

## **FERPA Annual Notification of Rights and UVA Wise Directory Information**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

The right to inspect and review the student's education records within 45 days after the day that UVA Wise receives a request for access. A student should submit to the registrar a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If UVA Wise decides not to amend the record as requested, UVA Wise will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

The right to provide written consent before UVA Wise discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

UVA Wise discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the UVA Wise in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities. Upon request, UVA Wise discloses education records without consent to officials of another school in which a student is seeking or intends to enroll. UVA Wise forwards information at the request of the student.

The right to file a complaint with the U.S. Department of Education concerning alleged failure to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education

400 Maryland Avenue, SW  
Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To other school officials, including teachers, within UVA Wise whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence

or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

Directory information is personal information that does not harm or cause an invasion of privacy if released. UVa-Wise does not have a public directory but has designated the following as directory information and may release it to reasonable third party inquiries:

- Name, photograph, date and place of birth.
- Major, dates of enrollment, degrees conferred and dates of conferral, any graduation distinction.
- Previous institutions attended
- Student ID (not SSN in whole or part)
- Participation in official sports or activities; height and weight of athletes.

### **The Code of the Commonwealth of Virginia -- § 22.1-287.1. Directory information.**

A. Notwithstanding §§ [22.1-287](#) and [22.1-288](#), directory information, as defined by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA), and which may include a student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height as a member of an athletic team, dates of attendance, degrees and awards received, and other similar information, may be disclosed in accordance with federal and state law and regulations, provided that the school has given notice to the parent or eligible student of (i) the types of information that the school has designated as directory information, (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of information about the student as directory information, and (iii) the period of time within which the parent or eligible student must notify the school in writing that he does not want any or all of the types of information about the student designated as directory information. However, no school shall disclose the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure. Additionally, except as required by state or federal law, no school shall disclose the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with this subsection and school board policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure. This subsection shall not apply to any disclosure, other than a disclosure pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

B. For purposes of this section, an "eligible student" is a student 18 years of age or older or a student under the age of 18 who is emancipated.

1983, c. 432; 2018, c. [806](#); 2019, c. [229](#).

### **Code of Virginia § 23.1-405(C)**

Code of Virginia § 23.1-405(C), amended by HB2449 on July 1, 2019, prohibits all Virginia public universities from disclosing a student's email address, physical address or telephone number under the directory information exception of the Family Educational Rights and Privacy Act (FERPA), **UNLESS**:

- a. The disclosure is to students enrolled in the institution for educational purposes or institution business, and the student has not opted out of such disclosure, **or**
- b. The student has affirmatively consented in writing

Enrolled students are all active students, regardless of academic program levels: undergraduate, graduate, certificates, non-degree and continuing education.

Faculty and staff will continue to have access to students enrolled in their courses and participating in Wise activities, and may share their email with currently enrolled students for educational and classroom purposes. Faculty and staff **MAY** share a student's email address, physical address or telephone number with other students enrolled at Wise (i.e. active students) for educational purposes or institution business, as long as the student has not opted out of such disclosure.