

REGENTS' POLICY
PART IX – STUDENT AFFAIRS
Chapter 09.04 - Education Records

P09.04.010. General Statement Regarding Education Records.

- A. The University of Alaska will comply with the Family Educational Rights and Privacy Act of 1974 and its implementing regulations, as amended (FERPA), and, in so doing, protect the required confidentiality of and access to education records of current and former students. In the event there is a conflict between FERPA and regents' policy, university regulation, and/or MAU rules and procedures, the provisions of FERPA will control. To the extent this policy and university regulation and MAU rules and procedures express substantive or procedural rights or promote expectations that do not otherwise exist in FERPA, they give rise to no rights to enforcement or review outside of internal university processes, such as courts or administrative agencies.

- B. The president and chancellors, respectively, will establish university regulation and MAU rules and procedures consistent with FERPA and regents' policy that will ensure the appropriate confidentiality of education records. Where practicable, chancellors will develop common practices among MAUs which contribute to efficiency of service and appropriate access to education records. Each chancellor will designate a custodian of education records for the MAU.

(02-20-98)

P09.04.020. Education Records Definitions.

The president may establish definitions applicable to this policy in university regulation.

(02-20-98)

P09.04.030. Composition of Education Records.

- A. Education records are those records directly related to a student and maintained by the university. Education records may be located in several different offices, depending upon the type of record. Education records include, but are not limited to:
 - 1. academic evaluations, including student examination papers, transcripts, test scores and other academic records;
 - 2. general advising records;
 - 3. disciplinary records;
 - 4. financial aid records, including student loan collection records; and
 - 5. employment records of students whose employment is contingent on their status as students, for example, work-study.

B. Documents and materials not considered part of the education record will be established by the president in university regulation.

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- C. identify the party or class of parties to whom disclosure may be made; and
- D. be signed and dated by the student.

(02-20-98)

P09.04.070. Records Regarding Requests for Access to and Disclosures of Education Records.

Each MAU will maintain a record of each request for access to education records and of each disclosure, in accordance with FERPA and as established by the president in university regulation.

(02-20-98)

P09.04.080. Amending Education Records.

A student may request that the content of the student's record be amended on the grounds that the information contained in the record is inaccurate, misleading, or in violation of the privacy or other rights of that student. The president will establish procedures for challenging and amending the content of a record in university regulation.

(02-20-98)

P09.04.090. Public Information.

The president will establish the items regarding a student that are considered public information. Public information is that information about a student that a university will, at its discretion, make public in ways such as a student directory or news releases unless the student requests that it not be released. Students will be given the opportunity to make such request on registration documents and in other ways designated in university regulation on annual notification of rights. For purposes of this section, "public information" is intended to mean "directory information" as used in FERPA.

(02-20-98)

UNIVERSITY REGULATION
PART IX – STUDENT AFFAIRS
Chapter 09.04 - Education Records

R09.04.020. Education Records Definitions.

A. Campus Police

Campus police means any individual, office, department, division, or other component of the university, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by the university to:

1. enforce any local, state or federal law, or refer to appropriate authorities a matter for enforcement of any local, state or federal law against any individual or organization other than the university itself; or,
2. maintain the physical security and safety of the university.

A component of the university does not lose its status as campus police if it also performs other, non-law enforcement functions for the university, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceeding against the student.

B. Campus Police Records

Campus police records constitute those files, documents, and other materials that are created and maintained by a campus police department for law enforcement purposes. Campus police records do not include records created and maintained by the campus police department exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the university.

C. Disclosure

Disclosure means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in an education record by any means,

E. Legitimate Educational Interest

A legitimate educational interest is held by a university official if the information requested is necessary for that official to perform work appropriate to the official's position.

F. Personally Identifiable Information

Personally identifiable information refers to any information or data which identifies or describes a student. Personally identifiable information includes, but is not limited to, a student's name; the name of a student's parent or other family members; the address of a student or student's family; any personal identifier such as a student's social security number, student number, or biometric record; other indirect identifiers such as the student's date of birth, place of birth and mother's maiden name; and other information that alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

G. Public Information

Public information refers to information about a student contained in an education record which would not generally be considered harmful or an invasion of privacy if disclosed. Public information does not include mass mailing lists except for lists disclosed to university-affiliated entities. Public information may be disclosed unless the student requests that it not be released. For purposes of this policy and regulation, "public information" is intended to mean "directory information" as used in FERPA.

H. Record

A record is any information or data recorded in any medium including, but not limited to, handwriting, print, tapes, microfilm, microfiche, computer media, and any electronic storage or retrieval media.

I. Student

For purposes of Regents' Policy and University Regulation regarding education records, a student is an individual who meets the definition of student set forth in "General Provisions" for Part IX of Regents' Policy, and, in addition, for whom the university maintains an education record. The term "attendance" as used in FERPA is synonymous with the terms "enrolled in" or "registered with" as used in Regents' Policy, University Regulation, and MAU rules and procedures. Attendance includes, but is not limited to registration for a course, attendance in person, attendance by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program.

J. University Official

A university official is any individual designated by the university to perform an assigned function on behalf of the university, including a contractor, consultant, volunteer or other party to whom the university has outsourced institutional services or functions.

(06-16-09)

R09.04.030. Composition of Education Records.

Except as specified elsewhere, education records are those records directly related to a student which are maintained by the university or by a party acting for the university. Education records do not include:

- A. personal records of instructional, supervisory, and administrative personnel, as well as educational personnel ancillary to those persons, which are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other individual, except to an individual who performs on a temporary basis the duties of the individual who made the record;
- B. campus police records which are created and maintained by campus police solely for law enforcement purposes;
- C. employment records, when
 1. the records relate exclusively to a student who is employed by the university in that individual's capacity as a university employee,
 2. records are made and maintained in the normal course of business, and
 3. the records are not available for use for any other purpose;

Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records.

- D. student records which
 1. are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity,
 2. are created, maintained, or used only in connection with the provision of treatment to the student by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity, and

3. are not disclosed to anyone other than the above individuals providing treatment, except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice;

Treatment in this context does not include remedial educational activities, academic and career advising, tutoring, disability management counseling, or any activities which are part of the program of instruction offered by the university.

- E. records containing only information relating to a person after that person is no longer a student at the university and that are not directly related to the individual's attendance as a student.
- F. Grades on peer-graded papers before they are collected and recorded by a teacher.

(06-16-09)

R09.04.040. Annual Notification of Rights.

Students enrolled in or registered with the university will be annually informed of their rights under Regents' Policy and University Regulation on education records and under FERPA. Notification will be published in class schedules, student handbooks and/or academic catalogs.

The notification will include a statement that a student has a right to:

- A. inspect and review the student's education records;
- B. request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- C. consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the disclosure without consent is authorized by Regents' Policies, University Regulations, or FERPA;
- D. file with the United States Department of Education a complaint concerning alleged failures by the university to comply with the requirements of FERPA; and
- E. be informed where copies of education records policies are located, how to obtain a copy, and to whom to address questions regarding education records.

The procedures for exercising these rights are established in other sections of this regulation on education records or in MAU rules and procedures.

(02-20-98)

R09.04.050. Inspection and Review of Education Records by Students

this policy and regulation. An applicable challenge would be treated under resolution of academic disputes.

(02-20-98)

R09.04.060. Disclosure of Personally Identifiable Information.

The University of Alaska may disclose personally identifiable information from an education record without the signed consent from the student if the disclosure meets one or more of the following conditions or other provisions of FERPA.

- A. The disclosure is made to a university official with a legitimate educational interest.
- B. The disclosure is made to officials of another educational institution where the 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.
- C. The disclosure is made to authorized representatives of the Comptroller General of the United States, Attorney General of the United States, Secretary of the Department of Education, or educational authorities 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 which relate to those programs.
- D. The disclosure is made in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions for the aid, or enforce the terms and conditions of the aid. As used herein, "financial aid" means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at the university.
- E. The disclosure is made to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests, administer student aid programs, or improve instruction if the study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization that have legitimate interests in the information.
- F. The disclosure is made to accrediting organizations to carry out their accrediting functions.
- G. The disclosure is made to the parents of a dependent student.
- H. The disclosure is made to a student regarding that student's record.
- I. The disclosure is made to comply with a judicial order or lawfully issued subpoena. A

1. a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
2. any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in the subpoena not be disclosed; or
3. an ex parte court order obtained by the United States Attorney General concerning investigations or prosecutions as provided in federal law and regulation.

If the university initiates legal action against a student, or if a student initiates legal action against the university, the university may disclose the student's education records that are relevant to the action to the court without a court order or a subpoena.

- J. The disclosure is made in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual.
- K. The disclosure is designated by the MAU as public information on any student not currently enrolled unless that student, at his/her last opportunity as a student or any subsequent time, requested otherwise.
- L. The disclosure is designated by the MAU as public information and the MAU has given public notice to students at the university of:
 1. the types of personally identifiable information that the MAU has designated as public information;
 2. the student's right to refuse to let the MAU designate any or all of those types of information about that student as public information; and,
 3. the period of time within which the student has to notify the MAU in writing that he/she does not want any or all of those types of information about that student designated as public information.

An MAU may disclose public information about former students without complying with the notice and opt out conditions above. However, the MAU must continue to honor any valid request to opt out of the disclosure of public information made while a student was in attendance unless the student rescinds the opt out request.

- M. The disclosure is made to an alleged victim of any crime of violence, as that term is defined in section 16 of title 18, United States Code, regarding the r3(t)-2(e), regarding r31(doea9)-1m

possession of alcohol or a controlled substance if the university determines that the student has committed a disciplinary violation with respect to that use of possession and the student is under the age of 21 at the time of the disclosure to the parent.

- O. The disclosure concerns sex offenders and other individuals required to register under 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable federal guidelines.

(06-16-09)

R09.04.070. Records Regarding Requests for Access to and Disclosures of Education Records

- A. Each chancellor will establish MAU rules and procedures which provide for record

3. disclosures to university officials; and
4. disclosures of public information.

(06-16-09)

R09.04.080.

information in question and reasons for disagreeing with the decision. This statement will remain a permanent part of the record as long as the contested portion of the record remains, and will be revealed to any party to whom the record is disclosed. The student will also be notified that his or her exclusive right to challenge the university's decision is by filing a written complaint with the Family Policy Compliance Office of the United States Department of Education.

- C. Requests to amend grades, including written evaluations which are accurately recorded and which reflect institutional judgments of the quality of a student's academic perform