

UNIVERSITY POLICIES AND INFORMATION

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT - FERPA

Interpretations of the Family Educational Rights and Privacy Act of 1974 (also known as FERPA or the Buckley Amendment) have important implications for the handling and releasing of student education record information by campus offices and school officials. FERPA applies to the “education records” (see next paragraph for definition) of “students”. “Students” are defined as those individuals who have applied for formal admission to UW-Whitewater, were admitted, and are or have been enrolled in classes for credit at the University. FERPA does not apply to records of applicants for formal admission to the University who are denied acceptance or, if accepted, do not enroll in classes for credit. In addition, rights are not given by FERPA to students enrolled in one component of UW-Whitewater who seek to be admitted in another component (e.g., a student enrolled in an undergraduate degree program, but is denied admission to a graduate program, does not have any FERPA rights in the graduate program which denied him/her admission).

“Education records” are those records that are directly related to a student and that are maintained by the University or by a school official who serves the University in an administrative, supervisory, academic, research, or support staff position (including student employees or agents of the University, persons/companies with whom the University has contracted, persons serving on official campus committees, or persons assisting other school officials in performing their tasks).

FERPA indicates that “education records” do not include:

- Sole possession records. Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records.

Important exception: Notes taken in conjunction with any other person are not “sole possession records”. Sharing information with another person or placing information where it can be viewed by others makes it an “education record” and subject to FERPA.

- Law enforcement unit records. Records maintained by a law enforcement unit of UW-Whitewater that were created by that unit for the purpose of law enforcement.

Important exception: Placing law enforcement records where they can be viewed or accessed by others outside the law enforcement unit makes them “education records” and subject to FERPA.

- Employment records. Records relating to individuals who are employed by UW-Whitewater which are made and maintained in the normal course of business and relate exclusively to individuals in their capacity as employees, and are not available for any other purpose.

Important exception: Records of students who are employed as a result of their status as students are “education records” (e.g., work-study, graduate assistants) and subject to FERPA.

- Doctor-patient privilege (medical) records. Records relating to a student which are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his/her professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student’s choice.

- Post-attendance records. Records that contain only information relating to a person after that person is no longer a student at UW-Whitewater (e.g., information gathered on the accomplishments of alumni).

The essence of FERPA can be summarized by the following two points:

- **CONFIDENTIALITY** – School officials must protect the privacy of education records and shall not disclose personally identifiable information about a student or permit inspection of the student’s records without his/her written consent unless such action is covered by certain exceptions permitted by FERPA. The student’s written, signed consent must:
 - o Specify the records to be released;
 - o Identify the party or class of parties to whom the records should be released;
 - o Indicate the reason for the release.

A consent form can be downloaded from the web at: <http://www.uww.edu/registrar/>. (under the FERPA section, click on “Authorization to Release Records”)

- **ACCESS** – A student must be permitted to inspect his/her own education records (see “Student Access to Education Records” section for information about the process for inspecting education records). FERPA provides the student the right to:
 - o Inspect and review his/her education records;
 - o Request an amendment to the education records if he/she believes there is an inaccuracy;
 - o Restrict the release of his/her “Directory Information” from public access;
 - o File a complaint with the U.S. Department of Education if he/she feels the University has failed to follow FERPA guidelines. The name and address of the office that administers FERPA is: Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202-4605.

CONFIDENTIALITY OF STUDENT EDUCATION RECORDS

FERPA generally prohibits the release of confidential personally identifiable student data from education records, with limited exceptions that include “Directory Information” (see below), without the student’s written, signed consent.

Personally identifiable student data, other than “directory information” for students who have not restricted its release, are confidential. Examples of confidential information include, but are not limited to, ID number, social security number, date of birth, ethnicity, gender, country of citizenship, percentile ranks, class schedules (including meeting times and locations), grades, and grade point averages.

Parents have no inherent rights to inspect or receive information about their children’s education records. Parents of a dependent (as defined for federal income tax purposes) student may request their child’s education record information only after providing notarized copies of both the most recent federal income tax return filed that shows the student listed as a dependent and a letter of intent to claim the student as a dependent on the next federal income tax return. Absent this information, UW-Whitewater shall not disclose a student’s education record information to a parent without the written consent of the student.

FERPA provides certain exceptions for the release of personally identifiable education record information without the student’s written consent. These exceptions include:

- **Directory Information.** UW-Whitewater determines the following to be student “directory information” which is available to the public if the student has not restricted its release:
 - Names, addresses (including email), and telephone numbers;
 - Dates of attendance (including **term** units carried and full-time/part-time status);
 - Classification (e.g. sophomore, senior, graduate student);
 - Major/minor/degree program;
 - Degrees conferred (including dates/anticipated dates);
 - Previous institution(s) attended;
 - Awards and academic honors;
 - Participation in officially recognized sports and activities;
 - Physical factors (weight and height) of members of athletic teams.

A student has the right to restrict the release of his/her directory information. Any student who wishes to do so must complete and file the “Request To Prevent Disclosure Of Directory Information” form in the transcripts department of the Registrar’s Office, Baker Hall, lower level. The restriction will remain in effect until the student files written notification with the Registrar’s Office to have it removed. A student who has ceased attending UW-Whitewater, and whose directory information was not restricted in his/her last term of attendance, does not have the right to restrict the release of directory information until such time as he/she re-enrolls at the University.

- **Legitimate Educational Interest.** Personally identifiable education record information may be disclosed without the student’s written consent to UW-Whitewater officials who are determined to have a “legitimate educational interest” – a right to know and a need to know (i.e., the information is necessary to fulfill the official’s professional responsibility to UW-Whitewater). Legitimate educational interest means there is an educationally related

purpose that has a directly identifiable educational relationship to the student involved and underlies the request. The following criteria shall be taken into account in determining the legitimacy of a UW-Whitewater school official's access to records:

- o The official must seek the information within the context of his/her professionally assigned University responsibilities;
- o The information sought must be used within the context of official University business

Disclosure of education record information to a school official having a legitimate educational interest does not constitute institutional authorization for that school official to transmit, share, or disclose any or all of that information to a third party. A disclosure of personally identifiable information from the education record of a student, without the student's written consent, is prohibited unless the disclosure meets one of the specific exceptions cited in FERPA as outlined in the following section.

· Education record information may be disclosed without the student's written consent in the following instances:

- a) To the student.
- b) If it is "Directory Information" and the student has not restricted its release.
- c) If properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding, provided UW-Whitewater will make a reasonable attempt to notify the student of the subpoena, in cases where FERPA applies, prior to the release of the information.
- d) In connection with the student's application or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms or conditions of the aid.
- e) In connection with audits or evaluation of federal or state supported educational programs requiring disclosure of information.
- f) To effect collection of past due financial obligations to the University.
- g) To attorneys representing the University when the data on the student is deemed necessary for the defense of the University in a suit filed by the student.
- h) To schools in which the student seeks or intends to enroll.
- i) To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, or state or local educational authorities.
- j) To the Veterans Administration to determine compliance with educational assistance.
- k) To organizations conducting studies for or on behalf of the University.
- l) In connection with a health or safety emergency as determined by the University.
- m) In connection with a crime of violence or a nonforcible sex offense. The University has the discretion to disclose the final results of any disciplinary proceeding against a student who is an alleged perpetrator of a crime of violence or a nonforcible sex offense if, as a result of that disciplinary proceeding, the University has determined that the student in fact committed the crime or offense. The definition of "final results" is limited solely to the name of the student, the violation committed, and any sanction imposed by the University on that student. Only where a victim or witness has provided written consent may the University disclose the name of that student.
- n) The University may disclose to a student's parent or legal guardian information regarding any drug or alcohol violation (whether pursuant to federal, state, or local law or institutional policy) where the student is under 21 years of age and the University has determined the student has committed a disciplinary violation.

UW-Whitewater school officials conducting research using student education records will be asked to explain the use of the records in writing. Student organizations that need confidential information about their members must obtain the signatures of all members on a form explaining how the information is to be used (the signatures must be obtained before the information will be released).

School officials who have access to student education record information assume the legal responsibility for protecting the privacy and security of the information.

STUDENT ACCESS TO EDUCATION RECORDS

The student will have access to education records directly related to him/her that are maintained by the University, or any of its agents, and to which FERPA applies.

A student may request access to review and inspect his/her education records by writing to the University official (registrar, dean, department chair, or other appropriate person/office) responsible for the records. The written request must indicate the records the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the official to whom the request was submitted, that official shall advise the student of the correct person/office to whom the request should be addressed and it becomes the student's responsibility to submit the request to that person/office. Upon receipt of the written request, the University has 45 days to comply. FERPA does not provide the student with the right to access certain records, including:

- i. Sole possession records
- ii. Parents' financial records used for financial aid purposes;

- iii. Confidential letters and statements of recommendation placed in the student's record prior to January 1, 1975, or confidential recommendations to which the student has given prior written waiver of access and which are used for job placement, admission, or award purposes;
- iv. Law enforcement unit records;
- v. Certain employment records;
- vi. Doctor-patient privilege (medical) records;
- vii. Post-attendance records.

A student has the right to request an amendment of his/her education record that is believed to be inaccurate. However, FERPA was not intended to provide a process to be used by the student to question substantive judgments that are correctly recorded. The FERPA rights of challenge are not intended to allow a student to contest, for example, a grade in a course because he/she felt a higher grade should have been assigned. FERPA is intended to ensure the factual and accurate nature of the information in the student's educational records and the student's right to verify that information.

In those cases where FERPA intended to provide a student the right to request an amendment to an education record, the student should write the University official responsible for the record, clearly identify the part of the record s/he wants changed, and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of this right.

In the process of challenging the education record information, the student may wish to have copies of appropriate documents in his/her education record file. The University may assess the student a reasonable per copy fee for such documents. This charge does not apply to copies of the student's official academic transcript (there is a \$5.00 charge for each official transcript). A request for a copy of any document in an education record will be denied if the student has a hold/service indicator on his/her records that prevents the release of the official academic transcript, or if the document is a transcript of an original or source document which exists elsewhere.

If UW-Whitewater decides, as a result of a hearing, not to amend the education record in accordance with the student's request, the student may place a written statement in the record commenting upon the information therein, and/or setting forth any reason for disagreement with the institutional decision not to amend the record. Such a statement will become part of the student's education record and will be disclosed with it.

The student has a right to file a complaint with the U.S. Department of Education concerning alleged failures by UW-Whitewater to comply with the Family Educational Rights and Privacy Act.

DISCIPLINARY & GRIEVANCE PROCEDURES & ADMINISTRATIVE CODE (Student)

NOTICE TO STUDENT: The complete copies of the University of Wisconsin-Whitewater Student Non-academic Disciplinary Procedures (Administrative Code UWS Chapter 17), the Student Academic Disciplinary and the Student Grievance Procedures (Administrative Code UWS Chapter 14) are available on the UW-Whitewater web page at <http://www.uww.edu/stdhdbk/uwsystem.html>.

For information regarding these procedures, contact the Office of Student Life at 472-1533.

Religious Beliefs Accommodation

It is the policy of the Board of Regents that a student's sincerely held religious beliefs shall be reasonably accommodated with respect to scheduling examinations and other academic requirements.

1. A student shall be permitted to make up an examination or other academic requirement at another time or by an alternative method, without any prejudicial effect, where:
 - a. There is a scheduling conflict between the student's sincerely held religious beliefs and taking the examination or meeting the academic requirements; and
 - b. The student has notified the instructor, within the first three weeks of the beginning of classes (within the first week of summer session and short courses) of the specific days or dates on which he or she will request relief from an examination or academic requirement.

2. Instructors may schedule a make-up examination or other academic requirement before or after the regularly scheduled examination or other academic requirement.
3. Instructors shall accept, at face value, the sincerity of students' religious beliefs.
4. Student notification of instructors and requests for relief under sub. (1) shall be kept confidential.
5. Complaints of failure to provide reasonable accommodation of a student's sincerely held religious beliefs as required by this rule may be filed under institutional complaint and grievance procedures adopted pursuant to Chapter UWS 6 and Chapter UWS 13.
6. For additional information or to file a grievance regarding a failure to provide reasonable accommodation, please contact the Assistant to the Chancellor for Affirmative Action and Equal Opportunity (262/472-1072)

NONDISCRIMINATION

General:

The University of Wisconsin-Whitewater is committed to equal opportunity in its educational programs, activities, and employment policies for all persons regardless of race, color, gender, creed, religion, age, ancestry, national origin, disability, sexual orientation, political affiliation, marital status, Vietnam-era veteran status, parental status and pregnancy. Refer inquiries to the Affirmative Action and Campus Diversity Officer, University of Wisconsin-Whitewater, Whitewater, WI 53190. (262/472-1072)

On the Basis of Disability:

The University of Wisconsin-Whitewater does not discriminate on the basis of disability in admission to its programs, services or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. This notice is provided as required by the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints or requests for additional information regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance officer.

Campus Affirmative Action/ADA Compliance Coordinator

336 Hyer Hall

472-1072

Days/Hours Available: 7:45 a.m. - 4:30 p.m.,

Monday through Friday

This notice is available from the ADA and Section 504 compliance officer in large print, on audio tape, and in braille.

SAFETY AND HEALTH POLICY

The University of Wisconsin System will provide and maintain adequate facilities for a safe and healthy learning environment. It is the University's responsibility to work with faculty and staff so that they are equipped to educate their students on practices and procedures that ensure safety for all members of the university. Employees with instructional responsibilities are expected to comply with state and federal safety laws and regulations in their institutional areas. Certain courses and research projects require that the student work with hazardous materials while engaging in academic studies. Instructors of these courses and research projects shall inform and train students on procedures that will maintain the students' personal health and safety and provide them with information on the hazards of specific chemicals that will be used during their course of study. Furthermore, instructors will enforce and follow safety policies. Prior to use of hazardous materials and equipment, the student shall review the procedures and information, and discuss any associated concerns with the instructor.

WEATHER - INCLEMENT

The chancellor is responsible for determining if, for the safety and welfare of the staff and students, the campus should be closed or classes canceled because of inclement weather. Individuals who must travel to or from campus should use their judgment as to whether or not such travel is wise.

In the event of severe weather conditions, all on-campus operations of UW-Whitewater will be carried on unless power outages or other critical circumstances preclude the use of University buildings. Therefore, it should be assumed that scheduled activities would continue unless instructions from the Chancellor's Office direct to the contrary.

Upon notification from the chancellor, the Office of News and Public Affairs will contact area media outlets concerning cancellation of classes and/or campus closing. Radio stations are SWUW-FM, WFAW-AM, WSLD-FM, WTMJ-AM and WIBA-AM. Television stations are WTMJ-TV, WISN-TV, WITI-TV, WVTM-TV, WISC-TV, WKOW-TV and WMTV-TV.

The operation of off-campus classes in a weather emergency will be governed by whether or not the facility in which they are held is open. If the facility is closed, the class will be canceled. The Office of Graduate Studies and Continuing Education will notify the instructor of such a cancellation. The instructor will activate the system set up by the class for notifying class members of the cancellation.

If it is necessary to cancel a class because of the absence of a faculty member, it is the responsibility of that faculty member to notify his/her department chairperson, and to schedule an appropriate make-up session. Students should contact the department of the course information about the status of individual classes.

RECYCLING

The University of Wisconsin-Whitewater is committed to the preservation of the environment and natural resources and has developed a comprehensive solid waste management program integrating reduction, reuse and recycling.