



POLICY

Title: FERPA Rights Disclosure

Policy Statement

The University of Vermont respects the privacy of Student Educational Records and affirms its commitment to compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended.

Reason for the Policy

The purpose of this policy is to communicate the rights of Eligible Students as defined herein, regarding access to, and privacy of their Student Educational Record as provided for in FERPA.

Applicability of the Policy

This policy applies to all University of Vermont Students, faculty, staff, and School Officials.

Policy Elaboration

FERPA affords Eligible Students ("Students") certain rights with respect to their Student Education Record, including:

- The right to inspect and review one's own Student Education Record within 45 days of the day the University receives a request for access.
- The right to request amendment to one's own Student Education Record if the student believes such record to be inaccurate, misleading, or otherwise in violation of the Student's privacy rights under FERPA.
- The right to provide written consent prior to disclosures of personally identifiable information contained in one's own Student Education Record, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University of Vermont 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 20202-5920*

Common exceptions to written consent include, but are not limited to:

- The disclosure of a Student Education Record to a School Official, within or otherwise acting on behalf of UVM, with a legitimate educational interest, as defined by FERPA and this Policy.
- The disclosure of a Student Education Record to officials of another institution of postsecondary education 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.
- The disclosure of a Student Education Record to outside law enforcement officials, mental health officials, and other experts in the community in the event of a health or safety emergency, or to assess a potential threat. Student Education Records may also be disclosed to a parent or legal guardian when their Student is experiencing a health or safety emergency.
- The disclosure of student disciplinary records to a parent or legal guardian when a Student under the age of 21 has violated the law or University policy concerning the use or possession of alcohol or a controlled substance.
- The disclosure of the final results of a disciplinary proceeding conducted by the institution, regardless of whether the institution concluded a violation was committed, to an alleged victim of any crime of violence or non-forcible sex offense.
- The disclosure is to comply with a judicial order or lawfully issued subpoena.
- The information is considered "Directory Information" and the Student has not taken formal action to restrict its release, as detailed in the Procedures section of this Policy.

Definitions

Directory Information: *information contained in a Student Education Record that would not generally be considered harmful or an invasion of privacy if disclosed. At the University of Vermont, Directory Information is comprised of the following:*

- name
- address
- telephone number
- University-issued email address
- dates of attendance
- class (grade level)
- most recent educational agency or institution(s) attended
- major field of study
- enrollment status
- awards
- honors (including Dean's list)
- degree (s) conferred (including dates)
- past and present participation in officially recognized sports and activities
- physical factors: height, weight (applies to Varsity student-athletes only)
- photograph
- Residency or other post-completion placements (applies to Larner College of Medicine students only)

Educational Record: those records, files, documents, and other materials that (i) contain information directly related to an Eligible Student, and (ii) are maintained by the University of Vermont or by a person acting for the University of Vermont.

The following exclusions apply:

- records maintained by a law enforcement unit of the University of Vermont that were created by that law enforcement unit for the purpose of law enforcement;
- in the case of persons who are employed by the University of Vermont but who are not in attendance at the University, records made and maintained in the normal course of business which relate exclusively to such person in their capacity as an employee and are not available for use for any other purpose;¹
- records which are in the sole possession of the maker, are used only as a personal memory aid, and which are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- records of a Student which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the Student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the Student's choice.
- records created or received by the University of Vermont after an individual is no longer a Student in attendance and that are not directly related to their attendance as a Student.

Eligible Student: a student who is attending or participating in any education program administered by the University of Vermont, regardless of age or whether credit is being awarded. Applicants, those denied admission to the University, or those who were admitted but do not enroll, are not considered Eligible Students. Please note that once a student is in attendance at the University, the rights afforded to parents under FERPA, if any, transfer to that student.

Legitimate Educational Interest: exists when a School Official needs to review a Student Education Record in order to fulfill their professional responsibility.

School Official: a person employed by the University in an administrative, supervisory, academic, research, or support staff position, including law enforcement unit personnel and health staff; a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another School Official in performing their tasks, such as through work study. A School Official also may include a volunteer or contractor outside the University who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of personally identifiable information from a Student Education Record, such as an attorney, auditor, or collection agent.

¹ Records relating to an individual in attendance at the University of Vermont who is employed as a result of their status as a student are education records and not excepted from the definition of Student Education Record.

Procedures

Student Education Record Inspect and Review Requests

Written requests for access should be submitted by the Student to the University Registrar, or, if appropriate, the Dean of Students, the Dean of the Student's College or School, or other School Official with control over the Student Education Record they would like to inspect and review. The written request must contain sufficient detail to identify the record(s), as well as the identity of the person(s) who may be provided access, other than the Student, if any. If the records are not maintained by the School Official to whom the request is submitted, that Official shall advise the Student of the correct School Official to whom the request should be addressed. The School Official with control over the requested records will make arrangements for access and notify the Student of the time and place where the records may be inspected.

Student Education Record Amendment Requests

To seek amendment of a Student Education Record, the Student must write to the School Official responsible for the Record at issue. The written request must clearly identify the part of the Student Education Record they want changed, specifying why it is inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA. Following review of the request, if the University decides not to amend the Student Education Record, the University will notify the Student in writing of the decision and advise them of their right to a formal hearing regarding the request. Information about the hearing procedures for such an appeal will be provided to the Student as part of the written decision letter. After the hearing, if the University decides not to amend the Student Education Record, the Student has the right to place a statement with the applicable portion of their Student Education Record setting forth their view about the contested information.

Directory Information Exclusion Requests

A student must formally request that the University Registrar prevent disclosure of their Directory Information. Once a Student files a Directory Information Exclusion via the myUVM Student Portal, this change is effective immediately and becomes a permanent part of the Student Educational Record unless and until the Student removes the Directory Exclusion via the myUVM Student Portal. Exclusion requests do not affect the ability of School Officials with a Legitimate Educational Interest from accessing Directory Information.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
Registrar's Office	(802) 656-2045

Forms/Flowcharts/Diagrams

- <https://www.uvm.edu/~rgweb/zoo/forms/FERPAdisclosure.pdf>

Related Documents/Policies

- [Code of Student Conduct \(pdf\)](#)

Regulatory References/Citations

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

Training/Education

Training/education related to this policy is as follows:

Training Topic:	FERPA		
Training Audience:	UVM Faculty and Staff. Students in attendance are notified annually of their FERPA rights.	Delivered By:	Registrar's Office
Method of Delivery:	Faculty & Staff: In-Person & via online form. Students: notification via email.	Frequency:	Annually at New Faculty Orientation and prior to granting access to the Student Information System.

About This Policy

Responsible Official:	Provost and Senior Vice President	Approval Authority:	President
Policy Number:	V. 2.15.9	Effective Date:	May 5, 2016
Revision History:	<ul style="list-style-type: none"> • V. 3.3.3.1 approved February 7, 2007 • V. 3.3.3.2 approved October 2, 2008 • V. 3.3.3.3 approved September 16, 2010 • V. 3.3.3.4 approved January 26, 2012 • V. 2.15.5/V. 3.3.3.5 approved August 31, 2012 • V. 2.15.6 effective February 19, 2015 • V. 2.15.7 and V. 2.15.8 effective May 5, 2016 • November 5, 2019 • Reaffirmed January 11, 2021 • Reaffirmed January 4, 2022 		

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