STU-002

Rights of Students at the University of Virginia Pursuant to the Family Educational Rights and Privacy Act (FERPA)

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Status Final

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Policy Type University

Contact Office University Registrar (UREG)

Oversight Executive
Executive Vice President and Provost

Applies To Academic Division.

Table of Contents

Policy Statement
1. Student Rights
2. Directory Information
3. Types of Education Records
4. Inspection and Review of Education Records
5. Amendment of Education Records
6. Disclosure of Education Records
7. Record of Disclosure
8. Limitation on Redisclosure
9. Waiver of Student Rights
10. Destruction of Records
11. Enforcement
12. Official Custodians Maintaining Education Records
13. Compliance with Policy

Procedures
1. Inspection and Review of Education Records
2. Requesting a Hearing to Amend the Content of an Education Record
3. Waiver of Student Rights

Reason for Policy

In accordance with the Family Educational Rights and Privacy Act of 1974 as amended, 20.U.S.C. 1232g and the Rules of the U.S. Department of Education, 34 C.F.R. Part 99 (collectively hereinafter referred to as FERPA), this policy establishes a clear and consistent process for students (and others) to access education records.

Definition of Terms

Directory Information

Description

Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Education Record

Description

Any record that is directly related to a student and maintained by UVA or a party acting for UVA. Exceptions to this definition include but are not limited to:

- Sole possession records or private notes held by a school official that are not accessible or released to another person.
- Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit.
- Records relating to the employment of students by the institution (unless the employment is contingent on their status as students).
- Treatment records maintained by the UVA Student Health Center or other UVA student health clinic and disclosed only to individuals providing treatment (such records become subject to FERPA if they are being disclosed to anyone for non-treatment purposes and also are subject to other privacy laws and regulations).
- Records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e., alumni records.
- Grades on peer-graded papers before they are collected and recorded by an instructor.

School Officials

Description

Individuals who engage in the instructional, supervisory, advisory, administrative, governance, public safety, research, or support functions of UVA. They need not necessarily be paid employees of UVA. School officials may include, but are not limited to:

- UVA faculty and staff engaged in instructional, supervisory, advisory, administrative, governance, public safety, research, or support functions.
- UVA students who, pursuant to their duties as members of official University committees (e.g., scholarship committees), require personally identifiable information from Education Records.
- UVA students who, pursuant to the authority granted by the Board of Visitors under the terms of the Honor System and the University Judiciary System, require personally identifiable information from Education Records to investigate, adjudicate, or advise students involved in an alleged violation of the Honor Code or the Standards of Conduct.
- Persons, companies, or agencies under UVA’s direct control, with whom UVA has contracted to provide services that UVA itself would provide otherwise.

Legitimate Educational Interest

Description

The need of School Officials to access specific Education Records while performing their duties for UVA.

Policy Statement

1. **Student Rights:**
   UVA students' education records are protected by FERPA once students are attending, interpreted for this policy as enrolled for courses for their initial term. Students attending or who have attended UVA are given certain rights under FERPA, which include the right to:

   - Inspect and review the content of education records. UVA will comply with a request for access to records within a reasonable period, not to exceed 45 days after it has received the request (see Procedures: Inspection and Review of Education Records).
   - Obtain physical copies of education records upon payment of a fee, where the failure to provide copies would effectively prevent the student from exercising the right to inspect and review the education records (such as when students do not have reasonable access to electronic communication and live outside a reasonable commuting distance from UVA).
   - Receive a response from the University to reasonable requests for explanations of those records.
   - Obtain an opportunity for a hearing to challenge the content of those records on the grounds that the information contained in the education records is inaccurate, misleading, or violates the privacy rights of the student.
   - Expect UVA to treat their education records confidentially. Except for Directory Information, neither such records, nor personally identifiable information contained therein, will be released without student permission, other than to persons or for reasons specifically authorized by FERPA.
   - Refuse to permit the release of their Directory Information.

   - File complaints with the Family Policy Compliance Office (FPCO) of the Department of Education concerning alleged failures by UVA to comply with the requirements of FERPA:

     Family Policy Compliance Office
     United States Department of Education
     400 Maryland Ave., S.W.
     Washington, DC 20202-4605

   - Exercise all rights on the student's own behalf, regardless of the student's status as a dependent upon parents. A student may exercise the rights in this section for education records only directly related to themself.

   UVA provides annual notification of these rights to students attending UVA. This notification takes the form of a notice in the information posted by Student Financial Services, an annual email to students from the Office of the University Registrar (UREG), publication in the Undergraduate Record, the Graduate Record, and other University-wide printed media and materials posted on UVA's web site.

2. **Directory Information:**
   Directory Information at UVA for students includes:

   - name
   - year of birth

- major field of study
- school of enrollment
- location of attendance
- full-time/part-time status
- level and year in school
- medical residency placement
- expected graduation date
- participation in officially recognized activities and sports
- dates of attendance
- candidacy for degree
- degrees, honors, scholarships, and awards received
- any unique identifying number created for the purpose of compiling, releasing, or transmitting Directory Information.

UVA may release Directory Information for students under FERPA without student consent. Students who do not want UVA to release their Directory Information without prior written consent must submit a completed and signed FERPA Confidentiality of Directory Information form to UREG. This restriction may be requested at any time and will remain in effect until its removal is requested in writing by the student.

Third-party requests for Directory Information should be submitted under the Virginia Freedom of Information Act (FOIA) to University Counsel's Office. Submit internal requests for Directory Information to the Office of the University Registrar (UREG) (ureg@virginia.edu).

3. **Types of Education Records:**
   Education Records include but are not limited to the following types:

   Admission Records – Such records may contain the following types of information:

   - Application for admission of admitted and enrolled students
   - Transcripts
   - Letters and statements of recommendation
   - Standardized test scores
   - Magnetic tape or electronic files from the Educational Testing Center
   - American Medical College Application Service (AMCAS) form from Central Application Service
   - Financial aid information

   Financial Aid Records – Such records may contain the following types of information:

   - Financial aid applications and acceptance forms
   - Financial aid award vouchers (also stored data files)
   - Letters and statements of recommendation
   - Correspondence
   - Academic information
   - Standardized test scores

- Student employment records
- Interviewer comments

UVA Academic Records – Such records may contain the following types of information:

- Transcripts of UVA grades
- Student performance evaluations
- Degree program decisions
- Professional reports and certificates

Student Financial Records – Such records may contain the following types of information:

- Billing statements, charges, credits, payments, past due amounts, and/or collection activity
- Correspondence
- Academic information
- Financial aid disbursements

Employment Placement Records – Such records may contain the following types of information:

- Letters and statements of recommendation
- Transcripts
- Letters of job offers or rejections
- Interview sign-up sheets
- Interviewer evaluations
- National examination score reports

International Student Records – Such records may contain the following types of information:

- International Student Office application review form
- Financial aid information
- International student terms of appointment (from sponsoring agency)
- Standardized test scores
- Correspondence
- Letters and statements of recommendation
- Academic performance records
- Directory information
- US Government forms
- I-20 - Certificate of Eligibility for Non-Immigrant
- (F-1) Student Status - For Academic and Language Students
- I-538 - Application by Non-immigrant Student for Extension of Stay, School Transfer, and Permission to Accept on Continued Employment or Practical Training
- DS-2019 - Certificate of Eligibility for Exchange Visitor (J-1) Status

Disciplinary Records – Such records may contain information on disciplinary actions taken by the University against a student.

Students may request to review the contents of their Education Record and may also request to amend the content of their Education Record. There are different conditions for reviewing and/or amending the content of an Education Record; these conditions are detailed below and in the Procedures section at the end of this policy.

4. **Inspection and Review of Education Records:**
Students may review many of their Education Records (including academic and financial) through the Student Information System (SIS). Students who wish to inspect and review Education Records not viewable in SIS may do so through the Procedure below (see Procedures: Inspection and Review of Education Records).

   UVA is not required to permit a student to inspect and review the following records:

   - Financial records and statements of their parents or any information contained therein.
   - Confidential letters and statements of recommendation placed in the educational records.
     - Prior to January 1, 1975, if the letters and statements were solicited or sent with a documented understanding of confidentiality.
     - After January 1, 1975, concerning admission, employment, or receipt of honors, if the student waived their right to inspect and review the letters and statements.
   - Records to which the student has waived the right of access.
   - Other records that are not considered education records under FERPA (e.g., records of a law enforcement unit).

   When an Education Record contains information on multiple students, information pertaining only to the student in question may be released. Information pertaining to other students will be redacted prior to disclosure. In situations in which such a joint record cannot be easily redacted or the information concerning other student segregated out, UVA will satisfy the request for access by informing the requesting student about the contents of the record.

5. **Amendment of Education Records:**
Students who believe that information contained in an Education Record is inaccurate or misleading, or that it violates their privacy or other rights, may submit a request to amend the record. A student may request a hearing if their initial request to amend is denied. Requests to amend the content of an Education Record can be made to correct the accuracy of the record only and not to the judgments the record contains. For example, students may request to amend the accuracy of the recording of an earned grade, but the grade itself may not be challenged through this process (students may challenge a grade through the grade appeal process of the school offering the course in which the grade was earned. For more information, see the current editions of the Undergraduate/Graduate Records).

   Request to amend:
   Students who believe that information contained in an Education Record is inaccurate, misleading, or violates their privacy or other rights may direct a request for amendment to the official custodian of the Education Record. For a list of official custodians, see Section 12 below. To the extent possible, students

must specify the exact type, source, and date of the Education Record they seek to correct. In addition, students must specify the reason(s) for the nature of the proposed correction.

The official custodian of the Education Record will decide whether to amend the record in accordance with the request, within a reasonable period following receipt of the request, not to exceed 30 days. If the official custodian decides not to amend the record in accordance with the request, the official will inform the student of the refusal and advise the student of their right to a hearing.

Hearings:
At the student's request, and upon the denial of the initial request to amend, UVA will provide an opportunity for a hearing to review the request to amend the content of an Education Record. A hearing may be requested only to verify that information in the record is accurate, not misleading, or otherwise in violation of the privacy or other rights of the student (see Procedures: Request a Hearing to Challenge the Content of an Education Record).

If, as a result of the hearing, UVA decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will amend the Education Record accordingly and notify the student in writing.

If, as a result of the hearing, UVA decides that the information is accurate, not misleading, or otherwise in violation of the privacy or other rights of the student, it will notify the student and inform them of their right to place in the Education Record a statement commenting upon the information and/or setting forth any reasons for disagreeing with UVA's decision.

6. **Disclosure of Education Records:**
UVA shall obtain a student's written consent before disclosing personally identifiable information from an Education Record, except as provided below. Written consent (which may be electronic) must be dated and must specify the Education Record(s) to be released, the reasons for such release, and to whom the disclosure may be made.

Consent is not required if the information disclosed has been designated as Directory Information, unless the student informs UREG that such information should not be released without the student's prior consent.

Consent is not required where the disclosure is to School Officials who have a legitimate educational interest for the information.

FERPA permits, but does not obligate, UVA to disclose information from an Education Record without the consent of the student to the following individuals or organizations; however, UVA may be obligated to disclose Education Record information under one of these provisions based on other applicable state or federal law:

a. Officials of other schools or school systems in which the student seeks to enroll. Unless the disclosure is initiated by the student or pursuant to the request of the recipient school, UVA will make a reasonable attempt to notify the student of the record(s) transfer. Upon request, UVA will provide the student with a copy of the Education Record(s) which has been transferred and with an opportunity for a hearing to challenge the content of the record(s).
b. Certain officials pursuant to their statutory purposes:
    - The Comptroller General of the United States
    - The Secretary of the United States Department of Education

- The United States Attorney General
- State educational authorities

c. Any party legitimately connected with a student's application for, or receipt of, financial aid, if the information is necessary for purposes such as determining eligibility for the aid, the amount or conditions of the aid, or enforcing the terms and conditions of the aid.
d. State and local officials and authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
e. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.
f. Accrediting organizations, for the purpose of carrying out their accrediting functions.
g. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954.
h. Parties acting under authority of a judicial order or pursuant to any lawfully issued subpoena. This exception to the consent requirement is allowable only upon the condition that UVA makes a reasonable effort to notify the student of the order or subpoena in advance of compliance therewith unless the order or subpoena specifically states that such advance notice is not required or is prohibited.
i. Appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of a student or other individuals.
j. To parents/legal guardians when their children (under age 21 at the time of disclosure) are found to have violated the alcohol or controlled substance policy of the University, or to have violated federal, state, or local law related to the possession or use of alcohol or a controlled substance.
k. To the student.
l. To an alleged victim of a crime of violence of the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime.
m. To anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense where:
    - The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
    - With respect to the allegation made against them, the student is found to have committed a violation of UVA’s rules or policies.

7. **Record of Disclosure:**
The official custodian of each type of Education Record at UVA is responsible for maintaining a record of all requests for and disclosures of a student’s Education Record(s), except as set forth below. This record must include the name of all individuals, agencies, or organizations that have requested and/or obtained disclosure of a student’s Education Record(s) maintained by UVA and the legitimate interest these parties had in requesting or obtaining disclosure.

A record need not be maintained of:
- Requests from or disclosures to a student.
- Requests or disclosures pursuant to the written consent of a student.
- Requests or disclosures to school officials who have a legitimate educational interest.
- Requests or disclosures of Directory Information.
- Requests or disclosures in response to (a) subpoenas where the issuing 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 (b) an ex parte court order obtained by the United States Attorney General concerning acts of terrorism.

The record of requests and/or disclosures may be inspected by the student.

8. **Limitation on Redisclosure:**
Except as otherwise provided by FERPA, UVA may disclose personally identifiable information from an Education Record to an authorized recipient only on condition that the recipient not re-disclose the information to any other party without prior written consent of the student.

FERPA does not limit redisclosure of personally identifiable information from Education Records by certain recipients, including:

- Student recipients of information from their Education Records.
- Recipients of Directory Information.
- Recipients of information pursuant to a court order or lawfully issued subpoena.

UVA will inform the following recipients of personally identifiable information from Education Records of the limitations on redisclosure as required by FERPA even though such limitations generally do not apply to them:

- Parents who receive information in accordance with FERPA and this policy.
- Disclosures made in connection with disciplinary proceedings concerning crimes of violence or nonforcible sex offenses in accordance with FERPA and this policy.

UVA will inform the recipients of personally identifiable information of the limitation on redisclosure, when such a limitation is applicable, by the following statement which is to accompany all such disclosures:

> The information on this document is considered personally identifiable information from the education records of a student. This disclosure is made upon the condition that you will not disclose the information to any other party (except to your officers, employees, and agents pursuant to purposes for which the disclosure is made) without obtaining the prior written consent of the student.

9. **Waiver of Student Rights:**
Students may waive certain rights afforded them under FERPA (see Procedures: Waiver of Student Rights).

10. **Destruction of Records:**
In general, Education Records will be retained and disposed of in accordance with the applicable state document retention schedule. The following Education Records are not to be destroyed, even if the records themselves are on a state-approved destruction schedule submitted through the University Records Officer.

- Records with outstanding requests to inspect or amend them.
- Statements made by the student commenting on information in the Education Record if the contested portion of the record is maintained.
- The Education Record's access history if the Education Record itself is maintained.

Subject to these limitations, custodians of Education Records are responsible for periodically reviewing and destroying such records with the approval of the University Records Officer. (See policy IRM-017,

Records and Information Management.)

11. **Enforcement:**
Any student or parent of a minor student who believes that their privacy rights have been violated should direct complaints in writing to:

Family Policy Compliance Office
United States Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-5920

12. **Official Custodians Maintaining Education Records:**

TITLE	ADDRESS
Associate Vice Provost for Enrollment and University Registrar	Carruthers Hall
Chair, Department of Air Science	Astronomy Building
Chair, Department of Military Science	Astronomy Building
Chair, Department of Naval Science	Warner Hall
Dean, College and Graduate School of Arts & Sciences	Cabell Hall
Dean, Batten School of Leadership and Public Policy	Garrett Hall
Dean, Darden School of Business	Saunders Hall
Dean, McIntire School of Commerce	Rouss Robertson Hall
Dean, School of Architecture	Campbell Hall

Dean, School of Continuing and Professional Studies	Zehmer Hall
Dean, School of Data Science	Data Science Building
Dean, School of Education and Human Development	Bavaro Hall
Dean, School of Engineering and Applied Science	Thornton Hall
Dean, School of Law	Withers-Brown Hall
Dean, School of Medicine	McKim Hall
Dean, School of Nursing	McLeod Hall
Dean of Students	Peabody Hall
Vice President and Chief Student Affairs Officer	The Rotunda
Associate Vice Provost of Enrollment and Undergraduate Admission, Undergraduate Admissions	Peabody Hall
Executive Director, Student Health and Wellness	400 Brandon Avenue
Executive Director, University Career Services	Bryant Hall @ Scott Stadium
Associate Vice Provost for Enrollment and Student Financial Services, Student Financial Services	Carruthers Hall
Director, International Studies Office	Minor Hall

Director, Housing & Residence Life	Gibbons House
Director, Department of Parking and Transportation Services	1101 Millmont Street

13. **Compliance with Policy:**
    Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies. Unauthorized disclosure of the information contained in an Education Record in an attempt to coerce, intimidate, or harass an individual, or encourage others to coerce, intimidate, or harass an individual (sometimes known as doxing), is an explicit violation of this policy and may be a violation of federal and or state law.

    Direct questions about this policy to the University Registrar.

Procedures

1. **Inspection and Review of Education Record**
    Students who wish to review their Education Records must submit a request in writing to the official custodian of the record. Students who do not know the identity of the official custodian for the records they wish to review may submit their request to the dean of their school. To the extent possible, students should specify the exact type, source, and date of the Education Record they wish to inspect and review.

    The official custodian will allow students to inspect and review their records within a reasonable period, not to exceed 45 days from the date of the request. The official custodian will respond to reasonable requests for explanations and interpretations of the records.

    UVA may deny a request for copies of a student's Education Record unless doing so would effectively prevent the student from exercising the right to inspect and review the Education Record. Students, when provided physical copies of their Education Records, may be assessed a fee; however, the official custodian may waive all or part of the copying charge.

2. **Request a Hearing to Amend the Content of an Education Record:**
    Students who wish to request a hearing to amend the content of their Education Record must submit their request in writing to the executive vice president and provost, or designee. To the extent possible, the written request should specify the exact type, source, and date of the Education Record the student seeks to correct. In addition, the request must specify the reasons for and nature of the proposed correction. Students should attach all documentation they believe supports their request for a correction.

    Upon receipt of such request, the provost or the provost’s designee will appoint an impartial hearing officer who does not have a direct interest in the outcome. The hearing will be held within 14 days after the provost/designee receives the written request for a hearing, unless the hearing officer and student mutually agree to a later date. The student will be given written notice of the date, place, and time of the

hearing at least five days prior to the hearing.

The hearing will be conducted in a manner that affords a full and fair opportunity for the student to present evidence; however, the hearing officer will have sole power to determine relevant evidentiary rules on a case-by-case basis. Under the terms of FERPA, students may be assisted or represented by individuals of their choice, including an attorney, at the student's expense.

Upon conclusion of the hearing, the hearing officer will issue a written decision, which will be based solely upon the evidence presented at the hearing. The decision will include a summary of the evidence and the reasons for the decision. Within a reasonable period after the hearing, but no longer than 14 days, the hearing officer will make a written report to the provost (or designee).

3. **Waiver of Student Rights:**
   Any waiver must be in writing and signed by the individual waiving their rights. UVA may request, but not require, any student to waive any rights outlined in this policy. Any waiver may be revoked in writing by the student, with respect to any actions occurring after the revocation. Waiver of the right of access to letters and confidential statements or recommendations will be valid only if:
   - The waiving individual is given, upon request, the name of all individuals providing letters or statements.
   - The letters or statements are used only for the purpose for which they were originally intended.
   - Such waiver is not required by UVA as a condition of admission or receipt of any benefit.

Related Information

FERPA for UVA Faculty and Staff training module available in Workday: log into Workday and search "FERPA" to enroll and complete the module.
IRM-017: Records and Information Management
STAF-005: Parental Notification Regarding Alcohol and Other Drugs

Major Category Students and Student Programs

Next Scheduled Review Thursday, January 27, 2028

Revision History

Revised to address inequities and general policy maintenance 1/27/25; Added Compliance section 7/22/21; Revised 9/8/19; Updated 11/30/16, 4/15/16, 9/15/15, 11/8/13, 6/27/12, 7/13/11, 6/27/11, 4/20/11.

Supercedes Policy Text XV.D.1 Protecting Privacy Rights of Students.

Approved By Executive Vice President and Provost/Executive Vice President & Chief Operating Officer

Approved Date Monday, December 3, 2007