



# UNIVERSITY OF RICHMOND

## Policy Manual

<b>Policy #:</b>	ACD-2004	<b>Policy Title:</b>	Privacy of Education Records (FERPA) Policy
<b>Effective:</b>	07/01/2019	<b>Responsible Office:</b>	University Registrar
<b>Date Approved:</b>	06/21/2019	<b>Approval:</b>	Vice President and General Counsel
<b>Replaces Policy Dated:</b>	02/23/2019	<b>Responsible University Official:</b>	Registrar

### PURPOSE:

The University of Richmond is committed to maintaining the privacy and confidentiality of education records, to providing students with appropriate access to their education records and to compliance with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), its implementing regulations, and applicable Virginia law. The purpose of this policy is to set forth the University’s policies and procedures regarding the privacy of and access to education records.

### SCOPE:

This policy applies to the education records of all students and former students of the University of Richmond. Faculty, staff and students of the University are expected to comply with this policy.

### INDEX:

- ACD-2004.1.....Definitions
- ACD-2004.2.....Policy
- ACD-2004.3.....Applicable Regulations & Accreditation Standards

### POLICY STATEMENT:

#### *ACD-2004.1 – Definitions*

##### Student

Any person who attends or has attended the University of Richmond whether physically present on a campus or online and regarding whom the University maintains Education Records.

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## Education Records

Any record (in handwriting, print, electronic form, tapes, film, or other medium) maintained by the University of Richmond or an agent of the University that is directly related to a student. The following records are not considered Education Records subject to this policy.

- Records kept in the sole possession of the maker that are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- An employment record of an individual, maintained in the ordinary course of business and used solely in connection with such employment, provided the individual's employment is not contingent on the fact that he or she is a student. If the individual's employment is contingent upon his or her status as a student, then the records are Education Records.
- Records created and maintained by the University of Richmond Police Department ("URPD") for law enforcement purposes. Records created by URPD that are maintained by another component of the University and records created and maintained by the URPD exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational institution, are considered Education Records subject to this policy.
- Clinical records relating to a student who is 18 years of age or older that are made by a physician, psychiatrist, psychologist or other recognized health care professional or paraprofessional, provided those records are made, maintained or used only in connection with treatment of the student and are disclosed only to individuals providing treatment.
- Post-attendance records created or received by the University after an individual is no longer a student in attendance and that were not directly related to his or her attendance as a student.
- Grades on peer-graded papers before they are collected and recorded by a professor or instructor.

## Parent

A biological or adoptive parent, a guardian or an individual legally authorized to act as a parent in the absence of a parent or guardian.

## School Official

The University defines School Officials for purposes of this policy as:

- A person employed by the University in an administrative, supervisory, academic or research or support staff position, including but not limited to employees of URPD, Student Health Service, or CAPS;
- A member of the Board of Trustees or a committee of the Board of Trustees;
- A person, including a student, serving on an institutional governing body, council or committee (such as Honor Councils, Student Government Associations, etc.);
- A person or entity engaged by or under contract to the University to provide services to or otherwise act on behalf of the University (e.g., an attorney, auditor, consultant);
- A volunteer providing services to or otherwise acting on behalf of the University;
- A student conducting University business (e.g. serving on an official committee, working for the University, or assisting another school official in fulfilling his or her professional responsibility); and
- Any other person determined by the Office of the Provost or Office of the Vice President of Student Development to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of the University.

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## Legitimate Educational Interest

A School Official is determined to have Legitimate Educational Interest in personally identifiable information in an Education Record if the School Official requires such information to:

- Fulfill his or her responsibility or duty to the University;
- Perform tasks within the scope of his or her employment or within the scope of a contract with the University;
- Perform a task related to a student’s education;
- Perform a task related to the discipline of a student;
- Provide a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, pastoral counseling, or financial aid; or
- Maintain the safety and security of the campus.

## *ACD-2004.2 – Policy*

### **Annual Notice to Students**

On an annual basis, the Registrar of the University shall notify Students currently in attendance at the University of their rights under FERPA. That notice shall contain the following information:

- The right of the Student to inspect and review his or her Education Records and the procedure for inspecting and reviewing such records;
- The right of the Student to seek an amendment of his or her Education Records that the Student believes to be inaccurate, misleading, or otherwise in violation of the Student’s privacy rights and the procedure for request such an amendment;
- The right of the Student to consent to the disclosure of his or her Education Records, except to the extent the disclosure is permitted under FERPA or its implementing regulations without Student consent;
- The right of the Student to file with the United States Department of Education a complaint concerning alleged failure by the University to comply with FERPA and its implementing regulations; and
- The University’s criteria for determining who constitutes a School Official and what constitutes a Legitimate Educational Interest.

**A sample of the University’s FERPA notice, which may be amended from time to time, is attached to this policy as Appendix A.**

### **Types, Locations, and Custodians of Educational Records**

The following is a list of the type of records that the University maintains, their locations, and custodians.

<b>Type</b>	<b>Location</b>	<b>Custodian</b>
<i>Admissions Records</i>	Academic or College Dean's Office	Academic or College Dean; Law School Associate Dean for Admission
<i>Financial Aid Records</i>	Financial Aid Office	Director of Financial Aid

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<b>Type</b>	<b>Location</b>	<b>Custodian</b>
<i>Cumulative Academic Records</i>	Office of the University Registrar	University Registrar
<i>Health Records</i>	Student Health Center	Director, University Health Services
<i>Counseling Records</i>	CAPS	Director, CAPS
<i>Financial Records</i>	Office of Student Accounts	Bursar
<i>Placement Records</i>	Career Development Center	Director of Career Development; Associate Dean for Career Development (Law School)
<i>Progress Records</i>	Office of the University Registrar	University Registrar
<i>Disciplinary Records</i>	Academic or College Dean's Office	Academic or College Dean
<i>Student Employment Records</i>	Financial Aid Office or Payroll Office	Student Employment Coordinator; Payroll Supervisor
<i>Occasional Records (Student Education Records such as minutes of faculty committee meetings, copies of correspondence in offices not listed, etc.)</i>	The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review	The University staff person who maintains such occasional records

### **Student Access to Inspect and Review Educational Records**

Students may inspect and review their Education Records upon written request to the University Registrar, dean, or other appropriate official records custodian, stating as precisely as possible the Education Record or Records he or she wishes to inspect.

The University official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the Education Records may be inspected. The University will provide access to the requested Education Records within 45 days of receipt of the request.

The University will respond to reasonable written requests from Students for an explanation or interpretation of the Student's Education Record.

If circumstances effectively prevent a Student from exercising the right to inspect and review his or her Education Records, the University, in its sole discretion, shall either provide the Student with a copy of the requested Education Record or make other arrangements for the Student to inspect and review the requested Education Record.

The University does not charge a fee for the first copy of an Education Record or an official transcript, but the University reserves the right to charge for multiple copies, if requested.

Notwithstanding the provisions of the University's Record Retention Policy, the University shall not destroy any Education Record if there is an outstanding, written request to review such records in accordance with this policy.

## **Limitations on a Students Right to Inspect and Review Educational Records**

Consistent with FERPA and its implementing regulations, the right of a Student to inspect and review Education Records is limited as follows:

- When a record contains information about more than one Student, the Student requesting access may inspect and review only the records which relate to the requesting student, unless access to other parts of the records is permitted under FERPA or other applicable law.
- A Student is not entitled to review and inspect financial records of the Student's Parents.
- A Student is not entitled to review and inspect confidential letters and statements of recommendation for which the student has waived, in a signed document, his or her right of access, or which were placed in the Student's Education Records before January 1, 1975. If the Student has waived his or right of access and subsequently requests such access, the University shall, upon request, give the Student the names of the individuals who provided the letters or statements of recommendation and shall use the letters or statements only for the purpose for which they were intended.
- A Student is not entitled to review and inspect records connected with an application to attend the University of Richmond or a component unit of the University of Richmond if that application was denied or the student never attended the University.
- A Student is not entitled to review and inspect any record that does not meet the definition of an Education Record.

## **Requests for Amendments to Educational Records**

Students have the right to request amendment of records that they believe to be inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the request for amendment of records:

1. A student must submit a request in writing to the appropriate official records custodian of the record in question, identifying the Education Record to be amended, specifying how the Education Record is believed to be inaccurate, misleading, or in violation of privacy rights.
2. The University of Richmond may comply with the request or it may elect not to comply. If the University elects not to comply, the student will be notified in writing of the decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of privacy rights.

3. Upon written request by the student made within thirty (30) days of receipt of the University's decision not to amend the Education Record, the University of Richmond will arrange for a hearing, and notify the student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer or committee appointed by the Executive Vice President for Academic Affairs. The hearing will be held before an officer or committee with no direct interest in the outcome of the hearing. However, the hearing officer or committee may be employed by or exist at the University. The student shall be accorded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. The University document custodian or his or her designee shall also be afforded the opportunity to present evidence relevant to the issues raised in the request to amend the record.
5. The University of Richmond will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the University of Richmond decides the challenged information is inaccurate, misleading, or in violation of privacy rights, it will amend the Education Record and notify the student, in writing, that the Education Record has been amended.
7. If the University of Richmond decides that the challenged information is not inaccurate, misleading, or in violation of privacy rights, the Education Record will stand unchanged. However, the student will be advised of his/her right to place in the Education Record a statement regarding the challenged information and/or a statement setting forth reasons for disagreeing with the decision not to change the Education Record.
8. This statement will be maintained as part of the student's Education Record as long as the contested portion is maintained. If the contested portion of the Education Record is disclosed, the statement must be disclosed with it.

### **Disclosure of Educational Records**

The University of Richmond will disclose personally identifiable information from a student's Education Records only with the written consent of the student, except to the extent that such disclosure is permitted by FERPA. FERPA permits the University to disclose personally identifiable information from a student's Education Record, without Student consent, under the following circumstances:

1. To School Officials determined by the University to have a Legitimate Educational Interest.
2. To agents acting on behalf of the institution (e.g. clearinghouses, degree/enrollment verifiers).
3. To officials at other schools at which the student seeks or intends to enroll, or where the student is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer.
4. To the apparent creator of a record to verify authenticity (e.g. transcript or letter)
5. To authorized representatives of the following government entities if the disclosure is in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relation to those programs: Comptroller General of the United States, Secretary of Education, U.S. Attorney General and state and local educational authorities.
6. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.

7. To organizations conducting studies for or on behalf of the University to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
8. To accrediting organizations, including individuals or visiting committees, to carry out their accrediting functions.
9. To parents of a Student who claim the Student as a dependent for income tax purposes, provided dependency is appropriately documented.
10. To comply with a judicial order or a lawfully issued subpoena.
11. To appropriate parties, including parents, in connection with a health or safety emergency if the University determines that there is an articulable and significant threat to the health or safety of a student or other individual(s).
12. If the information constitutes Directory Information, as defined below, the Student has not requested that his or her directory information not be disclosed, and such disclosure is permitted by Virginia Code §23.1-405.
13. Upon written request from an alleged victim of any crime of violence or a non-forcible sex offense, the final results of the institutional disciplinary proceeding regarding the alleged crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim shall be treated as the victim for purposes of this disclosure. This disclosure shall be limited to the name of the accused student, the violation found to have been committed or the finding that no violation was committed, and any sanction imposed against such student
14. Subject to limitations set forth in FERPA and to other applicable law or regulations, the disclosure is in connection with disciplinary proceedings at the University.
15. To a Student's Parent(s), information regarding any violation of any Federal, State or local law or of University rule or policy as the use or possession of alcohol or controlled substances, if the Student is under age 21 at the time of the disclosure and the University determines that such alcohol/drug use or possession constitutes a disciplinary violation.
16. The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1993, 42 USC 14071 and the information was provided to the University under 42 USC 14071 and applicable Federal guidelines.
17. To Veteran's Administration officials pursuant to 38 U.S.C. 3690(c).
18. As required or permitted by any other Federal law or any state law that has not been pre-empted by FERPA.

The University also may release Education Records without consent after the removal of all personally identifiable information and after the University makes a reasonable determination that a Student's identity is not personally identifiable in such records, whether through single or multiple disclosures, and taking into account other reasonably available information.

### **Consent for the Disclosure**

Consent for the disclosure of a Student's Education Record must be in writing, signed, and dated by the Student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed.

## Record of Disclosures

Except where not required under FERPA regulations (34 CFR 99.33) (e.g. disclosures of directory information, disclosures pursuant to court order under the USA PATRIOT Act), the University will inform all third parties to whom personal information from a Student's Education Record is released that such third party may not further release such information without written consent of the Student. The University of Richmond will maintain a record of third parties who have requested or obtained access to Educational Records and/or disclosure of such information from a Student's Education Records (not including parties seeking directory information, parties having student consent, circumstances involving certain grand jury subpoenas, and disclosures pursuant to court order under the USA PATRIOT Act). The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. This record of access, to be kept with the Education Records, is available only to the student and the custodian(s) of the Education Record.

If the University discloses an Education Record without consent in connection with a health or safety emergency, the University will record and maintain the following:

- The articulable and significant threat to the health or safety of a Student or other individuals that formed the basis for the disclosure; and
- The parties to whom the University made the disclosure.

## Directory Information

The University of Richmond has designated the following categories of Student information as public or Directory Information:

- Name
- Addresses: permanent, campus, local (off-campus), email and campus computer network (IP) address, net id
- Associated telephone numbers
- Date and place of birth
- School or college
- Major and/or minor fields of study
- Degree sought
- Expected date of completion of degree requirements and graduation
- Degrees conferred (including dates of conferral)
- Awards and Honors (e.g. Dean's list)
- Full or part time enrollment status
- Dates of attendance
- Previous institutions attended
- Participation in officially recognized activities and sports
- Weight and height of members of athletic team members
- Photographic or videotaped images of the student

Except as specified below, the University may disclose any of these items at its discretion, without prior written consent, unless the Student requests "Confidentiality." A student can request "Confidentiality" by

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notifying the Registrar in writing that he or she does not wish to permit disclosure of their directory information. Requests for non-disclosure by the Student are in effect from the date received in writing from the Student until rescinded in writing by the Student. For practical purposes, requests should be received in the Office of the University Registrar no later than August 1 to ensure that the student's Directory Information is not published in the Campus Directory.

The University shall not disclose, as Directory Information, the physical address, email address, or telephone number of a Student to third parties without the prior written consent of the Student, except to the extent permitted by Virginia Code §23.1-405. The University may disclose the physical address, email address, or telephone number of a Student to other University Students provided: (i) the Student has not chosen "Confidentiality," notifying the Registrar in writing that he or she does not wish to permit disclosure; and (ii) such disclosure is for educational purposes or University business and operations (including the activities of registered student organizations).

## **Compliance**

Students are encouraged to contact the University Registrar, Queally Center, ext. 8639, e-mail address registrar@richmond.edu with questions or complaints about this Policy. If they have questions or concerns about this policy, under FERPA, students have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-4605, e-mail address: ferpa@ed.gov, with a complaint about the University's compliance with FERPA.

### *ACD-2004.3 – Applicable Regulations & Accreditation Standards*

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

Code of Virginia: § 23.1-405. Student records and personal information; social media

## **RELATED POLICIES:**

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## **POLICY BACKGROUND:**

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Policy dated December 14, 2010

Revised policy dated August 22, 2016

Current policy reviewed by Deans and President's Cabinet prior to approval on February 23, 2019

Non-substantive changes made to change Dean titles on November 13, 2019

## **POLICY CONTACTS:**

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University Registrar, Registrar's Office

## **Appendix A Annual FERPA Notice - 2019**

In compliance with its obligations under the 2008 Reauthorization of the Higher Education Act of 1965, as amended, the University of Richmond is committed to providing students and prospective students with information about the University and its financial aid programs. The following is a list of those disclosure obligations and links to the websites where detailed information can be obtained. The University will provide paper copies of the information listed below upon request. If you would like to obtain a paper copy of the information described below, please contact Office of the University Registrar, (804) 289-8639.

\*\*\*FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)\*\*\*

### **STUDENT RIGHTS UNDER FERPA**

The Family Educational Rights and Privacy Act (commonly referred to as FERPA or the "Buckley Amendment") affords students certain rights with respect to their education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. A student should submit a written request to the Office of the University Registrar and specify the record(s) he or she wishes to inspect. The Registrar's Office will make arrangements with the appropriate office for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University of Richmond discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate education interests.

A school official is defined by the University as:

- A person employed by the University in an administrative, supervisory, academic or research or support staff position, including but not limited to employees of the University Police Department, Student Health Service, or CAPS;
- A member of the Board of Trustees or a committee of the Board of Trustees;
- A person, including a student, serving on an institutional governing body, council or committee (such as Honor Councils, Student Government Associations, etc.);
- A person or entity engaged by or under contract to the University to provide services to or otherwise act on behalf of the University (e.g. an attorney, auditor, consultant);
- A volunteer providing services to or otherwise acting on behalf of the University;

- A student conducting University business (e.g. serving on an official committee, working for the University, or assisting another school official in fulfilling his or her professional responsibility); and
- Any other person determined by the Office of the Provost or Office of the Vice President of Student Development to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of the University.

A school official is determined to have legitimate educational interest in personally identifiable information in an education record if the school official requires such information to:

- Fulfill his or her responsibility or duty to the University;
- Perform tasks within the scope of his or her employment or within the scope of a contract with the University;
- Perform a task related to a student's education;
- Perform a task related to the discipline of a student;
- Provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, pastoral counseling, or financial aid; or
- Maintain the safety and security of the campus.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records -- including your Social Security Number, grades, or other private information -- may be accessed without your consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.

Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

The University may disclose directory information about a student, without their consent, unless the student has specifically requested in writing to withhold the release of information. Written requests to withhold the release of public information must be submitted to the Office of the University Registrar. The request will be honored (even after the student graduates) until the student specifically directs the University otherwise.

Directory information, as defined by the University of Richmond includes:

- Name
- Addresses: permanent, campus, local (off-campus), email, campus computer network (IP) address, and net ID\*
- Associated telephone numbers
- Date and place of birth

- School or college
- Major and/or minor fields of study
- Degree sought
- Expected date of completion of degree requirements and graduation
- Degrees conferred (including dates of conferral)
- Awards and Honors (e.g. Dean's list)
- Full or part time enrollment status
- Dates of attendance
- Previous institutions attended
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Photographic or videotaped images of the student

Please note: Because of the access afforded by a University ID, this number should be treated as confidential -- it should be protected and not carelessly shared with others. It will be used for a student's entire time at the University of Richmond, so it should always be treated in a confidential manner.

\*NOTE: Code of Virginia 23.1-405(C) restricts the disclosure of a student's email address, physical address, or telephone number under the exception in the Family Educational Rights and Privacy Act (FERPA) for directory information unless the student has approved the disclosure in writing.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-5901

The University's complete FERPA Policy statement can be found on the University Registrar's website at <https://registrar.richmond.edu/ferpa/index.html>. For additional questions contact the Registrar's Office at (804) 289-8639 or [registrar@richmond.edu](mailto:registrar@richmond.edu).