

## Continuing University Compliance with FERPA

The Family Educational Rights and Privacy Act (“FERPA”) prohibits the release of non-directory student information to third-parties without a student’s written consent, unless otherwise authorized by law. Accordingly, the University of Arizona must obtain a signed and dated written consent from a student before it discloses non-directory personally identifiable information from a student's education records, except as discussed below. The consent must specify the records to be disclosed, the purpose of the disclosure, and the parties to whom the disclosure may be made.

Student Education Records include any information or data recorded in any medium, including but not limited to, handwriting, print, tapes, film, e-mail, microfilm, and microfiche, which is directly related to a student and maintained by the University or by a person acting for the University. All education records as defined by the FERPA must be maintained in confidence.

Importantly, there are certain circumstances, under FERPA, when education records may be disclosed without the prior consent of the student. The agencies, institutions, entities and individuals who may receive or inspect education records without consent are:

1. *The University of Arizona officials* or their agents who have a legitimate educational interest in student records and data may review such material. This includes faculty, administrators, clerical and ancillary staff, and medical and legal personnel, who require personally identifiable information to fulfill their assigned duties. University Officials also include persons, companies or agencies with whom the University has contracted to provide services that the University, itself, would otherwise have to provide (such as an attorney, auditor, collection agent, security service or other service provider).
2. *Officials of another institution* where the student seeks to enroll or is enrolled, or where the student receives services from the other institution in connection with the student's placement or participation in internships, practica, affiliations, and other programs related to the student's courses or program at the University.

3. *Authorized representatives of institutions* from which students has received financial aid or with which a student has applied for financial aid are entitled to access if needed to determine eligibility for, the amount of, or the conditions for aid, or to enforce terms or the conditions of such aid. "Financial aid" as used in this paragraph means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property) that is conditioned on the student's attendance at the University.
4. *Authorized representatives of the U.S. Comptroller General's Office, the Attorney General of the United States, the U.S. Department of Education, and state and local educational authorities* may review personally identifiable information from student records 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 related to those programs. They may not redisclose or misuse personally identifiable information and must destroy these documents when no longer needed.
5. *Federal, state, local and independent organizations engaged in studies for, or on behalf of, educational agencies or institutions* to develop, validate, or administer student aid programs, administer predictive tests, or improve education. Information is disclosed, however, only when these institutions confirm that the study will be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The disclosure of education records by The University of Arizona for studies must be coordinated with the University Registrar's Office and approved by the Office of the Senior Vice President and Provost or the Office of the President.
6. *Accrediting organizations* in order to conduct accrediting functions.
7. *Parents of dependent students*, as defined in Section 152 of the Internal Revenue code of 1986.
8. *Information will be provided pursuant to a lawful subpoena or court order.* Before complying with a subpoena, the University will attempt to notify the

student involved or, in the case of financial information, the parent, that a subpoena has been issued, unless the subpoena prohibits such notification. The notification will be sent to the student's or parent's last known address and to counsel for the student, if known. Notification may be prohibited if the University receives a Federal grand jury subpoena, court order, or any other subpoena issued for law enforcement purposes, which states that the contents or existence of the subpoena, court order or the information to be furnished in response must not be disclosed.

9. *In the case of an emergency*, the University may disclose personally identifiable information to the appropriate parties if knowledge of the information is deemed by the University to be necessary to protect the health or safety of the student or other individuals based on the following considerations: (1) the nature of the emergency, (2) the need for information, (3) the relative assistance the parties can offer, (4) and the amount of time available. The Dean of Students will be the responsible officer in emergency cases, and if unavailable, The University Registrar or the Dean of the College involved, or other appropriate administrator.
  
10. *An alleged victim of a crime of violence or non-forcible sex offense* of the final results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime, regardless of the outcome of the proceeding. The final results of any disciplinary proceeding shall include only the name of the student, the violation committed, and any sanction imposed against the student.
  
11. *To certain state and local officials or authorities* pursuant to a state statute that allows the disclosure in connection with a juvenile justice system and concerns the system's ability to effectively serve, prior to adjudication, the student whose records are released.
  
12. *To a court of law* those education records that are necessary to defend the University against a student or parent who initiates legal action against it, or those education records that are relevant to the University's case as a plaintiff in a legal action against a student or parent.

13. The University may include information in a student's education record concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students or other members of the University community. Such information may be released without the student's permission to school officials at the University or to school officials at other institutions who have been determined to have a legitimate educational interest in the behavior of the student.
  
14. The University has the discretion to disclose to the public the final results of any disciplinary proceeding conducted against a student who is an alleged perpetrator of a crime of violence or nonforcible sex offense if the University determines, as a result of the disciplinary proceeding, that the student committed a violation of its rules or policies with respect to such crime or offense.
  
15. The University has the discretion to disclose to a parent or legal guardian of a student, who is under the age of 21, information about a violation of any Federal, state or local law, or any rule or policy of the University, governing the use or possession of alcohol or a controlled substance if the University determines that the student has committed a disciplinary violation with respect to such use or possession.
  
16. *Third-parties may receive information that the University has designated as directory information*, provided that the student has not properly restricted such information from disclosure. The University of Arizona designates the following items as directory information.
  - a. Student's name
  - b. Local/residence hall address
  - c. Local/residence hall telephone number
  - d. Official university electronic mail address
  - e. College
  - f. Class standing/classification

- g. Academic program (degree, major, minor)
- h. Dates of attendance
- i. Status (full or part-time registration)
- j. Degree(s) received
- k. Honors and awards received
- l. Participation in officially recognized activities
- m. Weight and height of members of athletic teams

The University may disclose any of these items of directory information without prior written consent unless notified in writing to the contrary. The Office of Curriculum and Registration gives public notice through the registration cycle each semester in its *Rights and Privacy* statement of the student's right to restrict release of this directory information, and to restrict publication of the student's name, College, and local/residence hall address and telephone number in the annual Directory the University publishes in the fall semester. Before releasing directory information, please verify that the student has not restricted disclosure by checking the Student Information System for restriction flags.

The University must maintain a record of the requests for and disclosure of personally identifiable information from a student's education records, except for situations outlined in paragraphs 1, 7, 10 and 15 above, and those requests involving written consent from the parent or student, a party seeking directory information, or a Federal grand jury subpoena, court order or other law enforcement subpoena that prohibits such disclosure.

In conclusion, before disclosing personally identifiable student information to any third-party, please obtain written consent from the student unless the disclosure falls under one of the paragraphs listed above.