

REGENTS' POLICY
PART IX – STUDENT AFFAIRS
Chapter 09.04 - Education Records

P09.04.010. General Statement Regarding Education Records.

- A. The University of Alaska will comply with the Family Educational Rights and Privacy Act of 1974 and its implementing regulations, as amended (FERPA), and, in so doing, protect the required confidentiality of and access to education records of current and former students. In the event there is a conflict between FERPA and regents' policy, university regulation, and/or MAU rules and procedures, the provisions of FERPA will control. To the extent this policy and university regulation and MAU rules and procedures express substantive or procedural rights or promote expectations that do not otherwise exist in FERPA, they give rise to no rights to enforcement or review outside of internal university processes, such as courts or administrative agencies.

- B. The president and chancellors, respectively, will establish university regulation and MAU rules and procedures consistent with FERPA and regents' policy that will ensure the appropriate confidentiality of education records. Where practicable, chancellors will develop common practices among MAUs which contribute to efficiency of service and appropriate access to education records. Each chancellor will designate a custodian of education records for the MAU.

(02-20-98)

P09.04.020. Education Records Definitions.

The president may establish definitions applicable to this policy in university regulation.

(02-20-98)

P09.04.030. Composition of Education Records.

- A. Education records are those records directly related to a student and maintained by the university. Education records may be located in several different offices, depending upon the type of record. Education records include, but are not limited to:
 - 1. academic evaluations, including student examination papers, transcripts, test scores, graduate advisory committee reports when applicable, and other academic records;
 - 2. general advising records;
 - 3. disciplinary records;
 - 4. financial aid records, including student loan collection records; and
 - 5. employment records of students whose employment is contingent on their status as students, for example, work-study.

- B. Documents and materials not considered part of the education record will be established by the president in university regulation.

(12-12-14)

P09.04.040. Annual Notification of Rights.

Students enrolled in or registered with the university will be informed annually of their rights under FERPA. The president will establish in university regulation the content of the notification, such means and timing of distribution as are reasonably likely to inform students of their rights, and the procedures for exercising such rights.

(02-20-98)

P09.04.050. Inspection and Review of Education Records by Students.

- A. Except as otherwise provided, students will be permitted to inspect and review their education records. The right of inspection and review includes:

1. the right to an explanation and interpretation of the record; and
2. the right to a copy of the education record in accordance with the fee schedule established by each chancellor for the MAU.

- B. The right of inspection and review does not apply to records accumulated by the university that pertain to a student's application for admission to a program until such time as the student has been admitted to the program. Thus, an individual who is currently or has been enrolled in a university program and who applies for admission to another program at the same or another MAU has no right to inspect the records accumulated by the program into which admission is sought until the individual is enrolled therein.

- C. No fees will be assessed for searching for or retrieving an education record. Fees for copies may be assessed as long as the fee does not prohibit a student from inspecting and reviewing the student's education record. The president will establish procedures for the inspection and review of education records in university regulation.

(02-20-98)

P09.04.060. Disclosure of Personally Identifiable Information.

Personally identifiable information will not be released from an education record without the written consent of the student except for permissible disclosure of public information and except as otherwise permitted by FERPA or by university regulation. Such written consent must:

- A. specify the records to be released;
- B. state the purpose of the disclosure;

- C. identify the party or class of parties to whom disclosure may be made; and
- D. be signed and dated by the student.

(02-20-98)

P09.04.070. Records Regarding Requests for Access to and Disclosures of Education Records.

UNIVERSITY REGULATION

J. University Official

A university official is any individual designated by the university to perform an assigned function on behalf of the university, including a contractor, consultant, volunteer or other party to whom the university has outsourced institutional services or functions.

(06-16-09)

R09.04.030. Composition of Education Records.

Except as specified elsewhere, education records are those records directly related to a student

3. are not disclosed to anyone other than the above individuals providing treatment, except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice;

Treatment in this context does not include remedial educational activities, academic and career advising, tutoring, disability management counseling, or any activities which are part of the program of instruction offered by the university.

- E. records containing only information relating to a person after that person is no longer a student at the university and that are not directly related to the individual's attendance as a student.
- F. Grades on peer-graded papers before they are collected and recorded by a teacher.

(06-16-09)

R09.04.040. Annual Notification of Rights.

Students enrolled in or registered with the university will be annually informed of their rights under Regents' Policy and University Regulation on education records and under FERPA. Notification will be publi

- B. Each chancellor will establish MAU rules and procedures consistent with FERPA, Regents' Policy, and University Regulation by which a student may inspect and review his/her records. The MAU rules and procedures will include:
1. a schedule of the fees to be charged for copies, if applicable;
 2. a list of the types and locations of education records maintained by each campus;
 3. the titles and location of the university officials responsible for each type of record; and
 4. the manner in which identification will be verified.
- C. Notwithstanding the applicable record retention period, student records will not be destroyed if there is an outstanding request to inspect and review them.
- D. In accordance with FERPA, the following education records are not subject to inspection and review by students:
1. financial records and statements of the student's parents or guardians or any information contained therein; however, information from the parent's confidential statement, or the equivalent information, may be disclosed to the student if the proper authorization has been signed by the parent(s) or guardian(s);
 2. confidential letters and statements of recommendation which are placed in the education record prior to January 1, 1975, provided that the letters and statements are used only for the purposes for which they were specifically intended;
 3. confidential letters and statements of recommendation which were placed in the education record after January 1, 1975, with regard to admission, application for employment, or the receipt of an honor, if the student has waived the right to inspect and review those recommendations and the recommendation relates to the student's admission, application for employment or job placement, or receipt of honors;
 4. records containing personally identifiable information about other students.
- E. If an education record contains information on more than one student, a student may inspect and review, or be informed of, only the specific information which pertains to that student, except for permissible disclosure of public information.
- F. A waiver under this section is valid only if the waiver is made in writing, is signed by the student, and is not required as a condition for admission to or receipt of a service or benefit from the university. Each chancellor will establish MAU rules and procedures which provide a process for a student to waive rights to access an educational record.
- G. Requests to inspect and review admissions records of individuals who have not been accepted to or who have not enrolled in and attended the university are not covered under

this policy and regulation. An applicable challenge would be treated under resolution of academic disputes.

(02-20-98)

R09.04.060. Disclosure of Personally Identifiable Information.

The University of Alaska may disclose personally identifiable information from an education record without the signed consent from the student if the disclosure meets one or more of the following conditions or other provisions of FERPA.

- A. The disclosure is made to a university official with a legitimate educational interest.
- B.

1. a federal grand jury subpoena and the 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
2. any other subpoena issued for a law enforcement purpose and the court or other

3. disclosures to university officials; and
4. disclosures of public information.

(06-16-09)

R09.04.080. Amending Education Records.

- A. The University of Alaska will respond to a student's request for explanation and interpretation of information contained in the student's education records. If the student believes information contained in an education record is inaccurate or misleading, or otherwise in violation of the student's right to privacy as provided in these policies, the student may request in writing that the custodian of the record amend the record to make it correct.

information in question and reasons for disagreeing with the decision. This statement will remain a permanent part of the record as long as the contested portion of the record remains, and will be revealed to any party to whom the record is disclosed. The student will also be notified that his or her exclusive right to challenge the university's decision is by filing a written complaint with the Family Policy Compliance Office of the United States Department of Education.

- C. Requests to amend grades, including written evaluations which are accurately recorded and which reflect institutional judgments of the quality of a student's academic performance, are reviewed not under this regulation but rather as disputes regarding academic decisions or actions.

(02-20-98)