UWG PROCEDURE NUMBER: 8.3.1 FERPA
Authority: UWG POLICY 8.3 (Privacy)

The Vice President for Student Affairs and Enrollment Management or designee, pursuant to the authority of UWG Policy 8.3, establishes the following procedures for compliance with the Family Educational Rights and Privacy Act, FERPA.

A. Definitions
1. **Academic personnel**- those persons holding regular or adjunct appointments to the faculty of the University of West Georgia.
2. **Administrative personnel**- those persons with supervisory or staff responsibility charged with the management of the University, or a part thereof, as well as those staff members assigned to maintain student educational records.
3. **Directory Information** - Information the University of West Georgia may disclose without prior approval from the student. The following items are considered Directory Information:
   - Name
   - Permanent Mailing Address only (e-mail addresses are not included)
   - Permanent Telephone Number
   - Major Field of Study
   - Dates of Attendance
   - Previous Institutions Attended
   - Degrees and Awards Received
   - Participation in Officially Recognized Activities and Sports
   - Height and Weight of Members of Athletic Teams
   - Photograph
   - Full- or Part-Time Status
4. **Directory Information Non-Disclosure Form** – UWG’s FERPA form that prevents disclosure of “Personally Identifiable Information” as “Directory Information”.
5. **Educational Records** – for the purposes of these Procedures, “Educational Records” shall have the same meaning as 20 U.S.C. 1232g(a)(3): “those records, files, documents, and other materials” which contain information “directly related to a student” and are maintained by UWG. Including admissions, academic, financial, and placement records. Educational records also include a university maintained list of requests by persons and offices external to the University for disclosure of educational records. The list will also indicate the basis upon which any disclosure is made. Educational Records DO NOT include:
   (a) Records of instructional, administrative, and educational personnel which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute,
   (b) The records of the department of campus security or law enforcement records,
   (c) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
   (d) Employment records, or
   (e) Alumni records.
6. **Need to know**- the necessity of knowing, due to a normal and customary need or function or pursuant to a University rule, regulation or authorized delegation of authority.
7. **Open Records Officer** – the person designated by the University President to receive and respond to requests for records under the Georgia’s Open Records Act. Disclosure under Georgia’s Open Records Act is a separate consideration from FERPA disclosures.

8. **Personally Identifiable Information** - for the purposes of these procedures, “**Personally Identifiable Information**” shall have the same meaning as 20 U.S.C. 1232g(b)(4)(A), which includes the Student’s name, the name(s) of the Student’s parent(s), the permanent address of the Student or his/her parent(s), Social Security Number, or other information that may allow a reasonable person to identify the Student with reasonable certainty.

9. **Protected Health Information** – for the purposes of these procedures, “**Protected Health Information**” is individually identifiable health care information that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

10. **Student** - for the purposes of these procedures, “**Student**” shall have the same meaning as “Student” in FERPA at 20 U.S.C. 1232g(a)(4): “any individual who is or has been in attendance” at UWG, for whom UWG “maintains education records” or “**Personally Identifiable Information**.” A student is any individual currently or formerly enrolled in any University academic offering regardless of their age or status in regard to their parental dependency. FERPA rights begin once the student is enrolled at the University of West Georgia. A student is considered enrolled once he/she has registered and attended his/her first class.

11. **Student Consent for Access to Education Records** – UWG’s FERPA release to give Student consent for disclosure, amendment, or inspection of Educational Records (see Appendix B).

12. **Student Consent for Access to Treatment Records** – UWG’s FERPA release to give Student consent for disclosure or inspection of Treatment Records (see Appendix C).

13. **Treatment Records** - records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity, that are made, maintained, or used in connection with treatment of a student AND disclosed only to individuals providing the treatment. The University follows federal HIPAA regulations to secure student medical records and protected health information. It does NOT include remedial educational activities or records that are part of a program of instruction, i.e. accommodation records. See also, definition of “**Protected Health Information**”.

14. **University Official** – for the purposes of these procedures, it shall refer to an employee who has been designated to respond to a request for “**Educational**” or “**Treatment Records**”. Includes administrative and academic personnel as well as contractors, consultants, affiliates, and other external service providers used by, or acting on behalf of, the University of West Georgia to perform institutional services and functions related to student’s educational records.

B. **General Provisions for Educational Records**

1. **Inspection of Records**
   a. Students have the right to inspect and review most information contained in their educational records, to challenge the contents of their educational records, to have a hearing of the outcome if the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panel to be unacceptable. The University Registrar or designee at the University of West Georgia is responsible for coordinating the inspection and review procedures for student educational records. Inquiries as to the extent and location of student educational records subject to inspection should be directed to the Office of the Registrar.
b. Students wishing to review their educational records must submit the **Student Consent form to Release Education Information** (see Appendix B) that identifies the records the student wishes to inspect, and whether the student authorizes the disclosure of those records to parents, legal custodians, or third parties. Student educational records covered by the FERPA will be made available as soon as possible, but within forty-five days of the request.

c. The University 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 University employee to whom the request was submitted, that employee shall advise the student of the correct official to whom the request should be addressed and will assist the student in forwarding the request to the appropriate University Official. The right of inspection includes access to a University official capable of providing any necessary explanation or interpretation of the data contained in a student’s educational record. The University may require that the inspection proceed in the presence of a University official. Students may have copies made of their educational records except that certified copies of transcripts shall be available only if their outstanding obligations to the University are paid or excused.

d. Students **may not inspect and review** the following records:
   i. Financial information submitted by their parents;
   ii. Confidential letters and recommendations placed in their files prior to January 1, 1975, provided these letters were collected under the established policies of confidentiality and were used only for the purpose for which they were collected.
   iii. Confidential letters and recommendations placed in their files after January 1, 1975, regarding which the student has waived his/her right to inspect and review and that are related to the student’s admission, application for employment, or job placement, or receipt of honors.
   iv. Educational records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student.

2. **Amendment of Records**
   A student who wishes to amend Educational Records should write the University Official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. Students should submit the **Challenge of the Contents of the Education Records** form (See Appendix D). If the University decides not to amend the record as requested, the University will notify the student in writing of the decision. A student who claims that the information contained in the Education Records is inaccurate, misleading, or in violation of his/her privacy rights shall be provided with a hearing regarding the request for amendment. The procedures for the hearing are as follows:

   A request for a formal hearing must be made in writing to the University Registrar or designee and must contain a statement of the dispute. The University Registrar, within a reasonable period of time, but within forty-five days, after receiving such request, will inform the student of the date, place, and the time of the hearing. A student may present evidence relevant to the issues raised and may be assisted or represented at the hearing to resolve problems concerning student educational records. Transcripts of the hearing may be made at the requesting party's expense. A copy of any such transcript must be supplied to the hearing council before it renders its decision.
The hearing panel that will adjudicate such challenges will be appointed by the Vice President for Students Affairs and Enrollment Management in non-academic matters and by the Provost and Vice President for Academic Affairs in academic matters. The hearing panel will be composed of no less than three university officials who are impartial to the outcome of the hearing to ensure fair judgment. No one with prior involvement in the matter shall be designated.

Decisions of the hearing panel will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reason for the decisions, and will be delivered to all parties concerned. The educational records will be corrected or amended in accordance with the decision of the hearing panel if the decision is in favor of the student. If the decision are unsatisfactory to the student, the student may place with the disputed education records a brief statement commenting on the information in the records, or a statement setting forth any reasons for disagreeing with the decisions of the hearing panel. The statement must be reasonably concise, normally not more than one hundred words, and will be maintained with the student's educational records, and released whenever the records in question are disclosed.

At any time after a request for a formal hearing is made, a student may request in writing that the University Registrar furnish a copy of the student's statement of dispute or the resolution thereof to any person specifically designated by the student.

3. External Disclosure of Records

Personally Identifiable Information in Education Records may not be disclosed without written consent of the Student, except to the extent that FERPA authorizes disclosure without consent. See, 34 C.F.R. 99.31. Some of these exceptions include, but are not limited to: other UWG officials with legitimate educational interests; to other institutions where the Student seeks to enroll, provided the records relate to the enrollment or transfer; to parents of dependent Students as defined in Section 152 of the Internal Revenue Code; in the case of a health or safety emergency; or pursuant to a judicial order or lawfully issued subpoena.

C. General Provisions for Treatment Records

All Student Treatment Records are confidential medical records, shared only for treatment purposes, except as permitted or required under applicable laws. The University follows federal HIPAA regulations to secure Treatment Records and Protected Health Information. Medical records are secured using federal HIPAA regulations, and stored for a period of 10 years after the student's last date of attendance at UWG.

1. Inspection of Records

a. Students have the right to inspect and copy their medical information, excluding psychotherapy notes, that may be used to make decisions about health care. Students should fill out and sign the Student Consent Form to Release Treatment Records (see Appendix C), and submit the completed form to Health Services or Counseling Services where the records have been generated. The right of inspection includes access to a University official capable of providing any necessary explanation or interpretation of the data contained in a student's treatment record. The University may require that the inspection proceed in the presence of a University official.

b. Students wishing to review and copy their treatment records must make written requests to the Health Services or the Counseling Center or a designee listing the item or items of interest. Student
treatment records covered by FERPA will be made available as soon as possible, but within forty-five days of the request. Students may be denied in certain limited circumstances. If a student is denied access to medical information, he/she may request that the denial be reviewed. A licensed health care professional, other than any person denying access, will be chosen by health services to review your request and denial. The University will comply with the outcome of the review. This is not a FERPA Hearing as outlined in Appendix D.

2. External Disclosure of Records
   Treatment Records are protected under the Family Educational Rights and Privacy Act (FERPA) instead of HIPAA. Therefore, Treatment Records may be disclosed under any of the FERPA exceptions, including the following:
   a. Medical Treatment – this may include information for receipt of further treatment, or for prescriptions.
   b. Payment – a health plan or insurance may require certain information so that treatment may be billed.
   c. Administrative – UWG Health Services collects and uses medical information about patients in an aggregate form (without Personally Identifiable Information) to assess effectiveness.
   d. Emergency – UWG may disclose information when necessary to prevent a serious threat to a student’s health or safety, or the health of safety of the public or another person.
   e. As Required by Law – state or federal laws may require the disclosure of certain information.

3. Amendment of Records
   Treatment Records are not subject to challenge or amendment.

   Students who believe that adjudication of their challenges is unfair, or not in keeping with the provisions of FERPA, may request, in writing, assistance from the senior academic administrator; however, if the incumbent of that office has served on the hearing panel in the matter, the request may be directed to the Office of the President of the University.

Internal use of EDUCATION AND TREATMENT records - Within the University of West Georgia community, only University officials, individually or collectively, acting in the student’s educational and/or treatment interest are allowed access to student educational and/or treatment records.

D. Directory Information
   Directory information will be withheld only if requested by the student. Students should consider very carefully the consequences of any decision to withhold "Directory Information." To withhold directory information, the student must complete the Directory Information Non-Disclosure Form (With Revocation) as found in Appendix A, and either:
   - mail the request to the Enrollment Services Center, 1601 Maple Street, Carrollton, GA 30118;
   - hand deliver the request to the Enrollment Services Center located in Parker Hall; or
   - fax the request to 678-839-6439.

   This form must be filed annually by September 15 to assure that information is not published in the student directory.

Choosing the item "Student Confidentiality" will result in the exclusion of all student record information, including the graduation ceremony list. To reinstate names for the graduation ceremony list, students
must complete a revocation of the Directory Information Non-Disclosure Form (With Revocation) as found in Appendix A, within the time period required by the Registrar’s office.

E. Record Keeping
Although student records are kept in units across the university, UWG makes every effort to centralize functions related to FERPA as follows:

1. Record-keeping of Educational Records
Official Educational Records will reside with the Registrar or designee. Students should refer to the requirements of the Registrar or Enrollment Services Center (ESC) for inspecting or obtaining access to Educational Records. If any Educational Records exist that do not reside in ESC or the Registrar’s office, or parties other than students are seeking access, those offices will be responsible for coordinating with the Open Records Officer to respond to requests for Educational Records.

2. Record-keeping of Treatment Records
Official Treatment Records will reside with Health Services and the Counseling Center. Students should refer to the requirements established by Health Services to inspect Treatment Records. If any Treatment Records existing outside of Health Services or the Counseling Center, those offices will be responsible for coordinating with the Open Records Officer to respond to requests for Treatment Records.

3. FERPA release forms
FERPA release forms are housed in ESC, Health Services, and the Counseling Center. Access to Educational or Treatment records by the parents or legal guardians of a student requires a fully executed FERPA release for each individual seeking access. (See Appendix B and Appendix C).

F. Additional Provisions
If persons other than students seek to inspect Educational or Treatment Records, and no FERPA release is on file at ESC or otherwise available, a determination must be made as to whether FERPA allows disclosure pursuant to an exemption and whether UWG will allow disclosure pursuant to 34 CFR § 99.31. The unit in receipt of the request will consult with the University General Counsel as needed, or coordinate with the Open Records Officer for a response. Any documents generated to support disclosure will be retained by ESC in the student’s file.

The Vice President of Student Affairs and Enrollment Management may establish guidelines as necessary. Any conflicts between these procedures and the established guidelines will be decided by the provisions of the latest version of this procedure.

G. Compliance
Students who believe that their rights have been abridged, may file a complaint with the U.S. Department of Education’s Family Policy Compliance Office concerning the alleged failures of the University of West Georgia to comply with the Act. 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 20202-5901
For more information, please visit: http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html

U.S. Department of Education link for parents

Issued by the University General Counsel, the 25th day of July, 2016.

Signature, University General Counsel

Reviewed by President: 

Previous version dated: N/A
UNIVERSITY of West Georgia

APPENDIX A

DIRECTORY INFORMATION NON-DISCLOSURE FORM

To: All Students

Under the provisions of the Family Educational Rights and Privacy Act of 1974, as amended, students have the right to withhold the disclosure of the "Directory Information". The items to the right are designated as "Directory Information" by the University of West Georgia and may be released for any purpose at the discretion of the University of West Georgia.

The institution will honor your request to withhold "Directory Information" but cannot assume responsibility to contact you for subsequent permission to release them. The institution assumes no liability for honoring your instructions that such information be withheld.

This form will remain active until revoked.

"Directory Information"

1. Name
2. Address (permanent and mailing) [excludes e-mail addresses]
3. Permanent telephone number
4. Major Field of study
5. Dates of attendance
6. Previous institutions attended
7. Full/Part-time enrollment status
8. Degree/Awards received
9. Participation in University Activities and Sports
10. Weight and Height of Athletic Team Members'
11. Photographs

Instructions: Submit completed form in person or mail to the Enrollment Services Center (Parker Hall), University of West Georgia, 1601 Maple Street, Carrollton, GA 30118, or fax (678) 839-6439. Office hours are: Monday – Friday, 8am – 5 pm.

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Student Information

Print Student’s Name (Last, First, Middle Initial) Student ID: (917...)

Mailing Address
A complete mailing address is required by the campus post office as well as the Office of the Registrar in order to have your mail forwarded.

City, State, Zip Code

By signing below, 1) I DO NOT wish the university to release my “Directory Information”, 2) I acknowledge that any requests for such information will be refused and my name will be excluded from all university publications including, but not limited to the graduation program and the Honors Day program, and 3) I have the right to revoke this form at any time by submitting a signed, written statement to the University of West Georgia, Attn: Enrollment Services Center, Carrollton, GA 30118.

Student Signature (required) Date

v. 7.21.16 APPENDIX A UWG 8.3.1
The Family Educational Rights and Privacy Act (FERPA) affords certain rights to students concerning the privacy of, and access to, their education records. Students may choose to complete and submit this form to the Register allowing the release of their education records to specified third parties. Please note that while this form authorizes UWG to release education records to third parties, it does not obligate UWG to do so. UWG reserves the right to review and respond to requests for release of education records, or information contained therein, on a case-by-case basis. Please note that FERPA provides that your records may be released without your consent under certain circumstances.

Instructions: Submit completed form with a photo ID in person or by mail to the Enrollment Services Center (Parker Hall), University of West Georgia, 1601 Maple Street, Carrollton, GA 30118, or fax (678) 839-6439. Office hours are: Monday – Friday, 8am – 5 pm.

### SECTION A. EDUCATION records to be released:

- [ ] ALL EDUCATION RECORDS – NO LIMITATIONS *(or CHECK SPECIFIC RECORDS BELOW)*
- [ ] Academic Information *(grades/GPA, registration, student ID number, academic progress, class schedules.)*
- [ ] Financial Aid/Loan Information *(awards, application data, disbursements, eligibility, academic progress status, billing/repayment history (including credit reporting history), balances, and collection activity).*
- [ ] Disciplinary Records *(conduct records related to Student Code of Conduct and the Academic Integrity Policy.)*
- [ ] Student Account Information *(billing statements, charges, refunds, payments, past due amounts, collection activity.)*
- [ ] Other *(please specify)*

### SECTION B. Duration of Release (check one):

- [ ] Limited Use: This authorization expires 1 year from date of form.
- [ ] Recurring Use: This authorization will remain active until revoked.

### SECTION C. PIN Access Code Creation:

Create a unique PIN (Personal Identification Number) for each of the designated individual(s) listed below. Provide this access code to those individuals and UWG staff will use this PIN code to verify their identity.

**FOUR (4) DIGIT PIN ACCESS CODE:**

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**Relationship to student**

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<th>Student’s Signature (required)</th>
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</table>
The Family Educational Rights and Privacy Act (FERPA) affords certain rights to students concerning the privacy of, and access to, their treatment records. Students may choose to complete and submit this form to Health Services or Counseling Center allowing the release of their treatment records to specified third parties. Please note that while this form authorizes the University of West Georgia to release records to third parties, it does not obligate UWG to do so. UWG reserves the right to review and respond to requests for release of treatment records, or information contained therein, on a case-by-case basis. Please note that FERPA provides that your records may be released without your consent under certain circumstances.

Instructions: Submit this form with a photo ID in person or by mail to the Health Services Center or the Counseling Center, University of West Georgia, 1601 Maple Street, Carrollton, GA 30118, or fax (678) 839-0656. Office hours are: Monday – Friday, 8am – 5 pm.

SECTION A. TREATMENT records to be released:

- ALL TREATMENT RECORDS – NO LIMITATIONS [or CHECK SPECIFIC RECORDS BELOW]
- Student Health Services/Medical Records (exam reports, physicians orders, medication and treatment records, reports from lab, x-rays and other diagnostic tests, including correspondence and administrative documents.)
- Student Behavioral/Disability/Mental Health Records (mental health history and exams, physician’s orders, medication and treatment records, reports and other diagnostic tests, including correspondence and administrative documents.)
- Other treatment records not listed above (please specify):

SECTION B: Duration of Release (check one):

- Limited Use: This authorization expires 1 year from date of form.
- Recurring Use: This authorization will remain active until revoked.

SECTION C. PIN Access Code Creation:

Create a unique PIN (Personal Identification Number) for each of the designated individual(s) listed below. Provide this access code to those individuals and UWG staff will use this PIN code to verify their identity.

Four (4) DIGIT PIN ACCESS CODE:

SECTION D. Person(s) to whom access to treatment records may be provided:

Name
Mailing Address
City, State, Zip Code
(Area Code) Telephone No.
Relationship to student

Name
Mailing Address
City, State, Zip Code
(Area Code) Telephone No.
Relationship to student

I understand that (1) I have the right NOT to consent to the release of my TREATMENT records, (2) I have the right to inspect any written records released pursuant to this consent, and (3) I have the right to revoke this consent at any time by submitting a signed, written statement to the University of West Georgia, Health Services and/or Counseling Center, Carrollton, Georgia 30118. By signing, the University of West Georgia is hereby released from all legal responsibility or liability for the release of the above mentioned information.

Student's Signature (required) Date

v. 7.21.16
Students may challenge the accuracy of their education records. Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights may discuss their problems informally with the official responsible for the records. If agreement is reached with respect to the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the official responsible for the records of their right to a formal hearing.

Student requests for a formal hearing must be made in writing to the Registrar or designee who, within forty-five days after receiving such requests, will inform students of the date, place, and the time of the formal hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense. The hearing panel that will adjudicate such challenges will be appointed by the Vice President for Students Affairs and Enrollment Management in non-academic matters and by the Provost and Vice President for Academic Affairs in academic matters. The hearing panel will be composed of no less than three university officials who are impartial to the outcome of the hearing to ensure fair judgment. No one with prior involvement in the matter shall be designated.

Decisions of the hearing panel will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reason for the decisions, and will be delivered to all parties concerned. The educational records will be corrected or amended in accordance with the decision of the hearing panel if the decision is in favor of the student. If the decision are unsatisfactory to the student, the student may place with the disputed education records a brief statement commenting on the information in the records, or a statement setting forth any reasons for disagreeing with the decisions of the hearing panel. The statement must be reasonably concise, normally not more than one hundred words, and will be maintained with the student's educational records, and released whenever the records in question are disclosed.

I request a formal hearing concerning correction of what I believe to be inaccurate or misleading information, described below, contained in my education records.

Name (print)                      Student ID (917# preferred) or Social Security Number

Address

City,                        State,                        Zip Code

(Area Code) Phone No.        UWG Email Address

Education Record Contested:  


Contested Information (continue on back if needed):


Signature                        Date