

UW REGULATION 8-243

Official Student Records and Governing Laws Pertaining Thereto

Enclosure: UW Policies Relating to the Family Educational Rights and Privacy Act 'Buckley Amendment' (PL93-380)"

1. PURPOSE.

To establish procedures for implementing the various provisions of Federal law and regulations stated in reference and to provide a definition of official student records which are subject to such procedures.

2. GENERAL INFORMATION.

Individuals applying for admission to the University and students enrolled in the University have an obligation to provide to designated persons such information as is required for University purposes. The University has established this regulation to govern the use and disclosure of such information.

Federal law and regulations establish requirements and limitations with regard to a student's right of access to records pertaining to him and the dissemination of information contained in such records. Failure to comply therewith may result in the loss of certain federal funds which the University would otherwise be entitled to receive. The Enclosure has been prepared and distributed so as to comply with the law. This enclosure supersedes all previous statements, policies or practices concerning this subject which may be in conflict therewith, and all University personnel shall comply with the provisions contained therein.

The enclosure is premised upon the proposition that the University can be responsible only for information that is gathered for "official" purposes. It is necessary that a more precise definition be given as to what constitutes such records so that they may be readily identified and properly administered.

3. OFFICIAL STUDENT RECORDS.

- A.** It is recognized that various academic and administrative units of the University must obtain information from students, as well as applicants for admission, which is necessary to academic evaluations or other functions and procedures of the unit within the total context of University purposes and needs. Whenever a University officer, or the needs of a unit of the University, require that a student must provide information and it is recorded in any form of medium, the product shall be considered an official record for which the supervisory University officer shall be responsible, and shall be subject to the provisions of the Enclosure to this regulation. All official records are not to be considered as permanent records. Rather, the recorded information should be

destroyed by the cognizant officer when it no longer serves the need and purpose for which it was established or for which it is maintained.

- B.** The Registrar is the University officer charged with responsibility for the establishment, maintenance and custody of the permanent academic record of students earning credit from the University. Incident to a student's application for admission or enrollment, the Registrar is also responsible for obtaining such data pertaining to the student as is necessary for general University purposes. Information in the custody of the Registrar is available to other University personnel on a "need to know" basis, and should not be obtained or maintained by other units of the University in separate records unless determined by appropriate University officers as necessary to serve essential needs.

- C.** Transcripts of academic records shall contain only information about academic status, but may include notations as to any suspension or dismissal from the University. Transcripts and grades shall be available only to the persons within the University who demonstrate a need to know such information and to such other persons designated by the student or this regulation and the Enclosure.

- D.** The Dean of Students Office shall maintain records pertaining to discipline and other matters pertaining to judicial affairs. Those records that relate to disciplinary actions may be released by officials of the University only (1) upon the consent of the student concerned, or (2) pursuant to one of the enumerated exceptions to the general rule requiring student consent as set forth in the Enclosure. Extreme care should be exercised that judicial affairs records reflect accurate information and that they are restricted to student activities as a member of the University community. No record of political activities or beliefs shall be maintained except on matters in the public record, such as holding office in campus organizations. Such records shall be open to inspection by the student.

Personnel in need of student information shall determine from the Registrar whether needs can be met from existing data as provided by the Registrar. Such data is normally available in the form of a list or electronic file. All requests for such data as contains personally identifiable information on students will be submitted in writing to the Registrar. Whenever possible, existing standardized computer programs (identified by number and title) provided after registration and grading periods should be requested and utilized. The requests shall contain the following:

- (1) Type of information desired and date needed.

- (2) The purpose for which it is needed.

- (3) The name of the person who will be responsible for the receipt, custody and use of the data.

(4) Period of use of the printout or other personally identifiable listing and the contemplated date and method for destruction of the material.

(5) Approval of the request by the appropriate Dean, Director, or Vice President.

E. Any University officer who determines that units under his administrative responsibility have a need for maintaining official student records shall prepare a description of the information maintained, the purposes for which it is used, and the period of time for which it is kept. If the record contains information which is within the exceptions set forth in Part VII of the Enclosure this determination will be stated in the description. Such statement shall be available to students making inquiry concerning the existence of records pertaining to themselves. A copy of such statement shall also be filed with the Vice President for Student Affairs or designee.

D. All University officers shall maintain a continuing review of all gathering and recording of information from students to determine the necessity of such practices and the elimination of any practices or records which are no longer necessary or useful.

4. COMPLIANCE.

It is to be emphasized that the responsibility for compliance with the Enclosure rests with the University officer who is required by University regulations or policy to gather the personally identifiable information, or who determines that the needs of his unit require the gathering of or maintenance of personally identifiable student information. Each such University officer is deemed to be the custodian of such information and responsible for its use and disclosure in a manner consistent with the Enclosure. The "need to know" by other units for information maintained by the Registrar is determined by the Dean, Director, or Vice President who approves a request submitted to the Registrar and that officer is thereafter responsible for the information delivered in response to the request. Each such University officer shall establish appropriate procedures and instructions to personnel who handle official data or information concerning students to assure compliance with the provisions of this regulation. Any willful unauthorized release of personally identifiable information on students in violation of this regulation will be considered neglect of duty. The Enclosure will be published in the University *General Bulletin* as notice to students.

Source:

University Regulation 243, Revision 1; adopted 7/17/08 Board of Trustees minutes

**ENCLOSURE TO
UW REGULATION 8-243**

**UW POLICY RELATING TO THE
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
"BUCKLEY AMENDMENT" (PL93-380)]**

I. General Statement and Purpose:

The University of Wyoming has the responsibility for effectively supervising any access to and/or release of official data/information about its students. Certain items of information about individual students are fundamental to the educational process and must be recorded. This recorded information concerning students must be used only for clearly-defined purposes, must be safe-guarded and controlled to avoid violations of personal privacy, and must be appropriately disposed of when the justification for its collection and retention no longer exists.

In this regard, the University is committed to protecting to the maximum extent possible the right of privacy of all individuals about whom it holds information, records and files. Access to and release of such records is restricted to the student concerned, to parents of dependent students, to others with the student's written consent, to officials within the University, to a court of competent jurisdiction and otherwise pursuant to law.

II. Access:

All official information collected and maintained in the University identifiable with an individual student will be made available for inspection and review at the written request of that student subject to certain exceptions.

For purposes of access to records at the University of Wyoming, a student enrolled (or formerly enrolled) for academic credit or audit at the University shall have access to official records concerning him.

A request for general access to all official records, files and data maintained by the University, must be made in writing to the Registrar or to other person(s) as designated by the University officer in charge of the unit maintaining records. A request for access to official data maintained in a particular office may be made to the administrative head of the office.

When a student (or former student) appears at a given office and requests access to the University records about himself:

1. The student must provide proper identification verifying that he is the person whose record is being accessed.

2. The designated staff person(s) must supervise the review of the contents of the record with the student.
3. Inspection and review shall be permitted within a period not to exceed 45 calendar days from the date of the student's request.
4. The student will be free to make notes concerning the contents, but no material will be removed from the record at the time.

Under normal circumstances, the student is entitled to receive a free copy only of his academic transcript. A fee of \$.25 per page may be charged for providing copies of other records.

Record keeping personnel and members of the faculty and staff with administrative assignment may have access to records and files for internal educational purposes as well as for routinely necessary clerical, administrative and statistical purposes as required by the duties of their jobs. The name and position of the official responsible for the maintenance of each type of educational record may be obtained from the Registrar or the University officer in charge of the unit maintaining records.

Any other access allowed by law must be recorded showing the legitimate educational or other purpose and the signature of the person gaining access. The student concerned shall be entitled to review this information.

III. Release of Information.

No personally identifiable information shall be disclosed to any individual (including parents, spouse, or other students) or organization except as follows:

1. Disclosure is authorized in writing by the student.
2. Disclosure is to University officers or employees who need to know so as to accomplish legitimate University purposes related to their functions.
3. Disclosure is to a governmental agency, educational organization, parent of a dependent student, or other entity or otherwise required by state or federal law. Custodians of records should obtain interpretations and information from the Vice President for Student Affairs whenever third parties request personally identifiable information.
4. When disclosure of any personally identifiable data/information from University records about a student is demanded pursuant to court order or lawfully issued subpoena, the staff member receiving such order shall, if possible, immediately notify the student concerned in writing prior to compliance with such order or subpoena.

5. Data/information from University records about students will be released for approved research purposes only if the identity of the student involved is fully protected, or if the research is related to official University business and not publicly disseminated.

6. Information from University records may be released to 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.

The University officer responsible for the records from which information is released shall maintain with the student's record a listing of disclosures of personally identifiable information, except disclosures in accordance with (1) and (2) above for which no record need be kept. The listing shall identify the parties who requested or obtained information and the legitimate interests these parties had in making the request.

IV. Public Information:

The following items are considered public data/information and may be disclosed by the University in response to inquiries concerning individual students, whether the inquiries are in person, in writing or by electronic communication.

1. Name
2. Affirmation of whether currently enrolled including enrollment status of full-time, half-time or less than half-time
3. Campus location

Unless the student has officially filed a written request with the University Registrar within seven (7) working days after the first day of registration that disclosure not be made without his written permission, the following items in addition to those above are considered public/directory information and may be included in appropriate University/campus directories and publications and may be disclosed by designated staff members in response to inquiries concerning individual students, whether the inquiries are in person, in writing, or by electronic communication.

1. School, college, department, major or division
2. Dates of enrollment
3. Degrees received
4. Honors received
5. Local address and phone number
6. Home address (permanent)

7. Email address
8. Participation in officially recognized activities and sports
9. Weight and height of members of athletic teams

V. Letters of Appraisal/Recommendation:

Candid appraisals and evaluations of performance and potential are an essential part of the educational process. Clearly, the provision of such information to prospective employers, to other educational institutions, or to other legitimately concerned outside individuals and agencies is necessary and in the interest of the particular student.

Data/information which was part of University records prior to January 1, 1975 and which was collected and maintained as confidential information will not be disclosed to students. Should a student desire access to a confidential letter of appraisal received prior to January 1, 1975, the student shall be advised to have the writer of that appraisal notify, in writing, the concerned records custodian of the decision as to whether or not the writer is willing to have the appraisal made available for the student's review. Unless a written response is received approving a change of status in the letter, the treatment of the letter as a confidential document shall continue.

Documents of appraisal relating to students collected by the University or any department or office of the University on or after January 1, 1975, will be maintained confidentially only if a waiver of the right of access has been executed by the student. In the absence of such a waiver, all such documents will be available for student inspection and review.

If a student files a written waiver with the department or office concerned, letters of appraisal received pursuant to that waiver will be maintained confidentially. Forms will be available for this purpose.

VI. Challenges to the Record:

Every student shall have the opportunity to challenge any item in his file which he considers to be inaccurate, misleading or otherwise inappropriate data. A student shall initiate a challenge by submitting a request in writing for the deletion or correction of the particular item. The request shall be made to the custodian of the particular record in question.

If the custodian and the student involved are unable to resolve the matter to the satisfaction of both parties, the written request for deletion or correction shall be submitted by the student to such person as designated by the President of the University, who shall serve as the hearing officer. The student shall be given the opportunity for a hearing, at which the student may present oral or written justification for the request for deletion or correction. The hearing officer may obtain such other information as he deems appropriate for use in the hearing and shall give the student a written decision on the

matter within twenty (20) days from the conclusion of the hearing. If the decision of the hearing officer is to deny the deletion or correction of an item in the student's file, the student shall be entitled to submit a written statement to the hearing officer presenting his position with regard to the item. Both the written decision of the hearing officer and the statement submitted by the student shall be inserted in the student's file. The decision of the hearing officer shall be final.

Grades may be challenged under this procedure only on the basis of the accuracy of their transcription.

VII. Exception to the policy:

It is the position of the University that certain data/information maintained in various offices of the University is not subject to the provisions of this policy with regard to inspection, review, challenge, correction or deletion.

1. Statements submitted by parent/guardian or spouse in support of financial aid or residency determinations are considered to be confidential between those persons and the University, and are not subject to the provisions of this policy except with the written consent of the persons involved. Such documents are not regarded as part of the student's official record.
2. University employment records of students are not included in this policy, except as provided under Wyoming Statutes 16-4-203(d) (iii)
3. With regard to general health data, only that data/information which is used by the University in making a decision regarding the student's status is subject to review by the student under this policy. Written psychiatric or psychological case notes which form the basis for diagnoses, recommendations, or treatment plans remain privileged information not accessible to the student. Such case notes are not considered to be part of official University records. To ensure the availability of correct and helpful interpretations of any psychological test scores, notes or other evaluative or medical materials, the contents of these files for an individual student may be reviewed by that student only in consultation with a professional staff member of the specific department involved.
4. Records relating to a continuing or active criminal investigation by the University of Wyoming Police Department, or records of said office not relating to the student's status with the University are not subject to this policy.
5. No student is entitled to see information or records that pertain to another student, to parents, or to other third parties. A student is entitled to review only that portion of an official record or file that pertains to him or her.
6. The personal files of members of the faculty and staff which concern students, including private correspondence, and notes which refer to students, are not regarded as

official records of the University. This includes notes intended for the personal use of the faculty and never intended to be official records of the University.

VIII. Rights of Students:

Students are hereby notified that controlling provisions of federal law are contained in Sec. 438, Pub.L. 90-247, Title IV, as amended, 88 Stat. 571-574 (U.S.C. 1232g) and regulations set forth in the Federal Register of June 17, 1976 at 24662 - 24675. Complaints of institutional non-compliance may be made to the U.S. Department of Education as provided in the regulations.