



NORTH CAROLINA A&T STATE UNIVERSITY

CHAPTER 1100 – GENERAL

UNIVERSITY POLICY 1105, PRIVACY OF STUDENT RECORDS (FERPA)

SECTION 1105.1 POLICY STATEMENT

North Carolina Agricultural and Technical State University (“N.C. A&T” or “University”) adheres to the Family Educational Rights and Privacy Act of 1974 (FERPA) which governs the release of and access to student education records. It is the policy of N.C. A&T that students be accorded the full legal rights provided them under FERPA.

SECTION 1105.2 PURPOSE

This Policy set forth students’ rights under FERPA which include, but are not limited to, the right to inspect and review education records, the right to seek to amend those records, and to limit disclosure of information from the records in general or to specific individuals.

SECTION 1105.3 SCOPE

This policy applies to students (former and current), faculty, staff, and contractual agents of the university, and individuals requesting access to student information.

SECTION 1105.4 DEFINITIONS

- (a) **Student.** An individual who is, or who has become, *in attendance* at N.C. A&T University. It does not include an individual who was an unsuccessful applicant for admission to the University. A student definition also includes alumni/former students.
- (b) **In Attendance.** A student in attendance can be participating in person or by paper correspondence, video conference, satellite, Internet, or other electronic information and telecommunications technologies for students not physically present in a classroom. Attendance could also be the period in which a person is working in a work-study program. N.C. A&T University defines attendance to begin the first day a student arrives on campus for an official, organized campus activity (e.g., orientation, athletic practice, class, etc.) or participates in any official, organized activity offered by technology (e.g., orientation, class, etc.).
- (c) **Education Records.** Education records include those records that are *personally identifiable*, and which are maintained by the University or a University official. Records could

be information or data recorded in any medium, including but not limited to photos, handwriting, print, tapes, film, microfilm, and microfiche. The following are not considered education records:

1. Records about students made by professors and administrators for their own use and not shown to others.
2. Campus police records maintained solely for law enforcement purposes and kept separate from the education records described above.
3. Employment records, except where a currently enrolled student is employed as a result of his or her status as a student (i.e., work-study).
4. Records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment. However, these records may be reviewed by an appropriate professional of the student's choice.
5. Records which contain only information relating to a person's activities after that person is no longer a student at the University.
6. Application for admissions records to a N.C. A&T school or program in which the student is not currently in attendance.

(d) **Personally Identifiable.** Data or information that contains the name of a student; the student's parent or other family member's name; the address of the student, parent, or family member; a personal identifier, such as the social security number or student ID number; other information which would make the student's identity easily traceable.

(e) **Directory Information.** Information in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. At N.C. A&T directory information consists of the student's name; major field of study; dates of attendance; enrollment status; degrees and awards (including scholarships and distinctions) received; and county of residence for award, scholarship, or distinction recipients.

- a. Photographs, videos, or other media containing a student's image or likeness (collectively, "student images") and University-issued student electronic mail addresses ("email addresses") are designated by N.C. A&T as "**Limited Use Directory Information.**" Use and disclosure of Limited Use Directory Information will be restricted to:
 - i. publication in official University publications or on social media sites or websites hosted or maintained by, on behalf of, or for the benefit of the University, including the University's online directory and internal email system.
 - ii. University officials who have access, consistent with FERPA, to such information and only in conjunction with a legitimate educational interest; and
 - iii. external parties contractually affiliated with the University, provided such affiliation requires the sharing of Limited Use Directory Information.

- b. The University will give annual public notice to students of the categories of information designated as directory information and will allow a reasonable period of time after such notice for the student to inform the University that he/she wishes to suppress the information from being disclosed. Directory information may appear in public documents and may otherwise be disclosed without student consent unless the student objects as indicated.
- (f) **Disclosure.** Permitting of access or the release, transfer, or other communication of *education records* orally or in writing, or by electronic means, or by any other means to any party.
- (g) **School Official.** A person employed by the University in an administrative, supervisory, academic, research, or support staff position, including public safety and health care personnel; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees or a student serving on an official committee or assisting another school official in performing his or her tasks. School officials may only access and use education records as necessary to conduct official University business or for which they have *legitimate educational interest*.
- (h) **Legitimate Educational Interest.** An interest in reviewing student education records for the purpose of performing an appropriate University research, educational, or administrative function. A school official has legitimate educational interest if the need to see an education record is necessary in order to perform his or her professional responsibilities. Interests essential to the general process of higher education, including teaching, research, public service, and directly supportive activities such as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, academic assistance activities, and co-curricular activities including varsity and intramural sports, social fraternities, specific interest clubs, and student government.

SECTION 1105.5 RIGHT TO INSPECT STUDENT RECORDS

Each student has a right of access to his or her education records, with the following exceptions:

- (a) Financial records of the student's parents.
- (b) Confidential letters and confidential statements of recommendation placed in education records of students before January 1, 1975, provided that the letters and statements were used only for the purposes for which they were intended.
- (c) Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975, in connection with admission to an institution, an application for employment, or the receipt of an honor or honorary recognition, provided that the student has waived his or her right to inspect and review those letters and statements of recommendation.
 - 1) Persons applying for admission may waive in writing their right to inspect and review confidential letters of recommendation and confidential statements of recommendation. The waiver may apply to confidential letters and statements only if the applicant or student is, upon request, notified of the names of all individuals

providing the letters or statements, and such letters and statements are used solely for the purpose for which they were originally intended. The University will not require such waivers as a condition for admission or receipt of any service or benefit normally provided to students. A waiver may be revoked in writing at any time, and the revocation will apply to all subsequent recommendations.

- 2) Education records of other students, if included on the education record of the student. The student may only inspect his/her own information.

Students wishing to review their records should submit a written request to the Office of the University Registrar at registrar@ncat.edu. The University will comply with record review requests within 45 days. Students are entitled to a reasonable explanation and interpretation of their records, and one will be provided if needed. No records for a pending request will be destroyed until the request to inspect has been honored.

SECTION 1105.6 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

The University will not release personally identifiable information in education records or allow access to those records without prior consent of the student, other than information deemed "directory information." Unless disclosure is to the student himself or herself, the consent must be written, signed and dated, and must specify the records to be disclosed and the identity of the recipient.

1105.6.1 PRIOR CONSENT NOT REQUIRED

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

- (a) School officials of N.C. A&T University who have been determined to have legitimate educational interests.
- (b) Officials of other schools in which a student seeks or intends to enroll or is enrolled. Authorized representative of the Comptroller General of the U.S., the Attorney General of the U.S., the U.S. Secretary of Education, and state and local educational authorities, but only in connection with the audit or evaluation of federally supported educational programs, or in connection with 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 outsiders, and the data shall be destroyed when no longer needed for the purposes above.
- (c) In connection with a student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions.
- (d) State and local officials to which such information is specifically required to be reported by effective state law.
- (e) Organizations conducting educational studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to anyone other than representatives of the organizations, and the information will be destroyed when no longer needed for these purposes.

- (f) Accrediting organizations for purposes necessary to carry out their functions.
- (g) Parents of a student who is a dependent for income tax purposes (dependency must be documented).
- (h) 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.
- (i) In response to a court order or subpoena (*The University will make reasonable efforts to notify the student before complying with the court order*).
- (j) A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- (k) On request, the final results of a disciplinary proceeding where a student has allegedly perpetrated a crime of violence or non-forcible sex offense and has been found to have violated University rules or policies. The names of the victims, witnesses, or other students will not be disclosed without consent.
- (l) Parents of a student under the age of 21 who has been found with an alcohol-related disciplinary violation.

It is N.C. A&T University's practice not to provide student education record information to any party outside the institution with the exception of vendors contracted to provide a service to the institution and are considered school officials and a few entities that provide support for major N.C. A&T University events, such as commencement.

1105.6.1 DOCUMENTATION OF DISCLOSURES

The University will maintain with the student's education records a record for each request and each disclosure, except:

- (a) disclosures made directly to the student;
- (b) disclosures pursuant to the written consent of the student;
- (c) disclosures to instructional or administrative officials of N.C. A&T University;
- (d) disclosures of directory information; and
- (e) disclosures pursuant to a Federal grand jury's subpoena or other law enforcement subpoenas where the court or other agency issuing the subpoena has ordered the institution to not disclose the existence of the subpoena.

The record of disclosure may be inspected by the student, the official custodian of the records, and other University and governmental officials.

1105.6.1 REQUEST FOR NON-DISCLOSURE

A student wishing to suppress the release of "Directory Information" may do so by completing the Request for Non-Disclosure form. The form may be obtained by contacting the Office of the University Registrar at registrar@ncat.edu. The student should weigh the implication of placing the suppression. By withholding the release of "Directory Information" N.C. A&T University will:

- (1) not include the student's name, address, email address, or phone number in the student directory;
- (2) refuse to release any information about the student to the student's insurance company, current or future employers, all forms of media, and any non-institutional persons or organizations;
- (3) give no personal information over the phone; and
- (4) will state "do not have any documentation that would support the release of information for a student by that name" to any person/organization/company that would seek information about a student's status.

The Request for Non-Disclosure does not prevent the disclosure of information to University personnel with a legitimate educational interest.

The Request for Non-Disclosure remains in effect until the student rescinds the request. A student who wishes to revoke a Request for Non-Disclosure must complete the Request for Revocation of Non-Disclosure of Directory Information form. A request in place at the time of graduation or at the time of leaving N.C. A&T University remains in effect in perpetuity.

SECTION 1105.7 RIGHT TO SEEK CORRECTION OF RECORDS

- (a) A student who believes that information contained in his or her education records is incorrect, misleading, or violative of privacy or other rights may submit a written request to the Office of the University Registrar, specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the custodian of the record in question. Within a reasonable period of time of receipt of the request, the University 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.
- (b) A student request for a formal hearing must be made within 30 calendar days after the student receives notice from the record custodian that the record(s) will not be amended. The request for hearing must be made in writing to the Office of the University Registrar, signed by the student, and contain: 1) a statement that the student is requesting a formal hearing on a request to amend a record, 2) the date the student received notice from the record custodian, and the name of the record custodian, that the record would not be amended, 3) a summary of the attempts to resolve the matter with the records custodian and the result of those attempts, and 4) a summary of the evidence and arguments the student would present at a hearing.
- (c) A hearing will be held within 30 calendar days after the receipt of the student's request, and the student will be given ample advance notice of the date, place, and time of the hearing.
 - a. The hearing will be conducted by a University official 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 be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.

The University official conducting the hearing will, after considering all relevant information, make a recommendation to the University Registrar.

- b. Within a reasonable period of time after the conclusion of the hearing, the University will notify the student in writing of the 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.
- c. If the University decides that the information in the student's records is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the University will amend the record(s) accordingly.
- d. If, because of the hearing, the University decides that the information is not inaccurate, misleading, or violative of the student's right, the student has 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.

SECTION 1105.8 LIMIT TO FERPA PROTECTION OF RECORDS

FERPA's protection of personally identifiable information in a student's education record ends at the time of death.

SECTION 1105.9 COMPLAINTS

Students who believe that the University has violated their rights under the FERPA statute or implementing regulations may file a written complaint within 180 days of the date of the alleged violation or the date the complainant knew or reasonably should have known of the alleged violation with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington D.C. 20202-8520

POLICY HISTORY:

Eff. prior to February 21, 2007

Revised Eff. April 8, 2011; October 29, 2018; September 25, 2023 (Interim); December 11, 2023

AUTHORITY: Chancellor

POLICY OWNERS: Provost and Executive Vice Chancellor for Academic Affairs; University Registrar