

UC Davis Policy and Procedure Manual

Chapter 320, Records and Archives

Section 21, Privacy and Disclosure of Information from Student Records

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Responsible Department: Student Affairs

Source Document: UC Policies Applying to Campus Activities, Organizations, and Students, Section 130.00, Policies Applying to Disclosure of Information from Student Records

Exhibit A, Procedures for Disclosing Grades and Distributing Student Work

Exhibit B, Types and Locations of Student Records

Exhibit C, Authorization for Disclosure of Information to Third Party

Exhibit D, Authorization for Disclosure of Information from Student Records for Letter of Recommendation or Reference

Exhibit E, Statement of Legitimate Educational Interest

Exhibit F, Request to Inspect and Review Student Records

Exhibit G, Waiver of Access to Student Records

Exhibit H, Record of Disclosure

I. Purpose

- A. This policy governs the privacy of information contained in student records and the right of students to review and inspect their own records, and provides procedures to implement the UC Policies Applying to the Disclosure of Student Records (UC Policies) Section 130.00 et seq. at the Davis campus. For the purposes of this policy and FERPA, each UC campus is treated as a separate institution.
- B. This policy applies only to records pertaining to students in their capacity as students, and does not apply to those records maintained solely for purposes unrelated to student status. Section 320-20 explains campus policy for implementing the California Information Practices Act for "non-student records," such as those records excluded by definition from this policy even though they concern students (e.g., certain student employment records).

II. Definitions

Additional information regarding these terms is available in UC Policies Applying to Campus Activities, Organizations, and Students, Section 130.20.

- A. Student—an individual who is enrolled or registered with an academic program at UCD; or is between academic terms and is eligible for reenrollment; or is on approved education leave or other approved leave status. Interns in the School of Medicine, School of Veterinary Medicine, or the Family Nurse Practitioner/Physician's Assistant Program are students for the purposes of this policy. Residents and Fellows in postgraduate training are not students.
- B. Student record—a record directly related to a student and maintained by UCD, UC Office of the President, or any organization authorized to act on behalf of the University.
 1. A record includes information recorded in any way (e.g., handwriting, print, email, or any electronic device or media, including video or audio tape, film, microfilm and microfiche, CD, DVD, or computer documents, discs, files, or data).
 2. Student records include, but are not limited to, academic evaluations such as student examination papers, transcripts, and test scores; other academic records; general academic counseling and advising records; disciplinary records; and financial aid records.
 3. Student records do not include certain student employment records (where employment is not related to student status), student health records, UCD Police records, alumni records,

applicant records, and personal notes of staff/faculty that are not accessible or revealed to others.

- C. Disclosure—to permit access to or release, transfer, or other communication of personally identifiable information from student records to any party, by any means (e.g., spoken, written, or electronic).
- D. Personally identifiable information—any information that identifies or describes a student, including a student's name, the name of a student's parent or other family members, the address of a student or student's family, any personal identifier such as Social Security number or Student ID number, and any personal characteristics or other information that would make a student's identity easily traceable.
 - 1. Directory/public information—information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. UCD has designated as directory information the following: student name, addresses (local and permanent, including email), and telephone numbers; major field of study; dates of attendance; enrollment status (i.e., undergraduate, graduate, or professional student); number of course units in which enrolled; degrees and honors received; most recent previous educational institutions attended; participation in officially recognized activities, including intercollegiate athletics (ICA); and name, weight, and height of participants in ICA teams. Directory information for medical interns also includes primary hospital assignment, field of residency training, and name of medical school awarding the M.D. degree, but does not include student addresses or telephone numbers.
 - 2. Confidential information—all personally identifiable information except that information defined as directory/public information, unless the student has designated his/her directory/public information confidential through the procedures described herein.
- E. Disciplinary action or proceeding—informal disposition, investigation, adjudication, or imposition of sanctions with respect to violations of the UC Standards of Conduct for Students, the UCD Code of Academic Conduct, or other campus rules and policies.
- F. Financial aid—financial resources provided to students based on academic or other achievements, financial need, or both.
- G. Campus—all areas under the jurisdiction of UC Davis, including Davis campus locations, UCDCMC, and other off-campus areas owned, leased, or controlled by UC Davis.
- H. Campus official—any individual designated by the campus to perform an assigned function on behalf of the campus, including administrative, academic, research, support staff, or supervisory employees; members of a campus governing body; those performing special tasks for the campus pursuant to agreement (e.g., a volunteer or auditor); or students employed by the campus, serving on official committees (e.g., a disciplinary committee), or assisting another official in performing his/her tasks.
- I. Legitimate educational interest—Information that is relevant and necessary for a campus official to perform a task or make a determination specifically related to the official's job or assigned responsibilities; to the official's participation in the student's education; to the discipline of a student; or to provide a service or benefit relating to the student or the student's family, such as health care, counseling, job placement, or financial aid.

III. Policy

- A. Students' rights of privacy are guaranteed by the California State Constitution, the California Information Practices Act (IPA), the California Public Records Act (PRA), Family Educational Rights and Privacy Act (FERPA), UC Policies, and this policy. When the law is silent, the campus is guided by the principles that great weight should be afforded the privacy of an

individual.

1. Except as noted in IV.B.2, below, confidential personally identifiable information from student records may not be disclosed without the student's prior consent.
 2. Directory information may be released without a student's prior consent unless the student notifies the campus in writing or via established electronic procedures that either his/her address and phone number, or all categories of information about the student, may not be disclosed.
 3. Grades may not be posted and graded papers or examinations may not be distributed in public locations via methods that disclose confidential information unless the students give prior written consent. This includes posting grades outside of a classroom or office, or distributing papers in class or in bins outside of classrooms or offices where the list or papers contain personally identifiable information. See Exhibit A for procedures for disclosing grades and distributing student work.
- B. Except as noted in IV.C.1, below, students shall be permitted to inspect and review their student records within a reasonable period of time, but no longer than 45 days after receipt of the student's written request. See Exhibit B for a list of the types of student records and their locations.
- C. Maintenance and correction of student records.
1. Departments shall maintain only those student records that are appropriate, necessary, and relevant for official campus purposes. Student records shall be destroyed pursuant to records disposition schedules and requirements unless there is an outstanding request to inspect and review the records.
 2. A student who believes that his/her record contains information that is inaccurate or misleading may use these procedures to seek correction of the record (See V, below).
- D. Students enrolled in or registered with UCD are notified annually of their rights under this policy, the UC Policies Applying to the Disclosure of Information from Student Records, and FERPA and its implementing regulations. Notice of campus policies regarding student records is provided by email, in campus publications (e.g., the UC Davis General Catalog and Class Schedule and Registration Guide), and via the Internet (e.g. Registrar's and Student Judicial Affairs' Web sites).

IV. Procedures for Disclosure and Inspection

- A. Disclosure of Directory Information
1. In general, directory/public information (see II.D.1, above) may be disclosed without the student's consent.
 - a. To designate his/her address(es) and telephone number(s) as confidential, the student must notify the Registrar's Office in writing or via established electronic method described in the quarterly Class Schedule and Registration Guide.
 - b. To designate his/her email address as confidential, the student shall notify Information and Educational Technology.
 - c. To designate all information about him/herself as confidential, the student must notify the Registrar's Office in writing.
 2. Students are notified at the time of initial enrollment, and annually thereafter, of their right to designate their own directory information as confidential.
 3. Directory information regarding former students may be disclosed without their consent unless the last written notification received by the campus when they were students

specified their information as confidential.

B. Disclosure of Confidential Information

1. Confidential information may not be released without the student's written consent specifying the records to be disclosed and those to whom the disclosure can be made, except as permitted in Section IV.B.2, below.
 - a. Information may be disclosed to third parties upon the student's written consent (see Exhibit C). Specific information for the purpose of a letter of recommendation or reference also requires the student's written consent (see Exhibit D). The consent shall be dated and signed by the student, and shall specify the types of records and information to be disclosed and the name and address of the designated recipient.
 - b. The student may be required to pay fees for official or unofficial copies of his/her records disclosed to others upon the student's request in accordance with campus policies.
2. Confidential personally identifiable information may be disclosed without prior student consent only under the circumstances specified below. The party receiving or using the information shall ensure that any subsequent disclosure is consistent with these policies.
 - a. To campus or University officials (officials at UCD, UCOP, General Counsel's office, or officials from other campuses administering joint programs or where a student is currently receiving services) having a legitimate educational interest in the records (see II.I, above or Exhibit E).
 - b. To other educational institutions in which a student seeks or intends to enroll, or is currently enrolled.
 - c. To authorized federal and state officials in connection with the audit and evaluation of federal or state laws relating to such programs, including authorized representatives of the U.S. Attorney General, Comptroller General, and Secretary of Education, as well as state and local educational authorities.
 - d. In connection with financial aid for which a student has applied or received.
 - e. To organizations conducting studies on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and/or improving instruction.
 - f. To accrediting organizations in order to carry out their accrediting functions.
 - g. To comply with judicial order or subpoena. A reasonable effort shall be made to notify students before disclosure unless responding to a grand jury subpoena or other court or government agency order that directs that the student not be informed of the order and/or that information furnished in response not be disclosed.
 - h. In connection with legal action initiated by UCD against a parent or student, or with a legal action initiated by the student or parent against UCD, the campus may disclose to the court, without a court order or subpoena, the student's education records that are relevant for UCD to proceed with the legal action and/or defend itself.
 - i. To appropriate parties, including to other institutions, in connection with an emergency when the information is necessary to protect the health or safety of the student or other persons. Factors to be considered when making a decision to release information in emergencies may include the severity of the threat to health and safety of those involved; the need for the information; the time required to deal with the emergency; and the ability of the parties to whom the information is to be

given to deal with the emergency.

- j. To the victim of an alleged forcible or nonforcible sex offense, to disclose the final student disciplinary determination with respect to the alleged offense, and any sanction imposed.

3. Redisclosure of personally identifiable information

- a. Any redisclosure of personally identifiable information must be conditioned on notice to the recipient that the disclosed information shall be used only for the purpose for which the disclosure was made, and that the information cannot be transmitted to anyone else without the written consent of the student.
- b. All records containing personally identifiable information that are disclosed to a third-party must contain a redisclosure notice such as the following:

This information is being released to you in accordance with the Family Educational Rights and Privacy Act on the condition that you will not permit any other party to have access to these records without the written consent of the student, except that information may be used by your organization's officers, employees, and agents, but only for the purposes for which the disclosure was made to you.

C. Students' access to their own records

- 1. The following records are exempt from inspection and review by students:
 - a. Financial records and statements of the student's parents/guardians.
 - b. Confidential letters and statements of recommendation regarding admission, application for employment, or the receipt of an honor, if the student has waived access rights (see Section IV.D, below).
 - c. Records containing personally identifiable information about other students. If a record contains information regarding more than one student, the records shall be redacted and the student requesting access may inspect and review or be informed of only the specific information that pertains to him/her.
- 2. Students may request access to their records by submitting Exhibit F to the department responsible for the records.
 - a. Requests submitted via email must originate from the student's UC Davis email account.
 - b. Students will be required to provide proof of identity before they are allowed access to any records.
- 3. Departments shall provide access to the records within 45 days of the request.
 - a. The student may be given supervised access to inspect and review their records or copies of the records. Furnishing the student with a copy of the records constitutes providing access to the records.
 - b. If the student cannot come to the department to review the records, the department shall provide copies when failure to do so would effectively prevent students from exercising their right of access. Fees may be charged for copies in accordance with campus procedures.
- 4. Departments will provide responses to reasonable student requests for explanations or interpretations of their records. The response need only inform the student of what the records contain, not why the records exist or why specific information is contained in the records.

D. Student waivers of rights and limitations on such waivers

1. Students may waive their right of access to confidential recommendations or evaluations regarding admission, application for employment or scholarship, or the receipt of an honor. Such waivers must be voluntary; must be in writing and signed by the student; must describe the records to which access is waived; and may not be required as a condition for the admission to the University or the receipt of other services or benefits from the University (see Exhibit G).
2. Students cannot be required to sign a form stating that they have or have not waived access to any confidential recommendation.
3. Student waivers of the right of access to recommendation letters remain effective, and recommendations retain their confidentiality with respect to the student for whom they are written, only as long as they are used for the purpose for which they were originally intended/submitted. If the recommendation is used for other purposes, even at the student's request, the waiver is void and the recommendation may be inspected by the student. Accordingly, the student can be required to obtain the consent of the writer of the recommendation for the letter to be used for another purpose, and the writer can decline consent if the student does not sign a waiver.

E. Records of disclosure

1. Departments shall keep records of any disclosures made pursuant to IV.B.2, above, with the student's disclosed records (see Exhibit H). The record of disclosure shall include the names of the parties who have requested the information, the date of the request, the reasons for the disclosure, and the date of the disclosure.
2. A record of disclosure is not required for disclosures of the student's records to the student him/herself or to others pursuant to the student's written consent; to campus or University officials having a legitimate educational interest in the records; to disclosures of directory information; or to certain disclosures made under subpoena.
3. The record of disclosure may be inspected by the student, by the records custodian, or pursuant to audit of record-keeping procedures.

V. Procedures for Seeking Correction of Student Records

- A. Students may seek correction of their records if they believe that the records contain inaccurate or misleading information.
- B. Grades given for academic work, including written evaluations reflecting faculty and institutional judgments of the quality of the student's academic performance, are not subject to challenge under these procedures. In addition, this policy does not apply to substantive decisions and may not be used to seek to change the opinions or reflections of a school official or other person contained in an education record (e.g., student disciplinary decisions). Grade-related grievances shall be resolved within the department or through relevant academic procedures (e.g., a Grade Change Petition submitted to the Academic Senate Committee on Grade Changes).

C. Informal grievance process

To seek correction of his/her records, the student must first use informal grievance procedures.

1. The student shall attempt to resolve the matter by informal discussion with the appropriate department official.
2. If discussions with the department do not resolve the matter, the student shall submit a written request specifying the information that is contested and explaining why it is believed to be inaccurate or misleading.

3. The department has 45 days to review and respond to the student's written request for correction of records.
4. If resolution at the departmental level is unsuccessful, the student may request an informal administrative review by contacting the Director—Student Judicial Affairs within 30 days following postmark/email date on the department's denial.
5. The Director shall review the student's request and the department's denial, and may attempt to resolve the matter informally through conciliation or mediation. The Director shall provide prompt written notice of the result to the student

D. Formal hearing process

If the informal administrative review does not resolve the matter, the student may request a formal fact-finding hearing to determine whether information in his/her student records is inaccurate or misleading.

1. The request for formal hearing must be filed in writing with the Director—Student Judicial Affairs within 30 days after the student is sent notice that the informal efforts to resolve the case have concluded. The hearing request must describe the claim and the remedy sought.
2. The Director shall arrange a hearing within a reasonable time, and provide the student with reasonable notice of the date, time, and place of the hearing.
3. The hearing officer shall be appointed by the Vice Chancellor—Student Affairs or designee. The hearing officer may be a campus official and must have no direct interest in the outcome of the hearing.
4. The scope of the hearing is limited to determining whether the records are inaccurate, misleading, or otherwise in violation of student privacy rights. The student and the University shall each have a full and fair opportunity to present evidence relevant to the issues raised in the complaint. The student must prove the claim by a preponderance of the evidence.
5. The student may, at his/her own expense, be assisted by an individual of his/her choice (who may be an attorney).
6. The hearing officer shall submit a written decision based solely on the evidence presented at the hearing, including a summary of the evidence and the reasons for the decision.
 - a. If the record is found to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, the record shall be corrected accordingly and the student informed in writing of the changes.
 - b. If the student does not meet the burden of proof, the student shall be so informed and the record shall remain unchanged.

E. The student's right to include a statement in the record

1. At the end of the hearing process, a student who has unsuccessfully sought correction of his/her record will be notified of his/her right to place a statement in the record commenting upon the contested information and/or setting forth the reasons why the student disagrees with the decision not to change the record. The student's statement shall remain in the record as long as the contested portion is maintained, and provided to anyone to whom the contested portion is disclosed.
2. Whenever information about disciplinary action is contained in a student record, the student may submit a written statement concerning the action for inclusion in the record. This section does not apply to transcript notations resulting from academic evaluation or

disciplinary action. A student cannot request a change in the underlying disciplinary action through the record-correction process, and must use relevant disciplinary appeals processes.

VI. Complaints Regarding Alleged Violations of Privacy Rights

- A. If a student believes that his/her privacy rights under this policy have been violated (e.g., by improper disclosure of confidential information or denial of rightful access to student records), the student may seek remedy of the violation through informal grievance procedures (see V.C, above).
- B. The Director's decision regarding alleged violations of privacy rights is final. There is no right to a formal hearing regarding such complaints.

VII. Other Remedies

Complaints regarding alleged violations of the rights accorded students by FERPA may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

VIII. References and Related Policies

- A. UC Office of the President
 - 1. UC Policies Applying to Campus Activities, Organizations, and Students, Section 130.00, Policies Applying to Disclosure of Information from Student Records.
 - 2. UC Records Disposition Schedules Manual
 - 3. Business and Finance Bulletin RMP-8, Requirements on Privacy of and Access to Information
- B. Federal Educational Rights and Privacy Act, Title 20, U.S. Code, Section 1232(g); 34CFR, Part 99.
- C. UCD Policy and Procedure Manual:
 - 1. Section 320-20, Privacy of and Access to Information.
 - 2. Section 320-22, Collection of Social Security Numbers.