

Policies Regarding Access To Student Educational Records

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, guarantees certain rights for students and *eligible* parents regarding access to, confidentiality of, and correction of the student's education records. The following are the policies at UNC Asheville relative to the enforcement of those rights.

A. Primary Rights under FERPA include:

- Right to inspect and review education records
- Right to seek to amend education records
- Right to have some control over the disclosure of information from education records

B. Educational Records are records which:

- 1) contain information which is directly related to a student in any medium (i.e. handwritten, print, tapes, emails, faxes, etc); and
- 2) are maintained by an educational agency or institution or by a party acting for the agency or institution

The following are NOT "educational records":

- a) Sole possession records kept by a University employee and not accessible or revealed to other persons except for a temporary substitute for the maker of the record
- b) Law Enforcement records maintained by Campus police
- c) Employment records as long as employment is not contingent on the fact that the individual is a student and provided the record is only used in relation to the individual's employment.
- d) Medical records made or maintained by a recognized health professional such as a physician, psychiatrist, psychologist or other recognized health professional if the records are used only for the treatment of the student and released only to those persons providing treatment.
- e) Alumni Records which contain information about a student after the student is no longer in attendance at the University and which do not relate to the person while he/she was a student.

C. Students wishing to inspect their records must:

- 1) Submit a written request specifying the record(s) he/she wishes to inspect to the Office of the Registrar.
- 2) Student will be contacted by the Office of the Registrar via the student's official UNC Asheville email account to schedule an appointment to review the records as promptly as possible. Access must be provided within 45 days of receipt of the written request.
- 3) The student or qualifying parent is required to review the records in the presence of a staff member from the Office of the Registrar. No copies of any documents or transcripts will be provided or allowed to be taken from the record. A student or qualifying parent who lives outside a commuting distance of 100 miles may request special permission for arrangements to be made in order to allow access to that student's record.

D. Parents of Dependent Students

Under FERPA, a postsecondary institution may disclose education records to parents of dependent students without consent. If a student is claimed as a dependent by either parent for tax purposes, then either parent may be given access under this provision regardless of the age of the student. **However, to make the dependency determination, a school has the right to ask the parent to provide a copy of the most recent Federal income tax return showing the dependency.**

E. Right of the University to Refuse Access

The University reserves the right to refuse to permit a student or third party, even with the student's written consent, to inspect the following records:

- 1) Financial statements of the student's parents.
- 2) Letters or statements of recommendation for which the student has waived the right of access
- 3) Those records which are excluded from the FERPA definition of education records if such records do not fall within the definition of "public records" under Chapter 132 of the NC General Statutes and records for which there is no other legal right of access under federal or state law.

F. Right of Refusal to Provide Copies

The University reserves the right to deny transcripts or copies of records not otherwise required to be made available by the Family Educational Rights and Privacy Act of 1974 in any of the following situations:

- 1) The student or qualified parent lives within commuting distance (presumed to be within 100 miles) of the University.
- 2) The student has unpaid financial obligations to the University.
- 3) There are unresolved disciplinary actions against the student.
- 4) There is unresolved academic action against the student.