

# UC SANTA BARBARA POLICY AND PROCEDURE

## Student Education Records – Disclosure of Information

Contact: Office of the Registrar, Records Management

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Supersedes: Student Education Records – Disclosure of Information, July 2013

Pages: 6

## Student Education Records – Disclosure of Information

### I. SCOPE

This policy governs the disclosure of information from all student education records.

### II. DEFINITIONS

#### A. Student Education Records

Records that contain information directly related to a student and that are maintained by a University of California campus, the University of California Office of the President, or by any organization authorized to act on behalf of the University.

Examples include, but are not limited to, academic evaluations, student examination papers, transcripts, test scores, other academic records, general counseling and advising records, disciplinary records, and financial aid, including student loan collection records.

#### B. UCSB Student “Directory” Information

Information contained in a student record that, if disclosed, generally would not be considered harmful or an invasion of privacy. UCSB student “directory” information is:

- Student’s name
- Email Address
- Telephone number (local)
- Major field of study
- Class level
- Date of birth (month/day)
- Dates of attendance
- Last school attended
- Number of course units in which enrolled
- Degrees and honors awarded
- Participation in officially recognized organizations
- The name, weight, and height of participants on intercollegiate athletic teams

#### C. Confidential Student Information

All other information in a student record that is not listed as UCSB Directory Information.

- D. For definitions of “student” and various types of “records,”** see [UC Policies Applying to Campus Activities, Organizations, and Students, Section 130.20, Policies Applying to the Disclosure of Information from Student Records, Definitions.](#)

### III. POLICY

#### A. Disclosure of Student Education Records - General

1. The disclosure of student records is to conform to [UC Policies Applying to Campus Activities, Organizations, and Students, Section 130, Policies Applying to the Disclosure of Information from Student Records](#) and to the [Federal Family Educational Rights and Privacy Act of 1977 \(FERPA\)](#).
2. When law and policy are silent on student records, use and access are to be guided by two principles:
  - a. Privacy of an individual is of great weight, and
  - b. The information in a student’s files should be disclosed to the student on request within a reasonable timeframe.

#### B. Disclosure of Student Education Records – To Third Parties

1. **Directory information** may be released to a third party without the student’s prior consent, unless the student has submitted to the Office of the Registrar a “Not-For-Release” Form (NFR). If a NFR has been submitted, the designated information is to be treated as confidential. A third party is anyone other than the record custodian and the student about whom the information pertains. Mailing lists shall not be released for commercial purposes. ([Information Practices Act](#))
2. **Confidential information** shall NOT be disclosed to third parties (including parents and spouses) UNLESS:
  - a. The student provides written authorization;
  - b. A legitimate educational interest will be served. Confidential information may be released within the university, such as to a faculty or staff member acting in the student’s educational interests and the information is needed in the course of performing advisory, instructional, supervisory, or administrative duties for the university. The Registrar is authorized to determine when information may be released to serve the best educational interests of a student;
  - c. Special circumstances exist. Confidential information may be disclosed if required by law. Third parties may include the government and law agencies and the campus police department. See [UC Policies Applying to Campus Activities, Organizations, and Students, Section 130.720](#) for a complete list of permissible disclosures;
  - d. There is a threat to the public’s safety. Information from student records may be released to the police and other university officials as needed to comply with the [Jeanne Clery Act](#); or

- e. The student is deceased. Confidential information from a student's records may be released to the family, as determined on an individual basis by the Office of the Registrar.
3. Responses to requests for confidential information from student records shall be maintained with the student's records for the same retention period as the student records to which they pertain. The response record shall identify the parties who requested and obtained the information, what personally identifiable information from the student records was disclosed; the legitimate interest these parties had in requesting the information; and the date of the requests for the information and the date of the disclosure of the records. ([Disclosure of Information from Student Records, Section 130.810](#). See [Section 130.820](#) for exceptions to this record keeping requirement.)

### **C. Disclosure of Student Education Records - To Student**

1. Almost every part of a student's records may be released to the student, to whom the information pertains, including, but not limited to transcripts, grades, exam papers, test scores, evaluations, financial aid records, including student loan collection records.
2. Students are not permitted access to:
  - a. Financial statements of parents/guardians, unless the parent/guardian has given written authorization.
  - b. Confidential statements and letters of recommendation to which the student has waived access rights, such as letters of recommendation for a grant.
  - c. Records containing information about another student, such as a course roster.
  - d. Personal records relating to individual students (separate from their academic records) that are kept in the sole possession of the maker of the record and not accessible or revealed to any other individual.

### **D. Disclosure of Other Types of Student Related Records**

Other records that may pertain to students, such as student applicant records for students who do not enroll, employment records, police records, psychological/medical records, personal records of instructional, supervisory, and administrative personnel and educational personnel which are 1) kept in the sole possession of the maker of the record, and 2) not accessible or revealed to any other individual are governed by other laws and university policies. See Resources and References.

## **IV. RESPONSIBILITIES**

### **A. Notification**

The Office of the Registrar is responsible for annually notifying students of their privacy rights under university policy and state and federal laws. Notifications are to comply with [UC Policies Applying to Campus Activities, Organizations, and Students, Section 130.30, Annual Notification of Rights](#).

## **B. Protecting Students' Privacy**

1. Everyone with access to information about a present or former student is responsible for complying with the law and university policies on the use, maintenance, and disclosure of student information.
2. When information from a student education record is released, consistent with law and policy, to a third party, the individual releasing the information is responsible for informing the recipient that the disclosure of information is subject to the condition that the information not be released to any other party without the prior consent of the student, unless otherwise permitted by law and policy.
3. Improper maintenance, disposal, or release of information about a present or former student is a disservice to our students and exposes the university to significant risk.
4. Report **unauthorized** release, access, or disposal of confidential student information to the Registrar and the Chief Information Security Officer.

## **C. Subpoenas**

Risk Management is responsible for accepting and processing subpoenas for student records. Generally, Risk Management will notify the student that a subpoena has been received prior to releasing any information.

## **V. PROCEDURES**

### **A. Students**

#### **1. Filing a Not-For-Release Form**

Students may submit a Not-for-Release Form (NFR) to the Office of the Registrar. It remains in effect until the student requests, in writing, to rescind it. Forms are available from the Office of the Registrar.

#### **2. Changing or Rescinding a Not-For-Release Form After Graduation**

Students may submit, change, or rescind a NFR after graduation if they wish to limit or change the limits on the disclosure of directory information. Forms are available from the Office of the Registrar.

#### **3. Requesting to Review Student Education Records**

Students may request to review records pertaining to themselves (with the exception of those records listed in Section IIC2) by contacting the Office of the Registrar.

#### **4. Requesting Corrections of Student Education Records**

Students may request corrections of their education record by contacting the Office of the Registrar. Corrections will be made within a reasonable period or the Office of the Registrar will inform the student that his/her request is denied and will advise the student of his/her right to a hearing.

**Important Distinction:** Grades given in a course of study, including written evaluations that reflect institutional judgments of the quality of a student's academic performance in a course of study, are not subject to challenge under this policy. Assignment of grades to students enrolled in University classes is the exclusive prerogative of University faculty. Grade-related and other academic grievances are covered under separate policies established in consultation with the Academic Senate.

#### 5. **Requesting a Hearing to Challenge the Content of Student Education Records**

If a correction to a student education record is denied, a student may send a written request for a hearing to a university official who does not have a direct interest in the outcome of the hearing. At UCSB, the designated official is the Assistant Vice Chancellor for Enrollment Services in the Division of Student Affairs (or equivalent position). The request is to include the specific information in question and the reason for the challenge.

- a. The hearing is to be held within a reasonable period of time after it has been requested. The student is to be notified of the date, place, and time reasonably in advance of the hearing.
- b. Students are to have a full and fair opportunity to present evidence to support their challenge of the content of a student education record, within the parameters of [UC Policies Applying to Campus Activities, Organizations, and Students, Section 130](#), [Policies Applying to the Disclosure of Information from Student Records](#). A student may be assisted or represented by individuals of their choice, at their own expense.
- c. The decision rendered shall be made in writing within a reasonable period of time after the conclusion of the hearing; and
- d. The decision is to be based solely on the evidence presented at the hearing and is to include a summary of the evidence and the reasons for the decision.
- e. The student shall be notified of the hearing outcome in accordance with [Disclosure of Information from Student Records, Section 131.31-32](#).

#### 6. **Filing a Complaint**

Complaints regarding alleged violations of the rights accorded students by the Federal Family Educational Rights and Privacy Act (FERPA) may be filed with the Office of the Vice Chancellor Student Affairs, University of California, Santa Barbara, CA 93016-2036 or with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20203

### **B. Faculty and Staff**

#### 1. **Maintaining Records**

All student requests to change, rescind, review, correct or not release records shall be kept with the student's records to which the request pertains and kept for the same retention period as the student's records.

2. Procedures pertaining to student records and a quick reference for faculty and staff are accessible from the [Office of the Registrar's web site](#), select "**Student Records.**"

## VI. RESOURCES

- A. Family Educational Rights and Privacy Act (FERPA) Information, Disclosure of Information Quick Reference and Student Information Release Matrix, and a FERPA Quiz are accessible from the [Office of the Registrar's web site](#), select “**Student Records.**”
- B. Appendix A: Frequently Asked Questions
- C. Offices to contact for more information:
  - Office of the Vice Chancellor Student Affairs
  - Registrar
  - Student Life - Judicial Affairs
  - Policy & Information Stewardship
  - Risk Management - Public Records Act Compliance

## VII. REFERENCES

[California Information Practices Act 1977](#)

[California Public Records Act](#)

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Freedom of Information Act](#)

[Health Insurance Portability and Accountability Act of 1996 \(HIPPA\)](#)

[Jeanne Clery Act \(Campus Safety Information\)](#)

[Jeanne Clery Act \(Law\)](#)

[UC Business and Finance Bulletins - Records Management and Privacy](#)

[UC Policies Applying to Campus Activities, Organizations, and Students, Section 130, Policies Applying to the Disclosure of Information from Student Records](#)

## **UC SANTA BARBARA POLICY AND PROCEDURE**

### **Student Education Records – Disclosure of Information**

#### **Appendix A: FAQ Student Education Records – Disclosure of Information**

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### **Appendix A: Student Education Records – Disclosure of Information Frequently Asked Questions (FAQ)**

#### **GENERAL**

##### **1. What are student education records?**

Records that contain information directly related to a student and that are maintained by a University of California campus, the University of California Office of the President, or by any organization authorized to act on behalf of the University.

Examples include, but are not limited to, academic evaluations, examinations, transcripts, test scores, general counseling and advising records, disciplinary records, financial aid and loan collection records.

##### **2. What aren't student education records?**

- Admissions records for students who do not enroll
- Alumni records
- Personnel/Employment records
- Police records
- Psychological Services/Medical records
- Personal records of instructional, supervisory, and administrative personnel and educational personnel which:
  - a) Are kept in the sole possession of the maker of the record;
  - b) Are not accessible or revealed to any other individual.

##### **3. What can be disclosed to the student?**

Almost every part of his or her own student education record including, but not limited to: transcripts (grades), exam papers, test scores, evaluations, financial aid records and loan collection records.

##### **4. What can't be disclosed to the student?**

Students are not permitted access to:

- Financial statements of parents/guardians, unless the parent/guardian has given written authorization.
- Confidential statements and letters of recommendation to which the student has waived access rights, such as letters of recommendation for a grant.
- Records containing information about another student, such as a course roster.

## **UC SANTA BARBARA POLICY AND PROCEDURE**

### **Student Education Records – Disclosure of Information Appendix A:**

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- Personal records relating to individual students (separate from their academic records) that are kept in the sole possession of the maker of the record and not accessible or revealed to any other individual.

#### **5. What can be disclosed to third parties (including parents and spouses)?**

Student education record information falls into two general categories:

- a) Directory information, to which third parties have access; and
- b) Confidential information, to which third parties, generally, may have access only if the student signs an appropriate written authorization.

#### **6. What information is considered to be directory information at UC Santa Barbara?**

Directory information may be obtained without prior authorization. Each department, school, college, office, program, or entity, which maintains records, is required to give public notice of the categories of information designated as directory information. These units are not required to include all of the following, but may not designate as directory information anything more than:

- Student's name
- Email address
- Telephone number (local)
- Major field of study
- Class level
- Date (month/day) and place of birth
- Dates of attendance
- Last school attended
- Number of course units in which enrolled
- Degrees and honors awarded
- Participation in officially recognized organizations
- The name, weight, and height of participants on intercollegiate athletic teams

#### **7. What information is considered to be confidential information at UC Santa Barbara?**

Everything that is not included in the list of directory information is considered confidential.

Policies also permit students to request the University to treat directory information as confidential, limiting third party access to directory information.

## **PARENTS AND SPOUSES**

**1. When does my son/daughter/spouse officially become a student?**

Once an admitted applicant submits a Statement of Intent to Register (SIR) to the University, s/he is considered a student whose records are subject to privacy protections governed by the [Federal Family Educational Rights and Privacy Act](#) and campus privacy policies.

Prior to submitting the SIR, a student's records are subject to different privacy protections under the Information Privacy Act.

**2. My son/daughter is a minor and I pay all of his/her bills. Does this give me a right to access the student records of my child?**

No. The University considers your son/daughter as an adult, regardless of age or financial dependence.

**3. Which student records can a parent or spouse obtain without prior authorization?**

A parent or spouse without prior authorization may obtain only directory information.

**4. What constitutes an appropriate written authorization/waiver of confidentiality?**

Your son, daughter or spouse must provide a signed letter to the campus office that maintains the sought-after record. The letter must expressly permit your review of his or her student record and specify the length of time for which access is granted.

**5. What if a parent or spouse needs access to a student's record as a result of a health or safety emergency?**

Requests should be directed to the Office of Student Life or the Office of the Registrar with a description of the nature of the emergency that requires contacting the student.