

APPENDIX A 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:

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

- B.** The designated staff person(s) must supervise the review of the contents of the record with the student.
- C.** Inspection and review shall be permitted within a period not to exceed 45 calendar days from the date of the student's request.
- D.** 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:

- A.** Disclosure is authorized in writing by the student.
- B.** Disclosure is to University officers or employees who need to know so as to accomplish legitimate University purposes related to their functions.
- C.** 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.
- D.** 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.

- E.** 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.
- F.** 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.

- A.** Name
- B.** Affirmation of whether currently enrolled including enrollment status of full-time, half-time or less than half-time
- C.** 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.

- A.** School, college, department, major or division
- B.** Dates of enrollment
- C.** Degrees received
- D.** Honors received

- E.** Local address and phone number
- G.** Home address (permanent)
- H.** Email address
- I.** Participation in officially recognized activities and sports
- J.** 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.

- A.** 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.
- B.** University employment records of students are not included in this policy, except as provided under Wyoming Statutes 16-4-203(d) (iii)
- C.** 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.

- D.** 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.
- E.** 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.
- F.** 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.