

Family Educational Rights and Privacy Act

UMass Dartmouth Policy Statement

The University of Massachusetts Dartmouth complies with the requirements of the Family Educational Rights and Privacy Act (FERPA), sometimes referred to as the "Buckley Amendment." This document presents our specific institutional FERPA policies.

DEFINITIONS

For the purposes of this policy, UMass Dartmouth uses the following definitions of terms.

Student – any person who attends or has attended UMass Dartmouth. (This term does not encompass applicants to the university who do not attend or are not yet attending.)

Education records – any record (in handwriting, print, tapes, film, or other medium) maintained by UMass Dartmouth or an agent of the university which is directly related to a student, except the following:

- A personal record kept by a staff/faculty member if it is kept in the sole possession of the maker of the record.
- Employment records of a student, provided the records are used only in relation to the individual's employment.
- Records maintained by the Counseling Center concerning students as clients of the Center. *Add HEALTH records to this?*
- Alumni records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.
- Records maintained by UMass Dartmouth if the record is maintained solely for law enforcement purposes and is revealed only to law enforcement agencies of the same jurisdiction.

UMass Dartmouth makes available a listing of the types and locations of the student education records that it maintains.

ANNUAL NOTIFICATION

Students will be notified of their FERPA rights annually by publication in semester class schedule booklets.

PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request to the Office of University Records. The student should submit a

written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The Office of University Records will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the portion of the records which relate to him/her.

RIGHT OF UNIVERSITY TO REFUSE ACCESS

UMass Dartmouth will not permit a student to inspect the following records:

1. Financial statements of the student's parents.
2. Letters and statements of recommendations for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975.
3. Records connected with the application to attend UMass Dartmouth if that application was denied or the student did not matriculate.

UMass Dartmouth reserves the right to refuse to permit a student to inspect those records which are excluded from the FERPA definition of education records.

COPIES OF EDUCATIONAL RECORDS

Access to view records does not necessarily convey a right to receive copies.

UMass Dartmouth reserves the right to deny copies of records in any of the following situations:

1. The student lives within commuting distance of UMass Dartmouth.
2. The student has an unpaid financial obligation to UMass Dartmouth.
3. There is an unresolved disciplinary action against the student.
4. Copies are legitimately restricted—for example, an examination the professor does not want released.

The fee for copies, if allowed, will be 10¢ per page. We may also charge for copying time and postage.

RETENTION OF RECORDS

UMass Dartmouth retains records that continue to have a legitimate function but may discard records that have no continuing utility.

To cite one example, after an appropriate retention period records used in providing a student with academic advising in a certain major may be discarded after a student changes to a new major, or graduates.

The university will not discard any records after receiving notification, as above, of a student's request to view those records.

DISCLOSURE OF EDUCATION RECORDS TO OTHERS

FERPA restricts significantly the right of others to view a student's educational records.

The following are categories of individuals who by federal law and the procedures established for the university may view or receive a student's educational records:

1. The student him or herself (except materials to which the student has waived the right of access, such as confidential letters of recommendation).
2. Persons whom the student authorizes by name in a written, signed statement that names the records to be released. In addition to special circumstances, this rule covers requests to send transcripts copies to others, such as employers or other educational institutions. Such disclosure may also be incorporated within signed agreements to participate in any activity or program— for example, receiving a scholarship.
3. Individuals who are "officials" of the campus and university and who have a "legitimate educational interest" in the record or a "need to know" information in the record.

At UMass Dartmouth, "officials" includes —

- Persons employed or contracted by UMass Dartmouth in an administrative, supervisory, teaching, research, or support staff position (in some cases including students hired as support staff);
- Officers of the UMass central administration; or
- Students or others serving on committees where legitimate "need to know" exists (examples are persons serving on a committee that recommends award of scholarships or serving on the board of an honor society).

Such officials have a "legitimate educational interest" or "need to know" if performing a task that includes each of the following —

- It falls within the context of their assigned institutional duties or responsibilities;
 - It relates to the functioning of the office, position, or committee involved;
 - It relates to the education or the disciplining of the student;
- and**

- It is consistent with the purposes for which the information is kept.
- 4. Parents who have established that the student is a dependent on their most recent federal income tax return, and then only in individual cases by special request. Otherwise parents have no right of access to their daughter's or son's educational records.
- 5. Persons or organizations providing financial aid to students or determining those aid awards, as necessary to determine eligibility, amounts, or conditions of an award or to enforce its terms and conditions.
- 6. Persons in compliance with a judicial order or lawful subpoena. The university will make a reasonable attempt to notify the student in advance of such release of information.
- 7. Appropriate parties in an emergency if the knowledge or information is necessary to protect the health or safety of the student or others.
- 8. Officials of another school in which a student seeks or intends to enroll, upon request and with appropriate documentation.
- 9. Certain officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
- 10. If required by a state law requiring disclosure that was adopted before November 19, 1974.
- 11. Organizations conducting certain studies for or on behalf of the university.
- 12. Accrediting organizations to carry out their functions.
- 13. An alleged victim of any crime of violence, of the final results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.
- 14. Officials of other educational institutions, in the case of notification of certain disciplinary actions taken against the student at UMass Dartmouth.

Persons authorized to view or retain a student's educational records, as above, may in no case transmit, share, or disclose the information to any third party. All third-party requests for information should be addressed to the Office of the University Registrar.

RECORD OF REQUESTS FOR DISCLOSURE

UMass Dartmouth will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request and the legitimate interest the party had in requesting or obtaining the

information. However, no record is kept of instances in which officials access a student's records (point 3 above).

INFORMATION THAT CAN BE DISCLOSED PUBLICLY ("DIRECTORY INFORMATION")

The university has designated the following categories of student information as "directory information," which is information that can be disclosed publicly without permission: student's name, local and permanent addresses, and phone numbers, electronic mail address, most recently attended previous school or college, major field of study, dates of attendance, home town where applicable, membership in university curricular and extra-curricular organizations, weight/height of members of athletic teams, and degrees and awards received.

Currently enrolled students may require UMass Dartmouth to withhold disclosure of the above categories of directory information, by submitting a written request to the Student Enrollment Services Center or the Office of the University Registrar. The university assumes that absence of a student's request to withhold public information indicates individual approval of disclosure.

Once a nondisclosure request has been filed, it will remain in effect until further notification from the student. This applies both before and after graduation. We wish to alert students to possible negative consequences of withholding disclosure of directory information; an example might be a company asking for a current address to contact you to offer you a job.

UMass Dartmouth makes its current Directory available not only to students but to members of the general public, including political groups, public or private agencies, and advertisers. The full directory is offered as a whole in printed form (computer print-out), for a fee that recovers our expenses. It is not offered electronically or sorted by special categories.

CORRECTION OF EDUCATIONAL RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student must ask the UMass Dartmouth Office of University Records to amend a record. In so doing, the student should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading, or in violation of his or her privacy or other rights.
2. UMass Dartmouth may comply with the request or may decide not to comply. If it decides not to comply, UMass Dartmouth will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, UMass Dartmouth will then arrange for a hearing and notify the student, reasonably in advance, of the date, place, and time of the hearing.

4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.
5. UMass Dartmouth will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

TYPES AND LOCATIONS OF STUDENT EDUCATION RECORDS

UMass Dartmouth makes available a listing of the types and locations of the student education records it maintains. This list is available in the Office of the University Registrar.

THE RIGHT TO FILE A COMPLAINT

The student has a right to file a complaint with the U. S. Department of Education concerning alleged failures by UMass Dartmouth to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U. S. Department of Education
600 Independence Avenue SW
Washington, DC 20202-4605

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Types and Locations of Student Education Records

The University of Massachusetts Dartmouth, in compliance with requirements of the Family Educational Rights and Privacy Act (FERPA), sometimes referred to as the "Buckley Amendment," has the following types and locations for the student education records it maintains. This list does not concern some kinds of records, such as counseling, employment, or alumni records, because they are not education records as defined by FERPA.

Of necessity, such a listing is not exhaustive. Some records may be kept in other places, be in transition between offices, and so forth. The appropriate official can direct one to such records or assist one in locating them.

Types	Location (Office of)	Custodian
Admission Records (enrolled students)	University Registrar; Continuing Education	Registrar; Office of Continuing Education
Academic Progress and Advisement Records	Deans of each College	Dean of College
	Department Chairperson or Program Director	Chairperson or Director
	Faculty Advisor's Office or at Academic Advisement Center	Advisor
Cumulative Academic Records	University Registrar; Continuing Education	Registrar; Office of Continuing Education
Disciplinary Records	Dean of Students	Associate Dean of Students; Judicial Affairs Coordinator
	Student Services	Vice Chancellor
Financial Records	Bursar	Bursar
Financial Aid Records	Financial Aid	Director
Health Records	Student Health	Director <i>Delete?</i>
Placement Records; Student Employment Records	Career Resource Center	Director

Contact: The Associate Vice Chancellor for Academic Affairs/Graduate Studies acts as Custodian of the Records for the University and may be contacted for assistance with FERPA issues.

