. The university is not responsible for the retraction or amendment of any and all student information legitimately released to a third party prior to submission of the request to opt out of directory information releases.