

ACCESS TO STUDENT EDUCATIONAL RECORDS: POLICY AND PROCEDURES FOR THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO

(Available on-line at: <http://www.uncg.edu/reg/Policy/Ferpa/StudentRights.html>)

Adopted April 15, 2009

I. BACKGROUND AND PURPOSE OF THIS POLICY

The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, popularly known as “FERPA” gives a University student the right to:

- (i) Inspect and review his or her education records;
- (ii) Seek amendment of those education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- (iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA allows disclosure without consent; and
- (iv) File with the United States Department of Education a complaint under FERPA and the regulations interpreting FERPA concerning alleged failures by the University to comply with the requirements of FERPA or its regulations.

The purpose of this Policy is to notify students at The University of North Carolina at Greensboro of their rights under FERPA and its regulations.

II. KEY DEFINITIONS

FERPA revolves around the central term “**education records**,” which is defined as follows:

those records that are:

- (1) Directly related to a student; and
- (2) Maintained by the University or by a party acting for the University.

“**Record**”: means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Information that is not recorded anywhere other than in a University employee’s mind (such as a professor’s observations of a student) is not an **education record**, and thus not subject to FERPA.

“**Dates of attendance**”: means the period of time during which a student attends or attended the University. Examples of dates of attendance are an academic year, a spring semester, or a summer session. The term does not include specific daily records of a student's attendance.

“**Student**”: means any individual who is or has been in attendance at the University. In

addition, pursuant to NC General Statutes 132-1.1(f) **all** personally identifiable information in the records of the University about **any applicant** (whether admitted or not) is to be kept confidential unless personally identifiable information is redacted.

“Attendance”: means (a) Attendance 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 (b) The period during which a student is working under a work-study program.

“Directly related”: A record is considered to be “directly related” to a student if it contains “personally identifiable information” about that student.

“Personally identifiable information” includes, but is not limited to:

- (a) The student’s name;
- (b) The name of the student’s parents 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;
- (e) A list of personal characteristics that would make the student’s identity easily traceable; or
- (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 University reasonably believes knows the identity of the student to whom the education record relates.

“Biometric record,” as used in the definition of **personally identifiable information**, means 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; voiceprints; DNA sequence; facial characteristics; and handwriting.

“Maintained”: A record is “maintained” by the University whenever it is in the possession, custody, or control of any employee or agent of the institution.

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

“Disciplinary action or proceeding” means the investigation, adjudication, or imposition of sanctions by the University with respect to a violation of the internal rules of conduct applicable to students of the University.

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. The University gives full rights to all parents, unless the University has been provided a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

“Law enforcement unit” means any office, department, division, or other component of the University such as a unit of commissioned police officers that is officially authorized or

designated to (i) Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or (ii) Maintain the physical security and safety of the agency or institution (this definition includes University Police). University Police does not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the University, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against a student.

“Alleged perpetrator of a crime of violence” means a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses: arson; assault; burglary; criminal homicide--manslaughter by negligence; criminal homicide—murder; nonnegligent manslaughter; destruction/damage/vandalism of property; kidnapping/abduction; robbery; and forcible sex offenses.

“Alleged perpetrator of a nonforcible sex offense” means a student who is alleged to have committed acts that, if proven, would constitute statutory rape or incest.

“Final results” means a decision or determination, made by a hearing panel or council, committee, commission, or other entity authorized to resolve disciplinary matters within the institution. The disclosure of final results must include only the name of the student, the violation committed, and any sanction imposed by the institution against the student.

“Sanction imposed” means a description of the disciplinary action taken by the institution, the date of its imposition, and its duration.

“Violation committed” means the institutional rules or code sections that were violated and any essential findings supporting the institution's conclusion that the violation was committed.

“Institution of postsecondary education” means an institution that provides education to students beyond the secondary school level; **“secondary school level”** means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

III. RECORDS THAT ARE EXCLUDED FROM THE DEFINITION OF “EDUCATION RECORDS”

FERPA specifies several categories of records that are specifically excluded from the definition of **“education records,”** as follows:

“Sole possession” records: Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

“Law enforcement” records: those records that are “(i) created by University Police; (ii) created for a law enforcement purpose; and (iii) maintained by University Police.” Excluded from the definition of law enforcement records are the following: (i) Records created by University Police for a law enforcement purpose that are maintained by a component of the University other than University Police; or (ii) Records created and maintained by University Police exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the University.

“Employment” records: records related solely to the employment of a student by the University, but only if the student is not employed as a result of his or her status as a student. In other words, if being a student is part of the job description, (such as a work-study or GTA/GRA position) then the student’s employment records are “education records” and thus subject to FERPA.

“Treatment” records: records that are (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; (ii) made, maintained, or used only in connection with treatment of the student; and (iii) disclosed only to individuals providing the treatment. “Treatment” does not include remedial educational activities or activities that are part of the program of instruction at the University.

“Alumni” records: Records that only contain information about an individual after he or she is no longer a student. However, if the information “relates back” to the student’s time at the University, it is still an “education record” and cannot be released without the consent of the alumnus.

“Peer-Graded Papers”: Grades on peer-graded papers before they are collected and recorded by a teacher.

IV. **DISCLOSURE**

A. **WITH CONSENT**

Subject to the exceptions in this Policy, in general, the University will not disclose “education records” – or information from “education records” – to anyone other than the student unless it first has obtained a signed and dated written consent from the student (or *all* students, if the records are “directly related” to more than one). The written consent must specify the records that may be disclosed, the purpose for which they may be disclosed, and the persons or classes of persons to whom they may be disclosed. The written consent and signature may be obtained electronically if the method used identifies and authenticates a particular person as the source of the electronic consent and indicates such person’s approval of the information contained in the electronic consent. Upon request to the University, the student is entitled to a copy of any education records that are released pursuant to the student’s written consent. A student written consent form can be found on the University Counsel’s web page at http://www.uncg.edu/ucn/forms/ferpa_consent.pdf

B. **WITHOUT CONSENT**

In general, and subject to any other exceptions elsewhere in this Policy, the University may disclose “education records” without the student’s consent only if it first redacts all “personally identifiable information” from the records *or* one of the exceptions below applies. Those exceptions are as follows:

1. The disclosure is of “**directory information**,” meaning information that would not generally be considered harmful or an invasion of privacy if disclosed. At UNCG, Directory Information is as follows:

- a. Name
- b. Mailing and permanent address
- c. Telephone numbers
- d. E-mail addresses
- e. Date of birth
- f. County, state, or US territory from which the student originally enrolled
- g. Major field of study
- h. Class (junior, senior, etc.)
- i. Enrollment status (full-time, part-time, etc.)
- j. Participation in officially recognized activities and sports
- k. Weight and height of members of athletic teams
- l. Dates of attendance and anticipated date of graduation
- m. Degrees and awards received
- n. The most recent previous educational agency or institution attended by the student
- o. Honors information

Note: students have the right to suppress any or all of these items of **directory information**. However, directory information about the student will appear in the University's printed directory unless a **suppression of information form** is filed with the Registrar's office by **September 1**. A request for suppression of web information may be filed at any time. Requesting suppression of web information also results in no mention of the student in University publications such as the Dean's List, Chancellor's List and commencement program, unless the student timely revokes the suppression request in writing.

After the student is no longer in attendance, the University will continue to honor any valid request to suppress disclosure of directory information made while the student was in attendance unless the student rescinds the opt out request.

Directory information does not include a student's Social Security number. Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

A student may not use the right of suppression of directory information to prevent the University from disclosing, or requiring the student to disclose, the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

2. The disclosure is to “**school officials, including teachers, within the University, whom the University has determined have legitimate educational interests.**”

At UNCG, a **school official** is defined as a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff).

The definition of “**school official**” also includes a contractor, consultant, volunteer, or other person or company to whom the University has outsourced or contracted to provide institutional services (such as an attorney, auditor, food service employee, or collection agent); a person serving on the UNCG Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks, if such persons or companies (i) perform services or functions that the University would otherwise use its employees for; (ii) are under the direct control of the University with respect to the use and maintenance of the education records; and (iii) the person or company agrees to not redisclose the education records to any additional person or company without the written consent of the student.

A school official has a **legitimate educational interest** if the school official needs to review an education record in order to fulfill his or her professional responsibilities for the University. The University will use reasonable methods to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

3. The disclosure is with **officials of another school**, school system (including a **high school**), or **institution of postsecondary education** where the student seeks or intends to enroll, or where the student is already enrolled, or has been enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.
4. The disclosure is **to the student him or herself**.
5. The disclosure is to one or **more parents of a student who is considered a “dependent”** of either of the parents for federal tax purposes. To establish the parent’s eligibility to receive such a disclosure, UNCG must be provided with either a copy of the parent’s most recent tax return (at least the first page, on which the student is listed as a dependent) or a written acknowledgment from the student that the student is, in fact, the parent’s dependent for tax purposes.
6. The disclosure is made “**in connection with a health or safety emergency,**” is made to “**appropriate parties,**” and is limited to information that “**is necessary to protect the health or safety of the student or other individuals.**” The University has discretion to determine, within reason, what situations constitute “emergencies,” what parties are “appropriate,” and what information is “necessary.”
7. The disclosure is made to comply with a **judicial order or lawfully issued subpoena**. Before complying, the University will, except as stated below, first make a reasonable effort to notify the student of the order or subpoena in advance of compliance, so that the student may seek protective action. Note that the University’s obligations are limited to, at most, notifying the student; it is not required to fight the order or subpoena on the student’s behalf, and it may comply regardless of the student’s wishes if the student fails to take action. The University may not give such advance notice in the case of grand jury or other law enforcement subpoenas, if the court or issuing agency has ordered that the existence or contents of the subpoena or information furnished in response not be disclosed. The University also may not give advance notice of an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in

[18 U.S.C. 2332b\(g\)\(5\)\(B\)](#) or an act of domestic or international terrorism as defined in [18 U.S.C. 2331](#).

8. The disclosure is to a court in the context of a **lawsuit** between the student and UNCG.
9. The disclosure is to a **parent** of a student at an institution of postsecondary education regarding the student's **violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance** if-- (A) The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and (B) The student is under the age of 21 at the time of the disclosure to the parent.
10. The disclosure is of the “**final results**” of a disciplinary proceeding against a student whom the institution has determined violated an institutional rule or policy in connection with alleged acts that would, if proven, also constitute a “**crime of violence or non-forcible sex offense.**” For purposes of this exception, “**final results**” is limited to the name of the student, the basic nature of the violation the student was found to have committed, and a description and the duration of any sanction the University has imposed against the student. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
11. The disclosure is to “**a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense**” and consists only of the “**final results**” (as defined above) of a University disciplinary proceeding in connection with that **alleged crime or offense. The University may make** such a disclosure regardless of **the outcome of** the proceeding.
12. The disclosure is in connection with **financial aid** that the student has applied for or received and is for the purpose of determining the student’s eligibility for, the amount of, or the conditions for the aid, or to enforce the terms and conditions of the aid.
13. The disclosure is to authorized representatives of the United States Comptroller General, United States Attorney General, United States Secretary of Education, or state or local educational authorities in connection with an **audit of federal- or state-supported education programs** or with the enforcement of or compliance with federal legal requirements relating to those programs.

A state or local educational authority or federal official or agency that makes further disclosures of information from education records must record the names of the additional parties to which it discloses information on behalf of the University and their legitimate interests in the information if the information was received from: (a) the University if the University has not recorded the further disclosures; or (b) another state or local educational authority or federal official or agency listed above.

A state or local educational authority or federal official or agency that records further disclosures of information may maintain the record by the student's class, school, district or other appropriate grouping rather than by the name of the student.

A state or local educational authority or federal official or agency that maintains a record of further disclosures must provide a copy of the record of further disclosures to the University upon request and within a reasonable period of time not to exceed 30 days.

The University will list in each student's record of disclosures the names of the state and local educational authorities and federal officials or agencies that may make further disclosures of the information on behalf of the University.

The University will obtain a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency and make it available in response to a parent's or student's request to review the student's record of disclosures.

14. The disclosure is to **accrediting organizations** to carry out their accrediting functions.
15. The disclosure is to **organizations conducting studies** for educational institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, provided that the studies are conducted in a manner that prevents personal identification of parents and students by anyone other than representatives of the organizations and the information is destroyed when no longer needed for purposes of the studies. In addition, the University and the organization must enter into a contract that (1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and (4) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.
16. The disclosure concerns **sex offenders** and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994, [42 U.S.C. 14071](#), and the information was provided to the University under [42 U.S.C. 14071](#) and applicable federal guidelines.
17. **Student Conduct Posing a Significant Risk:** The University may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the University

community. This information may be shared with officials, teachers, others within the University **and with other universities or schools**, when the University determines such persons, universities or schools have legitimate educational interests in the behavior of the student.

18. **De-identified records and information.** The University or a party that has received education records or information from education records in compliance with any of the exceptions in this Policy may release the records or information without the student's consent after the removal of all personally identifiable information, provided that the University or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.
19. **Student Record Coding.** The University, or a party that has received education records or information from education records in compliance with any of the exceptions in this Policy, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that (i) The University or other party that releases de-identified data under this paragraph does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code; (ii) The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and (iii) The record code is not based on a student's social security number or other personal information.

C. **REDISCLASURE**

In general, UNCG may not disclose personally identifiable information from an education record without informing the recipient that the recipient cannot redisclose that information without the consent of the student and that it may use the information only for the purpose for which the disclosure was made. Exceptions to this requirement are disclosures of directory information; disclosures to the student him/her self; disclosures to the parents of a tax dependent student; to parents in connection with a drug or alcohol violation; disclosures made in connection with a court order or lawfully issued subpoena prohibiting disclosure of its existence or contents; disclosures regarding disciplinary proceedings involving an alleged crime of violence or non-forcible sex offense; disclosures in connection with a lawsuit between the University and the student; disclosures concerning sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act, 42 USC 14071, and which information was provided to the University under that statute; and to information that postsecondary institutions are required to disclose under the [20 U.S.C. 1092\(f\)](#) (the Clery Act), to the accuser and accused regarding the outcome of any campus disciplinary proceeding brought alleging a sexual offense.

D. RECORDKEEPING

The University generally must maintain a record of each request for access to and each release of personally identifiable information from a student's education records. This separate record must include the identities of the requesters and recipients and the "legitimate interests" they had in the information. It also must be maintained with the student's education records for as long as those records are themselves maintained. The University will record the following information when it discloses personally identifiable information from education records pursuant to a health or safety emergency: (i) The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and (ii) The parties to whom the University disclosed the information.

When the University is required to make a record of a disclosure, it will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the agency or institution discloses personally identifiable information from education records.

Exceptions to this record-keeping requirement are disclosures of directory information; disclosures to the student him/her self; disclosures to school officials including teachers, within the University, whom the University has determined have legitimate educational interests; disclosures made in connection with a court order or lawfully issued subpoena prohibiting disclosure of its existence or contents.

V. INSPECTION AND REVIEW

FERPA gives University students the right to inspect and review their own education records. In general, the University must provide access to the records within 45 days of a request and must respond to reasonable requests for explanations and interpretations of the records. FERPA does *not* require the University to send or mail copies of records to the student, unless circumstances effectively prevent the student from exercising the right to inspect them and it is not possible to make other arrangements for inspection in person. Absent unusual circumstances, students will not be mailed copies of their records if they live within commuting distance (50 miles) from the University. A student who is mailed copies will pay postage. Whether copies are mailed or made on site, the student shall be charged 50 cents per page for copying. Students with an unpaid financial obligation may be denied their transcript, or a copy thereof, under appropriate circumstances.

A. LIMITATIONS

There are several limitations on the right of inspection. First, if the requested records contain information about more than one student, the requesting student may have access only to those portions pertaining to him- or herself. In addition, students do not have the right to inspect the following:

1. Financial records of their parents.
2. Confidential letters and statements of recommendation, if the student has waived the right to review and inspect those documents and they are related to the student's admission, application for employment, or receipt of an honor or honorary recognition.

Such a waiver is valid only if it is not a condition of admission to or receipt of a benefit or service from the institution and the waiver is in writing and signed by the student. If the student provides such a waiver, the student must be given, upon request, the names of the persons providing the recommendations, and the institution may not use the letters for any purpose other than that for which they were originally intended. The student may revoke the waiver in writing; however, revocation affects only those documents received after the date of the revocation.

3. "Treatment" records, as defined above in Section III. However, upon request, the student may have any such records reviewed by a physician or other appropriate professional of the student's choice.

B. PROCEDURE TO INSPECT EDUCATION RECORDS

1. Students may inspect and review their education records upon request to the appropriate records custodians who are listed in this Policy. A student should submit to the appropriate record custodian a written request which specifies the record(s) the student wishes to inspect.
2. Parents of a student may inspect the student's education records under the guidelines described above if (1) written consent from the student is provided to the appropriate record custodian by the student, (2) UNCG is provided with either a copy of the parents' most recent tax return (at least the first page, on which the student is listed as a dependent); or (3) the student provides a written acknowledgment that the student is, in fact, the parent's dependent.
3. In addition to the general access procedures specified in this Policy, various administrative units within the University have published further details regarding the types of records kept by those units, and the process for obtaining access to such records. These procedures are published on the UNCG Web site (<http://deanofstudents.uncg.edu/policy/records.pdf/>) under the title *Student Records*. However, in the event of a conflict between this Policy and unit procedures, this Policy controls.

C. TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records that The University of North Carolina at Greensboro maintains, their locations, and their custodians.

<u>Types</u>	<u>Location</u>	<u>Custodian</u>
Academic Progress Records Petitions	Student Academic Services 159 Mossman	Director of Student Academic Services
	The Graduate School 241 Mossman	Dean of the Graduate School
(Additional)	Dean's Office	Dean
	Department Head's Office	Faculty Advisor

Admissions File	Undergraduate Admissions Office Armfield-Preyer Center 1400 Spring Garden St.	Director of Undergraduate Admissions
	Graduate Admissions Office 241 Mossman	Dean of the Graduate School
	University Registrar's Office 180 Mossman	University Registrar
	The Graduate School 241 Mossman	Dean of the Graduate School
Admissions File/ Upon Matriculation Cumulative Academic Records (Currently Enrolled Students) Cumulative Academic Files (Five Years After Graduation or Withdrawal) Veterans' Benefits	University Registrar's Office 180 Mossman	University Registrar
Career Services Records	Career Services Center 001 Elliot University Center	Director of Career Services
Counseling & Testing Records	Student Health Services Gove Student Health Center Gray Dr.	Director of the Counseling and Testing Center
Disability Services Student Files	Office of Disability Services 208 Elliott University Center	Director of Disability Services
Conduct Records	Dean of Students Office 140 Mossman	Dean of Students
Financial Records	Cashier's Office 151 Mossman	Cashier
Financial Aid Records	Financial Aid Office 723 Kenilworth St.	Director of Financial Aid
Health Records	Student Health Services Gove Student Health Center Gray Drive	Director of Clinical Services /Medical Director
International Student Records	International Programs Ctr 203 Foust Building	Associate Provost, International Programs Center
Placement Records	Career Services Center 001 Elliot University Center	Director of Career Services

Miscellaneous Education Records (e.g. meetings with faculty)	The appropriate official will locate and collect such records for inspection	University employee
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Educational records may also be maintained at The University of North Carolina General Administration which serves the Board of Governors of the University System. Additional information concerning access to those records may be found in Appendix A to this Policy.

VI. AMENDMENT

This Amendment Procedure is intended to correct technical errors in education records, and will not be used to provide a means for a student to challenge substantive decisions such as grades.

If a student believes that his or her education records contain inaccurate or misleading information or information that violates the student's right to privacy, the student may request that the University amend the records. The University will make a decision on the request within a reasonable time after receipt. If the University decides not to make the requested amendment, it will inform the student and advise the student of the right to a hearing.

If the student requests a hearing, the following rules will apply:

1. It will be held within a reasonable time after the request;
2. The student will be provided advance notice of the date, time, and place;
3. The individual conducting the hearing must not have a direct interest in the outcome, and he/she will make all procedural decisions;
4. The student will have a full opportunity to present his or her case and may be assisted by others, including an attorney; and
5. The decision of the University will be in writing, rendered within a reasonable time after the hearing, and based solely on the evidence presented at the hearing, and it must include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the University agrees with the student, it will amend the record and notify the student in writing. If the University does not agree, it will advise the student that he or she may place a written statement in the file commenting on the contested information and/or stating the nature of the disagreement. If the student chooses this option, the statement must be maintained with the contested information and disclosed in conjunction with any subsequent release of the contested information.

VII. ANNUAL NOTIFICATION OF RIGHTS

Students will be notified annually of their FERPA rights at the following website address: <http://www.uncg.edu/reg/Policy/Ferpa/StudentRights.html>. Copies of this FERPA Policy will also be published in the following University publications.

1. The *UNCG Undergraduate Bulletin*
2. The *UNCG Graduate Bulletin*

VIII. RESOURCES

Those interested in additional information or with specific questions about FERPA or this Policy can contact the University Counsel's Office or access the following resources:

University Counsel FAQ's about FERPA at <http://www.uncg.edu/ucn/faq/ferpa1.html> and at <http://www.uncg.edu/ucn/faq/ferpa1.html>

Family Policy Compliance Office: <http://www.ed.gov/policy/gen/guid/fpco/index.html>

University Registrar: <http://www.uncg.edu/reg/Policy/Ferpa/index.html>

APPENDIX A

Student's Education Records at General Administration of The University of North Carolina: Annual Notification of Rights

Certain personally identifiable information about students ("education records") may be maintained at The University of North Carolina General Administration, which serves the Board of Governors of the University system. This student information may be the same as, or derivative of, information maintained by a constituent institution of the University; or it may be additional information. Whatever their origins, education records maintained at General Administration are subject to the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

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 consent for disclosure or (2) provisions of FERPA or federal regulations issued pursuant to FERPA permit the information to be released without the student's consent.

A student may file with the U.S. Department of Education a complaint concerning failure of General Administration or an institution to comply with FERPA.

The policies of The University of North Carolina General Administration concerning FERPA may be inspected in the office at each constituent institution designated to maintain the FERPA policies of the institution. Policies of General Administration may also be accessed in the Office of the Secretary of The University of North Carolina, General Administration, 910 Raleigh Road, Chapel Hill, NC.

Further details about FERPA and FERPA procedures at General Administration are to be found in the referenced policies. Questions about the policies may be directed to Legal Section, Office of the President, The University of North Carolina, General Administration, Annex Building, 910 Raleigh Road, Chapel Hill, NC (mailing address P. O. Box 2688, Chapel Hill, NC 27515-2688; tel: 919-962-4588).