

UNIVERSITY OF WISCONSIN – SUPERIOR

Policy Subject: **FERPA-Student Data Privacy (number SP1201)**
Cabinet Division: **Registrar’s Office (Enrollment Management)**
Date Revised: 12/9/11 (approved by Provost Faith Hensrud & Vice Chancellor Vicki Hajewski)

I. Background and Purpose

1.1 In late Spring 2011, UW-Superior and every UW underwent a FERPA audit by the UW-System office. In this audit it was noted that our current policy lacked important information (non-directory information was not listed and school officials were not totally defined) and was not consistent in some of the language and was very dated. Therefore the Registrar reviewed the current law, including all new changes, and the result is a changed policy listed below.

II. Constraints

- 2.1 People seeking directory information regarding UW-Students will be informed of this policy, which could result in the requestor not being given data requested.
- 2.2 Students seeking copies of their education records may have to wait up to 45 days to gain access to their records.

III. Definitions

- 3.1 The Family Educational Rights and Privacy Act of 1974 (FERPA) as amended: Sets forth requirements regarding the privacy of student records. Specifically, FERPA governs:
 - The disclosure of education records maintained by an educational institution; and
 - Access to these records
 - Notification by the institution to students of their FERPA rights
 - <http://www2.ed.gov/policy/gen/guid/fpco/index.html>
- 3.2 Education records: Records, handwritten or in any media, (including conduct records) that are directly related to a student and maintained by the University of Wisconsin-Superior (UW-Superior) or by a party acting for the institution.
Records NOT protected by FERPA include:
 - records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute
 - records maintained by UW-Superior security/law enforcement unit
 - records of employment which relate exclusively to individuals in their capacity as employees (records of students employed by the UW-Superior as a result of their status as students *are* education records, e.g. work-study)
 - records created, or maintained by a physician, psychiatrist or other recognized professional acting in his or her professional capacity (including counseling and health records)
 - Alumni records which contain information about a student after s/he is no longer in attendance at UW-Superior and which do not relate to the person as a student.
- 3.3 Student: A person, who attains the age of 18, or who attends an institution of higher education regardless of age, who is enrolled in a UW-Superior credit or non-credit course.

IV. Policy Statements

4.1 **DIRECTORY INFORMATION:**

UW-Superior considers the following Directory Information and WILL release this information WITHOUT the written consent of the student.

- | | | |
|------------------------------|------------------------------------|--------------------------------|
| • Full Name | • Academic Honors | • Withdrawal Date |
| • Major or Program | • Email Address | • Dates/Terms Enrolled |
| • Previous Colleges Attended | • Athletic Achievements | • Degrees/Certificates Awarded |
| • Full or Part-Time Status | • Athlete Height & Weight | • and Date Conferred |
| • Home Town | • Class Level (Fr., So., Jr., Sr.) | • Phone number(s) |
| • Photographs | • Address (campus & home) | |

4.2 **Student Restriction of Directory Information:**

Students may submit a “Directory Information Restriction Request” form to the Office of the Registrar to prevent directory or non-directory information from being released. This Restriction form is valid for one year and must be re-submitted if the student intends for the restriction to be in effect for a longer period of time.

4.3 **The Solomon Amendment:**

This law requires universities to release the information listed below regarding enrolled students to the military for recruitment purposes. Students may restrict this disclosure to the military *only* by restricting all disclosure of Directory Information.

- Name
- Date and Place of Birth
- Degrees Received
- Address
- Levels of Education
- Most recent educational institution enrolled in by the student
- Telephone Listings
- Academic Majors

4.4 **NON-DIRECTORY INFORMATION:**

UW-Superior considers Non-Directory Information to include, but not to be limited to the following, and therefore will NOT release this personally identifiable information without the student's written consent, or as specified in this policy.

- Date of Birth
- Class Schedule/Roster
- Age
- Transcript
- Gender
- Citizenship
- Academic Standing
- Social Security Number
- Student Identification Number
- Parent Address(es)
- Race/Ethnicity
- Country of origin
- Entrance Exam Results
- Grades
- Semester Grade Point Average
- Cumulative Grade Point Average
- Student Account Information
- Financial Aid Information

Upon request, UW-Superior discloses education records without consent to officials of another institution that a student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer.

4.5 **DISCLOSURE OF NON-DIRECTORY INFORMATION:**

UW-Superior *may* disclose non-directory information from students' education records, without student's written consent, to school officials who have a legitimate educational interest in the records, or to certain other individuals or organizations, as specified below. The release of information to those described below does not constitute authorization to those individuals or organizations to share that information with a third party without the student's written consent.

4.5.1 A school official is:

- A person, organization, or company who is employed by, contracting with, or properly authorized by the Board of Regents, UW-Superior, or state law to perform administrative, supervisory, academic, research, or support functions for UW-Superior.
- This definition includes, but is not limited to:
 - law enforcement personnel;
 - health staff;
 - certain appropriate students;
 - field supervisors;
 - contractors, such as attorneys, auditors, or collection agents;
 - those properly authorized to serve as official board or committee members; or
 - any others properly authorized to assist another school official in performing his or her professional responsibilities for UW-Superior.
- A school official must abide by all applicable policies and procedures regarding confidentiality of education records.

4.5.2 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 responsibility. Those professional responsibilities may include, but are not limited to:

- Performing a task that is specified in his/her position description or by a contract agreement
- Performing a task related to a students' education
- Performing a task related to the academic or behavioral conduct of a student
- Conducting research that benefits students and/or the University.

4.5.3 Other permissible recipients of such disclosures are:

- The US Department of Education, the Comptroller General, state or local educational authorities
- Organizations conducting certain studies for, or on behalf of UW-Superior
- Organizations conducting research for educational agencies or institutions for developing, validating or administering predictive tests; administering student aid programs; and improving instruction.
- Accrediting organizations

- Comply with a judicial order or lawfully issued subpoena, including ex parte orders under the US Patriot Act.
- Appropriate parties in a health or safety emergency
- A victim of a crime of violence or nonforcible sex offense when the information is related to the final results of the disciplinary proceeding conducted by UW-Superior
- Those who seek sex offender registry information required from those required to register as sex offenders under state or federal law
- Officials at other institutions in which the student has already enrolled or seeks to enroll in
- International sponsors
- State and local officials to whom information is specifically required to be reported by a state law as permitted by FERPA.
- Parents of a dependent student, as identified on federal tax forms
- Parents of students, under the age of 18 at the time of the disclosure, who have violated any law or any institutional policy governing the use or possession of alcohol or a controlled substance.

The Registrar shall decide the legitimacy of requests for permissible disclosures of student information.

4.5.4 Valid Subpoenas:

If the Registrar is served with a valid subpoena requesting student information, the Registrar *must* comply with the request. Before doing so, the Registrar shall attempt to notify the student of the subpoena in advance of compliance so the student may seek protective action, unless the disclosure is in compliance with a subpoena issued by an agency that has ordered the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed.

4.5.5 Student Class Schedules:

The Office of the Registrar will not release current class schedules or locations for any student, unless that information is requested pursuant to a valid subpoena, as described above. In the event of an emergency that involves the health and/or safety of an individual, UW-Superior will deliver a message to a student. Otherwise, it is the responsibility of all students to make available their whereabouts to parents, children, spouses or anyone else they deem appropriate.

4.5.6 Deceased Students:

Information on deceased students may be made available to survivors or third parties via a request to the Registrar. An individual student's rights under FERPA are no longer valid upon death of that student.

4.6 **RECORD OF REQUESTS FOR DISCLOSURE:**

UW-Superior must maintain a record of each request, with the exceptions listed below, for access to, and disclosure of, personally identifiable information from education records. The record of each request for access and each disclosure must contain the name of the parties who have requested or receive information and the legitimate interest the parties had in requesting or obtaining the information.

4.6.1 A record *does not have to be kept* if the request was made by or disclosure was made to:

- An eligible student
- A school official who has been determined to have a legitimate educational interest
- A party with written consent from the eligible student
- A party seeking directory information only
- A student serving on an official committee or assisting another school official

4.6.2 Thus requests for, or disclosure of education record information without a student's written consent, which UW-Superior is *required to record*, would include, but **is** not limited to:

- Disclosure to the parent (either custodial or noncustodial) of an eligible student
- Disclosure in response to a lawfully issued court order or subpoena
- Disclosure for external research purposes where individual students have been identified
- Disclosure in response to an emergency

These records must be maintained with the education records of the student as long as the records are maintained by UW-Superior.

4.7 **STUDENT RIGHTS UNDER FERPA:**

FERPA affords students certain rights with respect to their education records. These rights include:

- The right to inspect and review educational records; requests will be complied with no later than 45 days from the date of the student's written request, which is to be directed to the Registrar's Office. Students do not have the right to receive a copy of their record unless failure to do so would prevent them from inspecting and reviewing their record,

such as when the student no longer lives within commuting distance. The Registrar may arrange for these students to inspect the requested records at a college or university located closer to the student.

- The right to request the amendment of education records, which the student believes are inaccurate, misleading or otherwise in violation of the student's rights of privacy. If the Registrar does not agree with the student's request to amend his/her education records, the student may submit a written request to the Dean of Students Office asking for a formal hearing on his/her request. The Dean shall make the final decision regarding the student's request. If the student disagrees with the decision of the Dean, he/she may submit a written statement which will be placed in his/her official record commenting on the disputed information.
- The right to give or to withhold consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- The right to file with the US Department of Education a complaint regarding UW-Superior's compliance with the requirements of FERPA;
- Records relating to individuals who apply for admission but are not admitted or do not enroll are not protected by FERPA; and
- The right to receive notification of rights granted by FERPA.

4.8 **STUDENT NOTIFICATION:**

1. New and continuing students are notified of their FERPA rights each semester via message on the Student Digest.
2. New students are notified of FERPA rights at all SOAR (summer orientation and registration) events.
3. Everyone can access UW-Superior's Student Data Privacy (FERPA) policy at www.uwsuper/registrar

The Office of the Registrar is the primary contact for all student information inquiries.

V. Policy Procedures

- 5.1 See 4.8 above

VI. Compliance

- 6.1 Approved by UW-System Legal as well as the Provost and Vice Chancellor for Campus Life and
- 6.2 Consequences
- 6.3 Required Reporting: see 4.8 above

VII. Attachments

- 7.1 Noon