

# UNIVERSITY POLICY ON DISCLOSURE OF STUDENT RECORDS

## Family Educational Rights and Privacy Act (Buckley Amendment)

The University of the Pacific complies with The Family Educational Rights and Privacy Act (abbreviated FERPA and formerly known as the Buckley Amendment). Educational institutions are required to annually notify enrolled students of their rights under the Federal Family Educational Rights and Privacy Act of 1974 (FERPA), as amended. This page fulfills this obligation and serves as the annual FERPA notification to students at the University of the Pacific, by providing information about the university policy and students' rights with respect to their education records.

"Student" means an individual who is or who has been in attendance at University of the Pacific. A student or resident's FERPA rights begin when the student or resident registers and attends his/her first class. It does not include any applicant for admission to the university who does not matriculate, even if he or she previously attended the university. (Please note, however, that such an applicant would be considered a "student" with respect to his or her records relating to that previous attendance. Students or residents who originally sought admission to one program of study at the university and are denied, but subsequently are admitted and enrolled in a different program of study, have FERPA rights only in their admitted and enrolled program of study.) "Education records" include those records that contain information directly related to a student and that are maintained as official working files by the University. Examples of records that are **not** education records are records about students made by instructors, professors and administrators for their own use and not shown to others; campus police records maintained solely for law enforcement purposes and kept separate from the education records described above; employment records, except where a currently enrolled student is employed as a result of his or her status as a student; records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment; records that contain only information relating to a person's activities after that person is no longer a student at the university.

It is the policy of the university (1) to permit students to inspect their education records, (2) to limit disclosure of personally identifiable information from education records without students' prior written consent, and (3) to provide students the opportunity to seek correction of their education records where appropriate. A student alleging university noncompliance with the Family Educational Rights and Privacy Act has the right to file a written complaint with the Family Policy Compliance Office:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

### **1. Students have the right to inspect and review their education records within 45 days after the day that University of the Pacific receives the request for access.**

Each student has a right of access to his or her education records, except confidential letters of recommendation received prior to January 1, 1975, and financial records of the student's parents. A student may, by a signed writing, waive his or her right of access to confidential recommendations in three areas: admission to any educational institution, job placement, and receipt of honors and awards. The university does not require such waivers as a condition for admission or receipt of any service or benefit.

If the student chooses to waive his or her right of access, he or she is notified, upon written request, of the names of all persons making confidential recommendations. Such recommendations are used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and the revocation applies to all subsequent recommendations, but not to recommendations received while the waiver was in effect.

### **Procedure to be Followed:**

Requests for access should be made in writing to the Office of the Registrar, and should specify the record(s) the student wishes to inspect. The University complies with a request for access within a reasonable time, at least within 45 days. The Registrar's Office will make arrangements for access and notify the student of the time and place where the records may be inspected.

### **2. University of the Pacific limits disclosure of personally identifiable information from education records unless it has the student's prior written consent, subject to the following limitations and exclusions.**

**Directory Information.** In accordance with the FERPA, the University has the right to release Directory Information without the student's or resident's prior written consent. The University gives annual public notice to students of the categories of information designated as directory information. This information may appear in public documents or otherwise be disclosed even in the absence of consent unless the student files written notice requesting the University not to disclose any of the categories by the opt-out date, which is three weeks after the first day of the first term of enrollment. While students may opt out at any point subsequent to the opt-out date, late opt-outs will not apply retroactively to information previously released. To block the release of this information ('opt out'), a student must submit a Request for Non-Release of Directory Information Form. The University of the Pacific has designated as "directory information" the following items.

- Student's name
- Mailing and local address
- Telephone number
- E-mail address
- Photograph/Video
- Date and place of birth
- Degrees, honors, and awards
- Major field of study
- Grade level
- Campus of study (Stockton, Sacramento, or San Francisco)
- Dates of attendance, including matriculation and graduation
- Enrollment status (undergraduate, predoctoral, graduate, full-, part-time)
- Most recent educational agency or institution attended
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams

**University Officials.** One exception, which permits disclosure without consent, is disclosure to University officials with legitimate educational interests. At Pacific, "University official" is defined as (1) a person employed by the University or in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); (2) a person or company with whom the University has contracted (such as an attorney, auditor, or collection

agent); (3) a person serving on the Board of Regents; (4) a student serving on an official University committee (academic, grievance, or disciplinary) or assisting another University official in performing his or her tasks. A university official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for University of the Pacific.

**Prior Consent Not Required.** FERPA allows additional exceptions to the written consent requirement for disclosure of education records to third parties. Some of these exceptions are listed below:

- To officials of another school in which a student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- To an alleged victim of any crime of violence of the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.
- In response to a court order or subpoena, the University makes reasonable efforts to notify the student before complying with the court order.
- Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- Parents of a student who is a dependent for income tax purposes. (Note: The University may require documentation of dependent status such as copies of income tax forms.)
- Accrediting organizations for purposes necessary to carry out their functions;
- Organizations conducting educational studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies are conducted so as not to permit personal identification of students to outsiders, and the information is destroyed when no longer needed for these purposes;
- State and local officials to which such information is specifically required to be reported.
- Authorized persons and organizations that are given work in connection with a student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms and conditions;
- Authorized representatives of the Comptroller General of the U.S., the Secretary of Education, the Secretary of the Department of Health and Human Services, the Director of the National Institute of Education, the Administrator of the Veterans' Administration, but only in connection with the audit or evaluation of federally supported education programs, or in connection with the enforcement of or compliance with Federal legal requirements relating to these programs. Subject to controlling Federal law or prior consent, these officials protect information received so as not to permit personal identification of students to outsiders and destroy such information when it is no longer needed for these purposes;

**Prior Consent Required.** Where FERPA does not allow exceptions to the written consent requirement, the University does not release personally identifiable information in education records or allow access to those records without prior consent of the student. Unless disclosure is to the student himself or herself, the consent must be written, signed, and dated, and must specify the records to be disclosed, the identity of the recipient, and the purpose of disclosure. A copy of the record disclosed is provided to the student upon request and at his or her expense.

The University, along with the student's education records, maintains a record for each request and each disclosure, except for the following:

- a. disclosures to the student himself or herself;
- b. disclosures pursuant to the written consent of the student (the written consent itself suffices as a record);
- c. disclosures to school officials of the University.
- d. disclosures of directory information.

This record of disclosures may be inspected by the student, the official custodian of the records, and other university and governmental officials.

### **3. University of the Pacific provides students the opportunity to seek correction of their education records.**

A student who believes that information contained in his or her education records is inaccurate, misleading, or violative of privacy or other rights may submit a written request to the Office of the Registrar specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the person responsible for any amendments to the record in question. Within a reasonable period of time of receipt of the request, the University decides whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student is so notified and is advised of the right to a hearing. He or she may then exercise that right by written request to the Office of the Registrar. Within a reasonable time of receipt of the request, the student will be notified in writing of the date, place, and time reasonably in advance of the hearing. The hearing will be conducted by a university official who does not have a direct interest in the outcome. The student will have a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney. Within a reasonable period of time after the conclusion of the hearing, the University will notify the student in writing of its decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the University will amend the records accordingly. If, as a result of the hearing, the University decides that the information is not inaccurate, misleading, or otherwise in violation of the student's rights, the University will inform the student of the right to place in his or her record a statement commenting on the information and/or explaining any reasons for disagreeing with the University's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the record is disclosed.