

# EDUCATION RECORDS AND FERPA POLICIES

## Education Records and Information Maintained

Under the Family Educational Rights and Privacy Act (FERPA), "education records" are defined as records directly related to a student and maintained by an educational agency or institution.

The University does not maintain a centralized record or file that contains all education records and information about students in any single location. Instead, various segments of the education record are kept in multiple offices.

The term "education records" does not include:

- Records of faculty and administration that are in the sole possession of the maker and are not accessible to or disclosed to any other individual except a temporary substitute.
- Law enforcement records that are kept separate from education records and created by a law enforcement unit for law enforcement purposes.
- Medical, psychiatric, or psychological records created and used solely for a student's care or treatment are protected under HIPAA and may be disclosed only to other appropriate professionals at the student's written request.
- employment records, except those of students employed because of their student status.
- Records containing information about a student obtained after they are no longer enrolled.

## Student Academic Records

Student academic records are kept in the University Registrar's Office on both the Biddeford and Portland campuses. Records are maintained/retained under the Family Educational Rights and Privacy Act of 1974 (FERPA) and upon recommendations made by the American Association of Collegiate Registrars and Admissions Officers (AACRAO).

## Records Retention and Disposition

The University Registrar's Office serves as the official custodian of the permanent academic record. This record is vital to students, as it provides a comprehensive and authoritative history of their academic performance and achievements. It is relied upon for future educational opportunities, degree certification, and employment verification.

Not all information contained in the record is permanent. Certain records may be deleted or disposed of in accordance with the University Registrar's established records retention policy, particularly if they are outdated, no longer relevant, or contain information that is no longer accurate or truthful. This process ensures that the record remains accurate and up to date, preserving only the relevant and current information.

## Changes to Student Records

Once a student has officially withdrawn from the institution or has been awarded a degree, the permanent academic record is considered final and may not be altered. This includes, but is not limited to, changes to grades,

course registrations, academic standing, or degree conferral. Exceptions to this policy are limited to the correction of documented administrative or clerical errors or in cases of proven fraud, and must follow formal review and approval processes established by the University Registrar's Office.

## Student Conduct Records

Each campus's Dean of Students Office maintains student conduct records and related files under the Family Educational Rights and Privacy Act of 1974 (FERPA). The Office of the Dean of Students maintains all student conduct and related files for no less than four years after separation from the University. Records may be destroyed at that time.

Disciplinary records may be retained for more extended periods of time or permanently if specified in terms of disciplinary sanctions.

## FERPA Student Rights

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. Under FERPA, enrolled students at the University of New England, excluding applicants, former students, and alumni, have specific rights concerning their education records.

### Right to Inspect and Review Education Records

Students can request to view their education records by submitting a signed written request to the University Registrar. Email requests are not accepted. The Registrar will inform students when they can access their records within 45 days. Students must present valid identification before viewing records and must do so during regular business hours, under supervision, at the designated location to avoid disrupting office operations. Any confidential, pre-1975 information, waived data, details about other students, and parental financial records will be redacted from the records provided. The Act does not require the institution to provide copies of records.

### Right to Amend Education Records

Students can challenge the accuracy of recorded grades but not the judgment of the grades assigned due to their course performance. This distinction is important to ensure that students feel confident in the grading process and understand their rights.

If record discrepancies are found, students should discuss them with the office maintaining the record and submit their concerns in writing. If unresolved, students can submit a formal written request for amendment to the University Registrar.

If the request for amendment is denied, the University Registrar will notify the student of the decision and advise the student of the right to a hearing on the request for amendment. The student may then request a formal hearing from the University Registrar in writing. The University Registrar will appoint a three-person panel to review the objection and designate one panelist as chairperson. Once appointed, the panel will hold a hearing within two calendar weeks.

The panel must provide an opportunity for a presentation of evidence regarding the stated objection and render a decision in writing to the University Registrar within one week of the conclusion of the hearing. The University Registrar must inform the student in writing within ten working days of any amendment made or of the decision not to amend the record.

Students will be notified in writing of the panel's decision and have the right to submit a written statement in the record if they disagree.

## Right to Control Disclosure of Education Records

Students have the right to provide written consent to the disclosure of personally identifiable information in their education records, except when FERPA authorizes disclosure without consent.

The University of New England will disclose education records only with the student's written consent, except in specific circumstances, such as:

- To school officials with legitimate educational interests.<sup>1</sup>
- To authorize federal or state officials for audit or program evaluation of federal or state-supported educational programs.
- To recognize accrediting organizations to carry out their accrediting functions.
- To state or local officials pursuant to the state statute concerning the juvenile justice system.
- In connection with the student's application for, or receipt of, financial aid.
- To organizations conducting studies on behalf of educational agencies in connection with predictive tests, student financial aid programs, and the improvement of instruction, provided that the identity of students is not disclosed to anyone other than representatives of such organizations. Such information will be destroyed when it is no longer needed for the purpose for which it was collected.
- In compliance with a judicial order or subpoena, provided that every effort is made to notify the student of the subpoena or order, except where a court or other issuing agency has ordered that there be no notification.
- In emergencies, to appropriate persons, as determined by the custodian of the records, if the knowledge of information from the particular record is necessary to protect the health or safety of the student or other persons.
- To other educational institutions for enrollment purposes.
- For directory information.
- To the student.
- In cases where the final results of a disciplinary hearing are disclosed to the victim of an alleged crime of violence or non-forcible sex offense.
- In cases where the final results of a disciplinary hearing are disclosed, involving an alleged crime of violence or a non-forcible sex offense, where a violation was committed.
- In legal actions between the Institution and the student.
- To parents of students under 21, regarding the student's 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 it is determined that the student committed a disciplinary violation.

<sup>1</sup> Note: A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, National Student Clearinghouse, 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 their task. A school official has a legitimate educational

interest if they need to review an education record to fulfill their professional responsibility.

Recipients of disclosed information must be informed that they may not share it without the student's written consent. The recipient shall also be notified in writing that, if compliance with this requirement is not acceptable, all records must be returned, unused, to the institution. The prohibition on the re-release of records does not apply to disclosures of directory information, disclosures under a subpoena, court order, or in litigation; disclosures to the student; or disclosures of the final results of a disciplinary hearing involving an alleged crime of violence or non-forcible sex offense where a violation was committed.

Each office that maintains education records shall keep a record for each student, including that student's education record. The record shall list all individuals, agencies, or organizations that have requested or obtained access to each disclosure of the student's education record. Disclosures to school officials and disclosures made in response to certain subpoenas or orders described above shall not be recorded.

FERPA protections no longer apply after an individual's death. The University of New England's policy is that records of deceased students or alumni are not released to third parties after their passing unless authorized by the executor of the individual's estate or the next of kin

## Right to File a Complaint

Students can file complaints with the U.S. Department of Education if they believe the University of New England has violated FERPA regulations.

Complaints should be addressed to:

U.S. Department of Education  
Student Privacy Policy Office  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

This overview summarizes the rights and responsibilities under FERPA for students at the University of New England.

## Directory Information and Disclosure

The University of New England identifies specific information in students' education records as directory information under FERPA guidelines.

Unless a student explicitly requests otherwise, the University may disclose this directory information publicly. Here's the list of what the University considers directory information:

- Student Name
- Address\*
- Relevant personal athletic statistics
- Class Level (e.g., PR, GR, UG - Senior, Junior, Sophomore, First- Year)
- Date of Birth\*
- Attendance Dates (Fall, Spring, Summer)
- Degrees and Awards received (with dates)
- Enrollment Status (full/part-time)
- Previous educational institutions attended
- Participation in sports and activities
- Phone Number\*
- Program of Study

- UNE email address\*
- Photo

\*Note: UNE typically does not share personally identifiable student information, including directory information, with unrelated organizations or third parties

If a student opts to restrict the release of directory information, the University will not disclose any such information without the student's explicit written consent. This includes not listing the student's name in the Dean's List, student directory, commencement brochure, or any institutional publications or press releases. The Requests to Restrict Disclosure of Directory Information (<https://www.une.edu/registrar/registration/registration-forms/>) form can be found online or at the University Registrar's Office.

Any restrictions on releasing directory information will remain in effect until the student provides written revocation. Forms to Reverse the Request to Restrict the Disclosure of Directory Information (<https://www.une.edu/registrar/registration/registration-forms/>) can also be found online or at the University Registrar's Office.

Only the appropriate education records custodian can release non-directory information upon receiving a dated, written request from the student or after the student completes a Student Consent to Release Information form. These forms are available online or at the University Registrar's Office. Consent remains valid until the student revokes it in writing. Revoke Student Consent to Release Information is also available online or at the University Registrar's Office.

## The Solomon Amendment

Institutions of higher education receiving Federal grants and contracts are subject to the "Solomon Amendment" (10 U.S.C. 1983 § 549). This amendment allows federal funding to be cut if military recruiters are prohibited from recruiting on campus or from accessing student directory information for recruiting purposes.

Covered student directory information ("student recruiting information") is defined as name, address, telephone number, age or date of birth, place of birth, academic major, level of education (e.g., first-year, sophomore, junior), degree awarded, and educational institution in which the student was most recently enrolled. Where there is a conflict between the Family Educational Rights and Privacy Act of 1974 (FERPA), the Solomon Amendment would supersede FERPA. A student who has requested non-disclosure of directory information to any party under FERPA remains protected.

Under the Solomon Amendment, information will only be released for military recruitment. The military recruiters may request student recruitment information once each academic term or semester for each of the eligible units within the five branches of the service:

1. Army, Army Reserve, Army National Guard
2. Navy, Navy Reserve
3. Marine Corps, Marine Corps Reserve
4. Air Force, Air Force Reserve, Air Force National Guard
5. Coast Guard, Coast Guard Reserve

The request must be submitted in writing on letterhead, clearly identifying the unit of service requesting the student recruitment information.

## USA Patriot Act

Section 507 of the USA Patriot Act amends FERPA in a significant way to make it easier for Federal Officers and employees to secure, and therefore for institutions to release, education records without student consent. Under the amendments, the Attorney General, or designee, may obtain an *ex parte* order requiring an institution to turn over education records relevant to a terrorism investigation without the consent of or notice to the student or parent. The amendment provides that an institution is not required to keep a record of the disclosure of information.

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