

UC Davis Policy and Procedure Manual

Chapter 320, Records and Archives

Section 21, Privacy and Disclosure of Information from Student Records

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Responsible Department: Student Affairs

Source Document: UC Policies Applying to Campus Activities, Organizations, and Students; Section 130.00, Policies Applying to Disclosure of Information from Student Records

[Exhibit A, Procedures for Disclosing Grades and Distributing Student Work](#)

[Exhibit B, Types and Locations of Student Records](#)

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I. Purpose

- A. This section supplements the systemwide policy on the privacy of information contained in student records, the right of students to review and inspect their own records, and the procedures for requesting corrections to records.
- B. This policy applies only to records pertaining to students in their capacity as students and does not apply to those records maintained solely for purposes unrelated to student status.
- C. Interns in the School of Medicine, School of Veterinary Medicine, or the Family Nurse Practitioner/Physician's Assistant Program are students for the purposes of this policy. Residents and Fellows in postgraduate training are not students.

II. Definitions

See UC Policies Applying to Campus Activities, Organizations, and Students; Section 130.20 for definitions of other terms used in this policy.

- A. Campus official—any person designated to perform an assigned function on behalf of the University, including an administrative, supervisory, academic, research, support staff, or student employee; a person serving on a University governing body; a student serving on an official committee (e.g., a discipline or grievance committee), or assisting another campus official in performing his/her tasks; or a contractor, consultant, volunteer, or other party to whom the University has outsourced institutional services or functions acting with a signed agreement that s/he will not use the information for any other purpose and will not disclose it without the student's consent.
- B. Confidential information—all personally identifiable information except that information defined as directory/public information, unless the student has designated his/her directory/public information confidential through the procedures described herein.
- C. Directory/public information—information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. UC Davis has defined the following as directory information:
 1. Student name
 2. Addresses (local and permanent, including email)

3. Telephone numbers
 4. Major field of study
 5. Dates of attendance
 6. Enrollment status (e.g., undergraduate, graduate, or professional student)
 7. Number of course units in which enrolled
 8. Degrees and honors received
 9. Most recent previous educational institutions attended
 10. Participation in officially recognized activities
 11. Weight and height (for participants in ICA teams)
 12. Primary hospital assignment, field of residency training, and name of medical school awarding M.D. degree (for medical interns)
- D. Legitimate educational interest—information relevant and necessary to a task or determination that is an employment responsibility or an assigned subject matter for the inquirer and/or related to the inquirer's participation in the student's education; the discipline of a student; or providing a service or benefit related to a student or student's family (such as health care, counseling, job placement, or financial aid).

III. Policy

- A. Students' rights of privacy are guaranteed by the California State Constitution, the California Information Practices Act (IPA), the California Public Records Act (PRA), the Family Education Rights and Privacy Act (FERPA), UC Policies, and this policy.
- B. Unless a legal exception applies, students have the right to access campus records containing personally identifiable information about themselves, and student consent is required to disclose confidential information to non-University personnel.
- C. Directory information may be released without a student's prior consent unless the student notifies the campus in writing or via established electronic procedures that either his/her address and phone number, or all categories of information about the student, may not be disclosed (see IV.A, below).
- D. Personally identifiable information may be released without student consent as described in UC Policies Applying to Campus Activities, Organizations, and Students; Section 130.720.
- E. Reasonable physical, technological, or administrative methods are used to ensure that campus officials obtain access to only those student records in which they have a legitimate educational interest.
- F. Grades may not be posted and graded papers or examinations may not be distributed in public locations via methods that disclose confidential information unless the students give prior written consent (see Exhibit A).

IV. Procedures

- A. Designation of directory information as confidential
 1. Contact the Registrar's Office to designate address(es) and telephone number(s) as confidential; or to designate all information as confidential.

2. Contact Information and Educational Technology to designate email address as confidential.

B. Release of personally identifiable information

1. Information may be disclosed to third parties with the student's written consent (see Exhibit C).
2. Specific information for the purpose of a letter of recommendation or reference may be released with the student's written consent (see Exhibit D).
3. Campus officials with a legitimate educational interest may request access to student records.
4. Departments must keep records of any disclosure of personally identifiable information, including name of the party requesting the record, the date of the request, the reason for disclosure, and the date of disclosure (see Exhibit G).

Departments are not required to maintain records for disclosures to students of their own records; for disclosures to a party or parties to whom student has provided consent; disclosures to University officials when access to the records are necessary for the normal performance of assigned duties; for disclosures of public information; or for disclosures made pursuant to a subpoena or court order when the order specifies that the student is not to be notified of the order or of the records provided.

C. Access, inspection, and review

1. Students may request access to their records by submitting Exhibit E to the department responsible for the records (see Exhibit B).
 - a. Requests submitted via email must originate from the student's UC Davis email account.
 - b. Students will be required to provide their student identification number and proof of identity (Photo ID) before they are allowed access to any records.
2. Departments must provide access to the records within 45 calendar days of the request.
 - a. At the department's discretion, the department may provide electronic or paper copies of the records, or provide supervised access to inspect and review the records.
 - b. If the department elects to provide supervised access and a student cannot come to the department to review the records, the department must provide copies. Fees, in the amount of 10 cents per copy may be charged.
3. Departments must provide responses to reasonable student requests for explanations or interpretations of the content of their records.
4. Certain records, including but not limited to financial records of the student's parents or guardians, certain confidential records, records to which the student has waived access, or records containing personally identifiable information about other students that cannot be redacted, are exempt from inspection and review (see UC Policies Applying to Campus Activities, Organizations, and Students; Section 130.40).
5. Students may voluntarily waive their right of access to confidential recommendations or evaluations regarding admission, application for employment or scholarship, or the receipt of an honor (for example see Exhibit F).

D. Requesting amendment

1. Students may seek amendment of their records if they believe the records contain inaccurate or misleading information.
 - a. Grades given for academic work are not subject to this process and must be resolved within the relevant department or through the appropriate academic procedure.
 - b. The process for amending records does not apply to substantive determinations and may not be used to seek to change the opinions, fact-finding, reflections, or decisions of a campus official, committee or other authority, contained in an education record (e.g., student disciplinary decisions).
2. Students must first seek amendment of records through informal discussion with the appropriate department official.
 - a. If discussion with the department does not resolve the matter, the student must submit a written request to the department head, specifying the contested record and explaining why s/he believes the record is inaccurate, misleading, or otherwise in violation.
 - b. The department head must respond to the student's written request within 45 calendar days.
3. If the matter cannot be resolved at the departmental level, the student may request an administrative review by submitting a written statement of concerns to Student Judicial Affairs (SJA) within 30 calendar days following postmark/email date of the department's denial.
 - a. SJA reviews the student's request and the department's denial, and may attempt to resolve the matter through conciliation.
 - b. SJA must provide prompt written notice of the result of the conciliation efforts to the student.
4. If the administrative review does not resolve the matter, the student may request a fact-finding hearing to determine whether information in his/her student record is inaccurate or misleading.
 - a. The request must be filed in writing with SJA within 30 calendar days following conclusion of the informal administrative review.
 - b. The scope of the hearing is limited to determining whether records are inaccurate, misleading, or otherwise in violation.
 - c. The student and the department each have a full and fair opportunity to present evidence relevant to the issues raised in the request.
 - d. The hearing officer (an SJA or other campus official who does not have a direct interest in the outcome of the hearing) will make a determination based on the preponderance of the evidence and will provide written notice of the decision to the student. This decision is final with no right of appeal.
 - 1) If the official finds in the student's favor, the record will be corrected and a notice of correction is sent to the student.
 - 2) If the official finds that the preponderance of the evidence does not support the request, the record remains unchanged and the student will be notified of his/her right to place a statement in the record.

E. Alleged violations of privacy rights

1. Students who believe their privacy rights have been violated by improper disclosure of confidential information or denial of rightful access to student records may request an administrative review (see IV.D.2-3, above).
2. The SJA decision regarding alleged violations of privacy rights is final; there is no right to a formal hearing for such complaints.
3. Complaints regarding alleged violations of rights accorded students by FERPA may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

V. Further Information

- A. Additional information regarding matters such as disclosure of directory information and confidential information is available in UC Policies Applying to Campus Activities, Organizations, and Students; Section 130.
- B. Contact the appropriate office identified in Exhibit B for additional information regarding specific records.

VI. References and Related Policies

- A. UC Office of the President (<http://www.ucop.edu/ucophome/coordrev/ucpolicies/>)
 1. UC Policies Applying to Campus Activities, Organizations, and Students; Section 130.00, Policies Applying to Disclosure of Information from Student Records.
 2. UC Records Disposition Schedules Manual
 3. Business and Finance Bulletin RMP-8, Requirements on Privacy of and Access to Information
- B. Federal Educational Rights and Privacy Act, Title 20, U.S. Code, Section 1232(g); 34CFR, Part 99 (<http://uscode.house.gov/search/criteria.shtml>).
- C. UCD Policy and Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):
 1. Section 320-20, Privacy of and Access to Information.
 2. Section 320-22, Collection of Social Security Numbers.

Procedures for Disclosing Grades and Distributing Student Work

Grades may not be publicly posted, or papers/exams publicly distributed, by methods that disclose confidential information, unless the student has given written consent. Assignments and papers containing confidential, personally identifiable information may not be distributed in a manner that permits others to see the private information. This includes posting grades outside classrooms/offices or distributing papers in class or in bins.

Grades and grading comments are confidential information protected by law and policy from public disclosure. This means faculty and the campus must protect against situations in which students have access to each others' grades, or where student grades or work is available to the public as may happen when exams are left in a pile at the front or back of the room, passed around the room in a stack, or left unsupervised in return-bins outside classrooms or department offices.

Law and policy prohibit the use of all or part of a student's ID or social security number as an identifier for posting grades or distributing papers. Posting grades in an office or outside a classroom by name, social security number or student ID number, or even a portion of the ID number, is also a privacy violation because students and others may figure out which identifier belongs to which student, violating privacy and creating the risk of identity theft. It is also a violation to post grades or student work to a class listserv, or on a website, without ensuring password and other security protection. The list/site must limit access and be secured so that (1) only the student may see his/her own grades, (2) students may NOT see others' grades; and (3) no one other than the students has access to the listserv/website where grades or student work are posted.

Recommended procedures:

- Use a unique identifier for each student that is assigned just for your class. Do not list the grades in alphabetic order even if a unique identifier is used (it defeats the purpose).
- Have students submit written consent for distributing papers if they want to be able to pick up work from a return bin.
- Have students provide large manila envelopes marked with their names so that their work is returned to them inside an opaque, sealed envelope.
- Use electronic media such as email or web-based distribution of grades so that students can use a password to check their own grades that are not available to anyone without the password.
- Record grades on inside page and fold and staple papers closed.
- Have exams sorted alphabetically by discussion section, and have students pick up their papers directly from their TA.

Sample Written Consent

General Authorization for Public Distribution of Graded Papers or Examinations

I, [print name], [student ID #], authorize my instructor, (print name), to publicly distribute my graded papers, homework, and tests (e.g., by handing out in class or leaving in a bin) for [class title and number].

Signature, date

Paper-Specific Authorization for Public Distribution

I authorize the posting of my grade by personal identifier and the return of my exam/paper for pick-up from a class bin.

I do not authorize the posting of my grade or the public distribution of my paper.

Signature, date

Types and Locations of Student Records

Location	Type of Record	Responsible Official
Academic departments	Academic records	Department chair
Academic Senate	Student petitions	<u>Senate c</u> Chair
Advising Services	Advising records, student-initiated files of evaluation and/or letters of recommendation for graduate and professional school admissions	Director
Athletics	Records of participation in intercollegiate athletics, advising records, financial aid records, eligibility and academic standing records	Director
Colleges (Agricultural and Environmental Sciences; Biological Sciences; Engineering; Letters and Science)	Academic standing and petition records, degree evaluations	Associate dean
Education Abroad	EAP application records and transcripts	Director
Financial Aid <u>and Scholarship</u>	Financial aid applications and recipient records, scholarship and prize applications and recipient records, student employment job/referral records , short-term and emergency loan records	Director
Graduate Studies	Admissions applications, enrollment and academic employment records, academic standing records, degree evaluations	Associate dean
Internship and Career Center	Advising and internship records, placement dossiers, <u>student applications and employment records</u>	Director
Learning Skills Center	Counselor interview notes; tutoring records; completed diagnostic instruments and placement exams; STEP and other program participant records; pre- and co-class attendance; lab and workshop attendance; intake cards	Director
Office of the Registrar	Academic records (transcripts, grades, petitions, holds)	Registrar
Professional Schools (Graduate School of Management; School of Education; School of Law; School of Medicine; School of Veterinary Medicine)	Admissions applications prior to admission; academic standing and enrollment records; entrance or board exam results; employment/internship records	Associate dean
Services for International	Advisor notes and visa status for	Director

Students & Scholars	nonimmigrant students, SEVIS records, financial certification & sponsorship records	
<u>Student Academic Success Center</u>	<u>Advising records, student-initiated files of evaluation and/or letters of recommendation for graduate and professional school admissions, counselor interview notes, tutoring records, completed diagnostic instruments and placement exams, STEP and other program participant records, pre- and co-class attendance, lab and workshop attendance, intake cards, financial aid information for veterans, veterans' dependents and reservists</u>	<u>Director</u>
Student Aid Accounting	Student loans and fee statements	Director
Student Employment	Student applications and employment records	Director
Student Housing	On-campus housing applications, occupancy and account records, student family housing applications and occupancy records	Director
Student Judicial Affairs	Disciplinary R records	Director
Student Special Disability Services	Student-provided disability information, advisor notes, enrollment records, records of services provided, financial aid information for veterans, veterans' dependents, and reservists	Director
Undergraduate Admissions	Admissions applications	Director
University Extension	Enrollment records, petitions and transcripts for open campus students and for University Extension credit	UNEX Registrar

Authorization for Disclosure of Information to Third Party

Departments should provide an authorization form for students who wish to request release of information from their records to a third party. (This model form may be adapted to reflect the type of student information maintained by the department.)

I, _____
(Print Student Name) (Student ID Number)

request that the following record(s):

Number of copies: _____

Be sent to:
Name: _____
Address: _____

Student Signature _____ Date _____

Optional

I request that an additional copy of this record be sent to me at:
Address: _____

A fee of ten (10) cents per page is charged for copies. All copies are printed on 8-1/2 x 11-inch standard white paper with black print.

Record sent as requested: By: _____ Date: _____ Records custodian

**Authorization for Disclosure of Information from Student Records
for Letter of Recommendation or Reference**

In accordance with the federal Family Educational Rights and Privacy Act (FERPA) I understand that, in general, the disclosure of confidential information contained in my student records (for example, my GPA) requires my written consent.

By signing below, I _____ (student name) hereby request and authorize _____ (faculty name) to do the following (check all that apply):

Nature of Request

- Write a letter of recommendation or reference
- Complete an evaluation form
- Provide information in person or over the phone
- Review my transcripts, other student records, and employment records at UC Davis and other educational institutions for the purposes of preparing a recommendation or responding to requests for information about me
- Other _____

Purpose of Disclosure

- Employment application
- Application for admission to educational institution or program
- Application for scholarship, grant, funding, honor, or award
- Other _____

Records and Information to Be Disclosed (check all that apply)

- Degree verification
- Transcripts and information from transcripts
- GPA and specific course information
- Faculty member's personal observations and knowledge about me, including, but not limited to, attitude, performance in class, motivation, abilities, and/or background
- Other _____

Parties to Whom Information May Be Disclosed

(include category [potential employers or schools] and name, institution, and address)

Waiver of Access (check one)

I waive
 do not waive
my right to see recommendations or other written information prepared pursuant to this authorization.

Signature Date

Student Request to Review Student Records

This is to request that I be provided with access to ~~and/or copies of~~ the following categories of documents from my educational records:

1. _____
2. _____
3. _____

Under FERPA (the Family Educational Rights and Privacy Act) and University of California Policies, students have the right to "inspect and review" their own student records. "Records" include "any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche;" and "Student Records" include any "records that contain information directly related to a student and that are maintained by a University of California campus" (including faculty and staff). University policy defines "Student records" to include "academic evaluations, including student examination papers, transcripts, test scores and other academic records; general counseling and advising records; disciplinary records; and financial aid records, including student loan collection records."

~~In the alternative, I request that I be provided with copies of all of these documents, either to be sent to the address shown below or to be ready for me to pick-up by _____.~~

Name: _____

~~Address~~ Student ID Number: _____

Signature _____ Date: _____

Note:

To submit this request by email, the student must use a valid UC Davis email account and must sign and submit a statement that he or she has been provided ~~access to and/or copies of~~ the records as requested. Student must show ID at the time they submit a written request ~~and/or pick-up documents~~.

Waiver of Access to Student Records

Name: _____ Email: _____

Address: _____ Phone: _____

I understand letters and statements of recommendation concerning me are to be received and maintained by scholarship/fellowship programs, educational institutions, and/or potential employers as I have requested.

I hereby expressly and voluntarily waive any and all access rights I might have to such letters and recommendations under the Federal Family Educational Rights and Privacy Act or other laws, or policies.

This waiver is applicable to confidential recommendations to be received from the following person or the following categories of persons or institutions (be specific):

This waiver is applicable to the following student record or the following classes of student records:

The purpose for which such confidential recommendations are being obtained. Be specific- (e.g., admission to the Graduate Program in History at UC Berkeley; employment at UC Davis; undergraduate scholarship award in the Economics Department-).

Signature _____ Date _____

