

# Appendix VII

## Disclosure of Student Records Procedure

The University of Maryland, Baltimore County (UMBC) adheres to a practice of compliance with the Family Educational Rights and Privacy Act (FERPA). As such, it is the practice of the University

- (1) To permit students to inspect their education records
- (2) To limit disclosure to others of personally identifiable information from education records without student's prior written consent,
- (3) To provide students the opportunity to seek correction of their education records where appropriate. This procedure formalizes that practice and supercedes the UMBC Disclosure of Student Records Policy.

### I. Definitions

- A. "Student" means an individual who is or who has been in attendance at UMBC. It does not include any applicant for admission to UMBC who does not matriculate, even if he or she previously attended UMBC. (Please note, however, that such an applicant would be considered a "student" with respect to his or her records relating to that previous attendance.)
- B. "Education records" means those records that are directly related to a student and maintained by UMBC. The following are not education records:
  - 1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record
  - 2) Records made by UMBC Police that are maintained by UMBC Police for law enforcement purposes
  - 3) Employment records, except where an enrolled student is employed as a result of his or her status as a student
  - 4) Records made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity, or assisting in a paraprofessional capacity, made, maintained or used only in connection with treatment of the student and disclosed only to people providing treatment. However, these records may be reviewed by an appropriate professional of the student's choice only after a written release is submitted by the student.
  - 5) Records that only contain information about an individual after he or she is no longer a student at UMBC.

### II. It is the policy of UMBC to permit students to inspect their education records.

#### A. Rights of Access

Each student has a right of access to his or her education records, except confidential letters of recommendation received prior to Jan. 1, 1975, and financial records of the student's parents.

#### B. Waiver

A student, by a signed writing, may waive his or her right of access to confidential recommendations in three areas: admission to any education institution, application for employment, and receipt of honors and awards. UMBC will not require such waivers as a condition for admission or receipt of any service or benefit normally provided to students. If the student chooses to waive his or her right of access, he or she will be notified, upon written request, of the names of all people making confidential recommendations. Such recommendations will be used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and the revocation will apply to all subsequent recommendations, but not to recommendations received while the waiver was in effect.

#### C. Types and Locations of Educational Records, Titles of Records, Custodians at UMBC

Please note that all requests for access to records should be routed through the appropriate office listed.

1. Admissions Records  
Admission applications and transcripts from institutions previously attended
  - a. Undergraduate: Director of Admissions, Library
  - b. Graduate: Director of Graduate Admissions, Administration Building
2. Transcripts and Registration Records  
Registrar, Academic Services Building
3. Academic Departmental Records  
Academic records; Departmental Chairperson — Individual Departmental Offices
4. Disciplinary Records  
Director of Student Judicial Programs, Mathematics/Psychology Building
5. Counseling Services.  
Biographical data, summaries of conversations with students, test results; Director of University Counseling Services, Mathematics/Psychology Building
6. Financial Aid and Scholarship Records  
Director of Financial Aid and Scholarships, Library
7. Health Services  
Where records are made and used only for treatment purposes, they are not education records and are not subject to this policy; health education records are subject to this policy; Director of University Health Services, Erickson Hall

8. Job Placement Records  
Director of Career Development Center,  
Mathematics/Psychology Building
9. Business Services  
All student accounts receivable, records of students' financial charges and credits with the University; Bursar, Administration Building
10. Academic Misconduct Records  
Provost, Administration Building
11. On-Campus Housing Records  
Director of Residential Life, Erickson Hall
12. Athletic Records  
Director of Athletics, Physical Education and Recreation, Retriever Activities Center
13. International Student Records  
Director of International Education Services, Administration Building

**D. Procedure to be Followed to Inspect Educational Records**

Request for access should be made in writing to the appropriate office. UMBC will comply with a request for access within a reasonable time, but not more than 45 days after receipt of the request. In the usual case, arrangements will be made for the student to read his or her records in the presence of a staff member. If facilities permit, a student ordinarily may obtain copies of his or her records by paying reproduction costs. The fee for copies is \$.50 per page. UMBC will not provide copies of any transcripts in the student's records other than the student's current University transcript from UMBC. Official UMBC transcripts (with University seal) will be provided at a higher charge.

**III. It Is the Policy of UMBC to Limit Disclosure of Personally Identifiable Information From Education Records Unless It Has the Student's Prior Written Consent, Subject to the Following Limitations:**

**A. Directory Information**

1. The following categories of information have been designated directory information:
  - a) Name
  - b) Address
  - c) Telephone Listing
  - d) Electronic Mail Address
  - e) Photograph
  - f) Date and Place of Birth
  - g) Major Field of Study
  - h) Dates of Attendance
  - i) Enrollment Status
  - j) Participation in Officially Recognized Activities and Sports
  - k) Weight and Height of Members of Athletic Teams
  - l) Degrees, Honors and Awards Received
  - m) Most Recent Educational Institution Attended

2. This directory information will be disclosed even in the absence of consent unless the student files written notice informing UMBC not to disclose any or all of the categories within three weeks of the first day of the semester in which the student begins each school year. This notice must be filed annually within the above allotted time to avoid automatic disclosure of directory information. The notice should be filed with UMBC's Registrar's Office.
3. UMBC will give annual public notice to students of information designated as directory information.
4. Directory information may appear in public documents and otherwise may be disclosed without student consent unless the student objects as provided above.

**B. Prior Consent Not Required**

Prior consent will not be required for disclosure of education records to the following parties:

1. School officials of UMBC who have been determined to have legitimate educational interests:
  - a. "School officials" include instructional or administrative personnel who are or may be in a position to use the information in furtherance of a legitimate educational interest.
  - b. "Legitimate educational interests" include those interests directly related to the academic environment.
2. Officials of other schools in which a student seeks or intends to enroll, and officials of other schools in which the student is enrolled during a period when the student remains enrolled at UMBC. Upon request, and at his or her expense, the student will be provided with a copy of the records that have been transferred. The student, upon request, will have the opportunity to have a hearing to address amendment of his or her records as provided for under Section IV, Subsection B of this policy.
3. Authorized representatives of the comptroller general of the United States, the attorney general of the United States, the secretary of U.S. Department of Education, or an official or employee of the Department of Education acting for the secretary under a delegation of authority, or State and local educational authorities, but only in connection with the audit or evaluation of federal- or state-supported education programs or for the enforcement of, or compliance with, federal legal requirements relating to these programs. These officials will protect information received so as not to permit personal identification of students to parties not named above, and, subject to controlling Federal law or prior student consent, will be destroyed when no longer needed for these purposes.
4. Authorized persons and organizations that are given work in connection with a student's applications for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms and conditions.

## 388 APPENDIX VII / DISCLOSURE OF STUDENT RECORDS PROCEDURE

5. State and local officials to whom such information is specifically required to be reported by effective state law adopted prior to Nov. 19, 1974 concerning the juvenile justice system.
6. Organizations, including, but not limited to, federal, state and local agencies, and independent organizations, conducting educational studies for, or on behalf of UMBC, to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction. The studies shall be conducted in a manner that does not permit personal identification of students to individuals other than representatives of the organization, and the information will be destroyed when no longer needed for these purposes.
7. Accrediting organizations for purposes necessary to carry out their functions.
8. Parent(s) of a student who is a dependent for income tax purposes. UMBC may require documentation of dependent status such as copies of income tax forms.
9. Appropriate parties, as mandated, to comply with a judicial order or lawfully issued subpoena. UMBC will make reasonable efforts to notify the student before complying with the order or subpoena, unless the disclosure is in compliance with a federal grand jury subpoena or other subpoena issued for a law enforcement purpose, and the court has ordered that the existence or the contents of the subpoena, or the information furnished in response, not be disclosed. UMBC may disclose, without subpoena or court order, educational records to a court in connection with legal action initiated by UMBC against a student, or by a student against UMBC, when those records are relevant for UMBC to proceed with the action as plaintiff or in its defense.
10. Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. A victim of an alleged perpetrator of a crime of violence, or a non-forcible sex offense, as defined by the FERPA. The disclosure may only include the final results of the disciplinary proceeding conducted by UMBC as it relates to that allegation. FERPA defines "alleged perpetrator of a crime of violence" as a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses:
  - a) Arson
  - b) Assault offenses
  - c) Burglary
  - d) Criminal homicide – manslaughter by negligence
  - e) Criminal homicide – murder and non-negligent manslaughter
  - f) Destruction/damage/vandalism of property
  - g) Kidnapping/abduction
  - h) Robbery
  - i) Forcible sex offenses
12. The public when a UMBC disciplinary proceeding has found that the student violated a University rule as it relates to an allegation that the student perpetrated a crime of violence, or non-forcible sex offenses, as defined by the FERPA and above. UMBC may only release the final results of the disciplinary proceeding.
13. A student's parent or guardian regarding the student's violation of any federal, state or local law, or of any rule or policy of UMBC governing the use or possession of alcohol or a controlled substance if the student is found to have committed a disciplinary violation with respect to that use or possession and the student is younger than age of 21 at the time of the disclosure.

### C. Prior Consent Required

In all other cases not addressed in Section III.B., UMBC will not release personally identifiable information in education records or allow access to those records without prior consent of the student. Unless disclosure is to the student himself or herself, the consent must be written, signed and dated, and if must specify the records to be disclosed, the identity of the recipient and the purpose of disclosure. A copy of the record disclosed will be provided to the student upon request and at his or her expense.

### D. Records of Disclosures

UMBC will maintain, with the student's educational records, a record of each request, and each disclosure, of personally identifiable information from the student's records, except:

1. Disclosures to the student himself or herself
2. Disclosures pursuant to the written consent of the student (The written consent itself will suffice as a record.)
3. Disclosures to instructional or administrative officials of UMBC
4. Disclosures of directory information
5. Disclosures in response to a federal grand jury or other law enforcement subpoena where the disclosure is directed not to occur.

This record of disclosures may be inspected by the student, the official custodian of the records, and other UMBC and governmental officials whose purpose is to audit the recordkeeping procedures of UMBC.

### E. Redisclosure of Information

UMBC may disclose personally identifiable information from an educational record only on the condition that the party receiving the information will not redisclose without prior written consent of the student unless the stated purpose of the disclosure includes redisclosure. This redisclosure condition does not apply when disclosure is made under this Procedure Section III.B.8., Section III.B.9., Section III.A., Section III.B.12. and Section III.B.13.

#### **IV. It Is the Policy of UMBC to Provide Students the Opportunity to Seek Amendment of Their Education Records**

##### **A. Request to Amend Records**

A student who believes information contained in his or her education records is inaccurate, misleading or in violation of the student's rights of privacy may submit a written request to the appropriate custodian specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the person responsible for any amendments to the record in question. Within a reasonable period of time of receipt of the request, UMBC will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student will be so notified and will be advised of the right to a hearing to challenge the content of his or her records.

##### **B. Right to a Hearing**

If UMBC refuses to amend a student's record, the student then may exercise the right to a hearing by delivering a written hearing request to the Office of the President. The student will be notified in writing of the date, place and time reasonably in advance of the hearing. The hearing will occur within a reasonable time after receipt of the request for a hearing.

###### **1. Conduct of the Hearing**

The hearing will be conducted by a UMBC official, of UMBC's choosing, who does not have a direct interest in the outcome. The student will have a full and fair opportunity to present evidence relevant to the issues raised and may, at his or her own expense, be assisted or represented by individuals of his or her choice, including an attorney.

###### **2. Decision**

Within a reasonable period of time after the conclusion of the hearing, UMBC will notify the student in writing of UMBC's decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If UMBC decides the information is inaccurate, misleading or a violation of the student's privacy rights, UMBC will amend the records accordingly.

##### **C. Right to Place an Explanation in the Records**

If, as a result of the hearing, UMBC decides the information is not inaccurate, misleading or otherwise in violation of the student's privacy rights, the University will inform the student of the right to place in his or her record a statement commenting on the information and/or explaining any reasons for disagreeing with the University's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the record is disclosed.

#### **V. The Right to File a Complaint**

A student alleging UMBC noncompliance with the Family Educational Rights and Privacy Act may file a written complaint with the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.