1.0 Purpose

This policy describes the privacy of rights of the Students.

2.0 Policy

2.1 Introduction

This policy was first issued by the University President in October 1976 to Vice Presidents, Deans, and other custodians of students' records. The policy statement was amended and reissued both in 1981, 1985, 1996, and 2006. The President stated in the cover letter,
"You should familiarize yourself with this statement and make sure that those who are subject to your supervision and who deal with students' educational records have a clear understanding of the requirements."

See also:

Policy XV.C.1, "Disclosure of University Records."

Pursuant to the Family Educational Rights and Privacy Act of 1974 as amended, 20.U.S.C. 1232g (hereinafter the "Act") and the Rules of the U.S. Department of Education, 34 C.F.R. Part 99 (hereinafter the "Rules"), the University of Virginia has formulated and adopted the following policy and procedures to protect the privacy rights of past and present students. Copies of this document shall be made available to students and authorized parents of students upon request.

2.2 Student Rights

Students attending, or who have attended, the University (hereinafter "students") are given certain rights under the Act and Rules. Students are considered to be “in attendance” once they have registered for their initial term of enrollment. Student rights under the Act and Rules may be summarized as follows:

- To inspect and review the content of the student's education records. The University shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request;
- To obtain copies of those records, upon payment of $.15 per page, where the failure to provide copies would effectively prevent the student from exercising the right to inspect and review the education records;
- To receive a response from the University to reasonable requests for explanations of those records;
- To obtain an opportunity for a hearing to challenge the content of those records;
- To receive confidential treatment by the University of education records; neither such records, nor personally identifiable information contained therein, except for directory information, shall be released without student permission to anyone other than those parties specifically authorized by the Act;
- To refuse to permit the release of their directory information;
- To file complaints with the Family Educational Rights and Privacy Act Office of the Department of Education concerning alleged failures by the University to comply with the requirements of the Act and Rules:

Family Compliance Office
United States Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-4605

- To exercise all rights on the student's own behalf, regardless of the student's status as a dependent upon parents. Parents of dependent students may, however, obtain access to the student's records if the student is regarded as a dependent for federal income tax purposes, once the Office of the University Registrar has contacted the student and he or she is aware of the request. The parent must present evidence that the student has been claimed as a dependent on their most recent federal tax returns.

Note: A student may exercise all rights granted under the Act and Rules without regard to possible status as his/her parents' dependent.
The University shall provide annual notification to students attending the University of their rights under the Act and Rules. This notification shall take the form of a notice to appear in the information brochure sent with tuition billing by Student Financial Services, The University Records, or other University-wide printed media.

See "Student Rights Notification"

**2.3 Types of Education Records**

The following types of education records include but are not limited to:

**Admission Records** - Such records may contain the following types of information:

- Application for admission
- Transcripts
- Letters and statements of recommendation
- Standardized test scores
- Magnetic tape or electronic files from the Educational Testing Center American Medical College Application Service (AMCAS) form from Central Application Service
- Financial Aid Information

**Financial Aid Records** - Such records may contain the following types of information:

- Financial Aid applications and acceptance forms
- Financial Aid award vouchers (also stored data files)
- Letters and statements of recommendation
- Correspondence
- Academic information
- Standardized test scores
- Student employment records
- Interviewer comments

**Academic Records** - Such records may contain the following types of information:

- Transcripts of University grades
- Student performance evaluations
- Degree program decisions
- Professional reports and certificates

**Employment Placement Records** - Such records may contain the following types of information:

- Letters and statements of recommendation
- Transcripts
- Letters of job offers or rejections
- Interview sign-up sheets
- Interviewer evaluations
- National examination score reports

**International Student Records** - Such records may contain the following types of information:
2.4 Disciplinary Records

Such records may contain any disciplinary actions that have been taken by the University.

2.5 Officials Maintaining Records

The following officials maintain education records at the University of Virginia. (TITLES OF OFFICIALS)

The University at Charlottesville

University Registrar

Chair, Officer Education

- Air Science
- Military Science
- Naval Science

Arts and Sciences

- Dean, Graduate School of Arts & Sciences
- Dean, College of Arts & Sciences

Professional Schools

- Dean, School of Architecture
- Dean, The Colgate Darden Graduate School of Business Administration
- Dean, School of Commerce
- Dean, School of Education
-Dean, School of Engineering and Applied Science
- Dean, School of Law

Health Affairs
2.6 Inspection and Review

Students shall be allowed to inspect and review their education records. The following procedures shall control such inspection and review:

- The student shall direct the request to inspect and review the education record IN WRITING to the official custodian of the education record. If the student does not know the identity of the official custodian, the student shall direct the request to the Dean of his or her school. To the extent possible, the student shall specify the exact type, source, and date of the education record he or she seeks to inspect and review.
- The official shall allow the student to inspect and review the record within a reasonable period of time, not to exceed forty-five days from the date of the request.
- The official shall respond to reasonable requests for explanations and interpretations of the records.
- The University may deny a request for copies of a student's education record unless to do so would effectively prevent the student from exercising the right to inspect and review the education record. Students, when provided copies of their education records, shall be charged $.15 per page; provided that official custodians of records may waive all or part of the copying charge pursuant to their established policies.

The University is not required to permit a student to inspect and review the following records:

- Financial records and statements of their parents or any information contained therein;
- Confidential letters and statements of recommendation placed in the educational records ....
  - Prior to January 1, 1975, if the letters and statements were solicited or sent with a documented understanding of confidentiality;
  - After January 1, 1975, concerning admission, employment, or receipt of honors, if the student waived his/her right to inspect and review the letters and statements;
- Records to which the student has waived the right of access.
In addition, only information pertaining to the student in question may be released, if the education records of a student contain information on more than one student. Information pertaining to other students should be deleted prior to disclosure.

2.7 Amendment of Education Records

Students who believe that information contained in their education records is inaccurate or misleading or violates the privacy or other rights of the student may seek the correction of their records through a request to amend the records or through a hearing. Challenges can only be made to the accuracy of the records; they cannot be made to the judgments the records contain (for example, the accuracy of the recording of an earned grade may be challenged, but the grade itself may not be challenged through this process. The student may challenge the grade through the grade appeal process).

Request to amend

A student who believes that information contained in his or her education record is inaccurate, misleading, or violates his or her privacy or other rights may direct a request for its amendment to the official custodian of the education record. If the student does not know the identity of the official custodian, the student shall direct the request to the Dean of his or her school. To the extent possible, the student shall specify the exact type, source, and date of the education record he or she seeks to correct. In addition, the student shall specify the reasons for the nature of the proposed correction.

The official shall decide whether to amend the student's education record in accordance with the request within a reasonable period of time following the receipt of the request.

If the official decides to refuse to amend the education record of the student in accordance with the request, the official shall so inform the student of the refusal and advise the student of the right to a hearing.

Hearings

The University shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education record to insure that information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

The following procedures shall control such a hearing:

- Any student desiring such a hearing shall so inform the Vice President and Provost of the University. The request for a hearing shall be in writing and, to the extent possible, shall specify the exact type, source and date of the education record the student seeks to correct. In addition, the request shall specify the reasons for and nature of the proposed correction.
- Upon receipt of such request, the Vice President and Provost or his delegate shall appoint an impartial hearing officer, who does not have a direct interest in the outcome.
- The hearing shall be held within fourteen days after a request for such a hearing, unless the hearing officer and the student shall agree to a later date.
- The student shall be given notice of the date, place, and time of the hearing at least five days prior to the hearing.
- The hearing shall be conducted so as to afford a full and fair opportunity to present evidence, the hearing officer having sole power to determine relevant evidentiary rules on a case-by-case basis.
- The student may be assisted or represented by individuals of his or her choice including an attorney, at his
or her own expense.

- The hearing shall be concluded by a written decision which shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
- Within a reasonable period of time after the hearing, the hearing officer shall make a written report to the Vice President and Provost.

If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education record accordingly and so inform the student in writing.

If, as a result of the hearing, the University decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the education record a statement commenting upon the information in the education record and/or setting forth any reasons for disagreeing with the decision of the University.

2.8 Prior Consent for Disclosure

The University shall obtain the student's written consent (specifying the records to be released, the reasons for such release, and the recipient of the information) before disclosing personally identifiable information from a student's education records except as provided below.

Consent is not required if the information disclosed has been designated as directory information, unless the student informs the Office of the University Registrar that such information should not be released without the student's prior written consent. This certification does not preclude the verification of degrees awarded.

Directory information includes the student's name; home and school address; home and school telephone number; e-mail address; month and day of birth; place of birth; country of citizenship; major field of study; school of enrollment; full-time/part-time status; level and year in school; participation in officially recognized activities and sports; weight and height of the members of athletic teams; dates of attendance; candidacy for degree; degrees, honors, scholarships, and awards received; the most recent previous educational agency or institution attended, and the names of a student's parents or guardians.

To restrict the disclosure of directory information, a student must inform the Office of the University Registrar that directory information is not to be released without their prior written consent. A student must so inform the Office of the University Registrar in writing within ten class days after the initial day of class for a fall semester in order to be excluded from the University's printed directory.

Consent is not required where the disclosure is to school officials within the University who have a legitimate educational interest for the information.

School officials are those individuals who engage in the instructional, supervisory, advisory, and administrative functions of the University. They need not necessarily be paid employees of the University. School officials include:

- Those University students who, pursuant to their duties as officers in officially recognized honor societies, periodicals, and other activities which recognize or encourage superior academic achievement, require personally identifiable information (e.g. grades) from students' education records to determine the satisfaction of specified eligibility requirements; and
- Those University students who, pursuant to their duties as members of official University committees
(e.g. scholarship committees), require personally identifiable information from students' education records.

- Those University students who, pursuant to the authority granted by the Board of Visitors under the terms of the Honor System, require personally identifiable information from a student's education records to investigate, adjudicate, or advise students involved in an alleged violation of the Honor System.
- A person, company, or agency with whom the University has contracted to provide services that the University itself would provide otherwise.

In order for a school official to have a legitimate educational interest, he or she must require the student's education records in the course of performing his or her duties for the University. The selection of students to officially recognized honor societies, periodicals, and other activities which recognize or encourage superior academic achievement is a legitimate educational interest. The continued and effective functioning of the Honor System to promote and preserve a community of trust is a legitimate educational interest.

Consent is not required where the disclosure is to the following individuals or organizations:

Officials of other schools or school systems in which the student seeks or intends to enroll. Unless the disclosure is initiated by the student or pursuant to the request of the recipient school, the University shall make a reasonable attempt to notify the student of the records transfer. Upon request, the University shall provide the student with a copy of the education records which have been transferred and with an opportunity for a hearing to challenge the content of the records.

Certain officials pursuant to their statutory purposes:

- The Comptroller General of the United States,
- The Secretary of the United States Department of Education,
- The United States Attorney General,
- State educational authorities.

Any party legitimately connected with a student's application for, or receipt of, financial aid.

State and local officials and authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.

Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction.

Accrediting organizations, for the purpose of carrying out their accrediting functions.

Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954.

Parties acting under authority of a judicial order or pursuant to any lawfully issued subpoena. This exception to the consent requirement is allowable only upon the condition that the University makes a reasonable effort to notify the parents and the student of the order or subpoena in advance of compliance therewith.

Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

To parents/legal guardians when their children (under age 21) are found to have violated the alcohol or
controlled substance policy of the University, or to have violated federal, state, or local law related to the possession or use of alcohol or a controlled substance.

To the student.

To an alleged victim of a crime of violence of the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime.

To anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense where:

- The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
- With respect to the allegation made against him or her, the student has committed a violation of the University’s rules or policies.

2.9 Record of Disclosure

The University shall maintain a record, kept with the education records of each student, which will indicate:

- All individuals, agencies, or organizations which have requested or obtained disclosure of a student's education records maintained by the University, and
- The legitimate interests these parties had in requesting or obtaining disclosure:
  - A record need not be maintained of:
    - Requests from or disclosures to a student;
    - Requests or disclosures pursuant to the written consent of a student;
    - Requests or disclosures to school officials who have a legitimate educational interest; and
    - Requests or disclosures of directory information.
  - The record of disclosures may be inspected by the student.

2.10 Limitation on Redisclosure

The University may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the student; provided that,

- This limitation on redisclosure is not applicable when the University discloses directory information which may be released without the student's prior written consent.
- Information disclosed to an institution, agency, or organization may be used by its officers, employees, and agents without requiring additional prior written consent from the student.
- Information disclosed to a person, institution, agency, or organization pursuant to the "Prior Consent for Disclosure" section above (i.e. University officials with a legitimate educational interest, other school officials, certain Federal and state officials, etc.) need not be subject to such a condition, if the information is redisclosed to other similar parties under those paragraphs.

The University shall inform the recipients of personally identifiable information of the limitation on redisclosure, when such a limitation is applicable, by the following statement which is to accompany all such disclosures:
The University of Virginia is disclosing herewith personally identifiable information from the education records of a student.

This disclosure is made upon the condition that you will not disclose the information to any other party (except to your officers, employees, and agents pursuant to purposes for which the disclosure is made) without obtaining the prior written consent of the student.

2.11 Waiver of Student Rights

Any student, or any parent of a student, may waive his/her rights under this Procedure, as follows:

- Any waiver must be in writing, signed by the waiving individual. A parent may not waive a student's rights, only his/her own.
- The University may not REQUIRE any student or parent to waive any rights, but may REQUEST such a waiver.
- Any waiver may be revoked in writing, with respect to any actions occurring after the revocation.
- Waiver of the right of access to letters and confidential statements or recommendations shall only be valid if:
  - The waiving individual is given, upon request, the name of all individuals providing letters or statements;
  - If the letters or statements are used only for the purpose for which they were originally intended, and;
  - If such waiver is not required by the University as a condition of admission or receipt of any benefit.

2.12 Destruction of Records

In general, records should be retained as long as space is available for them, and in no event will records be destroyed except as permitted by the applicable state document retention schedule. The following educational records are not to be destroyed, even if the records themselves are on a State-approved destruction schedule submitted through the University Archivist.

- Records with outstanding requests to inspect and amend them;
- Statements made by the student commenting on information in the education record if the contested portion of the record is maintained.
- The education record's access history as long as the education record itself is maintained.

Subject to these limitations, custodians of education records shall periodically review and in their discretion and after obtaining approval of the Archives and Records Advisory Committee, expunge such records.

See also:

Policy II.C.1, "Records Retention and Disposition."

2.13 Enforcement

Any student or parent of a student who believes that his/her privacy rights have been violated should direct
complaints in writing to:

Family Compliance Office
United States Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-4605

2.14 Titles and Addresses of Officials Maintaining Records

<table>
<thead>
<tr>
<th>TITLE</th>
<th>ADDRESS</th>
</tr>
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<tbody>
<tr>
<td>University Registrar</td>
<td>Carruthers Hall</td>
</tr>
<tr>
<td>Chair, Department of Air Science</td>
<td>Astronomy Building</td>
</tr>
<tr>
<td>Chair, Department of Military Science</td>
<td>Astronomy Building</td>
</tr>
<tr>
<td>Chair, Department of Naval Science</td>
<td>Maury Hall</td>
</tr>
<tr>
<td>Dean, Graduate School of Arts &amp; Sciences</td>
<td>Cabell Hall</td>
</tr>
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<td>Dean, College of Arts &amp; Sciences</td>
<td>Garrett Hall</td>
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<tr>
<td>Dean, School of Architecture</td>
<td>Campbell Hall</td>
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<tr>
<td>Dean, The Colgate Darden Graduate School of Business Administration</td>
<td>Darden School, North Grounds</td>
</tr>
<tr>
<td>Dean, School of Commerce</td>
<td>Monroe Hall</td>
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<td>Dean, School of Education</td>
<td>Ruffner Hall</td>
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<tr>
<td>Dean, School of Engineering and Applied Science</td>
<td>Thornton Hall</td>
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<td>Dean, School of Law</td>
<td>Withers-Brown Hall, North Grounds</td>
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<td>Dean, School of Medicine</td>
<td>McKim Hall</td>
</tr>
<tr>
<td>Dean, School of Nursing</td>
<td>McLeod Hall</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>Peabody Hall</td>
</tr>
<tr>
<td>Vice President for Student Affairs</td>
<td>The Rotunda</td>
</tr>
<tr>
<td>Dean, Undergraduate Admissions</td>
<td>Peabody Hall</td>
</tr>
<tr>
<td>Director, Student Financial Services</td>
<td>400 Brandon Ave.</td>
</tr>
<tr>
<td>Director, University Career Services</td>
<td>Bryant Hall @ Scott Stadium</td>
</tr>
<tr>
<td>Director, International Student Advisor</td>
<td>Carruthers Hall</td>
</tr>
<tr>
<td>Director, Housing Division</td>
<td>Minor Hall</td>
</tr>
<tr>
<td>Director, Department of Parking and Transportation Services</td>
<td>Page House</td>
</tr>
<tr>
<td>Dean, School of Continuing and Professional Studies</td>
<td>1101 Millmont Street</td>
</tr>
</tbody>
</table>

2.15 Student Rights Notification

Note: The following statement appears as an annual notice in the The University Records and possibly other University-wide publications.

Students attending, or who have attended, the University of Virginia are given certain rights under the Family Educational Rights and Privacy Act of 1974 as amended (20 U.S.C. 1232g) and Rules of the Department of Education (34 C.F.R. Part 99) implementing this Act.

Student rights under the Act and Rules may be summarized as follows:
To inspect and review the content of the student's education records. The University shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request;

To obtain copies of those records upon payment of $.15 per page where the failure to provide copies would effectively prevent the student from exercising the right to inspect and review the education records;

To receive a response from the University to reasonable requests for explanation of those records;

To receive an opportunity for a hearing to challenge the content of those records;

To receive confidential treatment by the University of education records; neither such records, nor personally identifiable information contained therein, except for directory information, shall be released without student permission to any one other than those parties specifically authorized by the Act;

To refuse to permit the release of their directory information;

To file complaints with the Family Education Rights and Privacy Act Office of the Department of Education concerning alleged failures by the University to comply with the requirements of the Acts and Rules:

Family Compliance Office
United States Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-4605

To exercise all rights on the student's own behalf, regardless of the student's status as a dependent upon parents. Parents of dependent students may, however, obtain access to the student's records if the student is regarded as a dependent for federal income tax purposes, once the Office of the University Registrar has contacted the student and he or she is aware of the request. The parent must present evidence that the student has been claimed as a dependent on their most recent federal tax returns.

The University has adopted policy and procedures to protect the privacy rights of the past and present students. The policy and procedures describe:

- The types of education records maintained by the University;
- The titles and addresses of the University officials responsible for those records;
- The procedures controlling the inspection and review of education records;
- The procedures controlling the correction of education records, including a request to amend and to have a hearing;
- The procedures controlling the recording of each request for and each disclosure of personally identifiable information from the education records of a student; and
- The individuals and organizations who have access to a student's education records without the student's prior written consent

Consent is not required where the disclosure is to school officials within the University who have a legitimate educational interest for the information.

School officials are those individuals who engage in the instructional, supervisory, advisory, and administrative functions of the University. They need not necessarily be paid employees of the University. School Officials include:

- Those University students who, pursuant to their duties as officers in officially recognized honor societies, periodicals, and other activities which recognize or encourage superior academic achievement, require personally identifiable information (e.g. grades) from students' education
records to determine the satisfaction of specified eligibility requirements; and

○ Those University students who, pursuant to their duties as members of official University committees (e.g. scholarship committees), require personally identifiable information from students' education records.

○ Those University students who, pursuant to the authority granted by the Board of Visitors under the terms of the Honor System, require personally identifiable information from a student's education records to investigate, adjudicate, or advise students involved in an alleged violation of the Honor System.

○ A person, company, or agency with whom the University has contracted to provide services that the University itself would provide otherwise.

In order for a school official to have a legitimate educational interest, he or she must require the student's education records in the course of performing his or her duties for the University. The selection of students to officially recognized honor societies, periodicals, and other activities which recognize or encourage superior academic achievement is a legitimate educational interest. The continued and effective functioning of the Honor System to promote and preserve a community of trust is a legitimate educational interest.

Copies of the University's policy and procedures are available to students (and authorized parents of students) upon request at the Office of the University Registrar or on the web at:

The University may disclose personally identifiable information designated as directory information from a student's education records without a student's prior written consent, unless the student informs the Office of the University Registrar that they wish to restrict the release of their directory information. A student must so inform the Office of the University Registrar in writing within ten class days after the initial day of class for a fall semester in order to be excluded from the University’s printed directory.

Directory information includes the student's name; home and school address; home and school telephone number; e-mail address; month and day of birth; place of birth; country of citizenship; major field of study; school of enrollment; full-time/part-time status; level and year in school; participation in officially recognized activities and sports; weight and height of the members of athletic teams; dates of attendance; candidacy for degree; degrees, honors, scholarships, and awards received; the most recent previous educational agency or institution attended, and the names of a student's parents or guardians.

3.0 Definitions [Top]

4.0 References [Top]

5.0 Approvals and Revisions [Top]

Previous version in effect from 8/07/96 to 6/02/06 available in policy archive.

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