

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS**

**FERPA Policy**

**Policy #803**

**Source of Authority:** 20 U.S.C. § 1232g;  
34 C.F.R. part 99;  
N.C.G.S. § 116-34(a);  
*UNC Code* § 502(A)

**Revision Authority:** Chancellor

**History:** **First Issued:** February 17, 2011

**Related Policies:** FERPA, 20 U.S.C. § 1232g;  
FERPA Regulations, 34 C.F.R. part 99;  
UNC FERPA Policy, *UNC Policy Manual* § 700.2[R];  
Final Course Grade Review Policy #804;  
Records Request Policy #118;  
Records Retention Policy #119

**Responsible Offices:** Registrar;  
General Counsel

**Effective Date:** February 17, 2011

**I. Purpose**

This policy is to effectuate UNCSA's adherence to the Family Educational Rights and Privacy Act ("FERPA"), which governs the disclosure of students' education records.

**II. Scope**

This policy applies to all students' education records maintained by UNCSA.

**III. Definitions**

- A. "**Attendance**" includes attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.
- B. "**Directory Information**" includes, at UNCSA, the student's name, parents' names, addresses, telephone listings, date and place of birth, major field of study, class level, participation in officially recognized activities, performance brochures, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, e-mail address, and full- or part-time status.
- C. "**Education Record**"
  - 1. Educational records means records that are directly related to a student and are maintained by UNCSA, another educational agency or institution, or by a party acting for an educational agency or institution.

2. Educational records **do not include**:
  - a. Records kept in the sole possession of the maker, used only as a personal memory aid, and not made accessible to or revealed to any other person (except a temporary substitute);
  - b. Records of the Department of Police & Public Safety;
  - c. Employment records concerning
    - i. Records relating to an individual UNCSA employs when the records:
      - I) are made and maintained in the normal course of business;
      - II) relate exclusively to the individual in that individual's capacity as an employee; AND
      - III) are not available for use for any other purpose.
    - ii. **HOWEVER**, records relating to a student who is employed because of the student's status are protected education records, not employment records.
  - d. Records concerning a student who is 18 or older, or is attending UNCSA as a postsecondary student, if the records are:
    - i. made or maintained by a physician, psychiatrist, psychologist, etc., acting in a professional capacity;
    - ii. made, maintained, or used only in connection with treatment of the student; AND
    - iii. disclosed only to individuals providing the treatment. Note: "treatment" does not include remedial educational activities or activities that are part of the program of instruction.
  - e. Records UNCSA creates or receives after the student leaves UNCSA when those records are not directly related to the student's attendance here.
  - f. Grades on peer-graded papers before they are collected and recorded by the instructor.
- D. "**Eligible Student**" means any student who has either reached eighteen (18) years of age or attends UNCSA beyond the high school level.
- E. "**Legitimate Education Interest**" means a situation in which a School Official needs to review the record in question in order to fulfill his or her professional responsibilities.
- F. "**Personally Identifiable Information**" includes, but is not limited to:
  1. The student's name;
  2. The name of the student's parent(s) or other family members;
  3. The address of the student or student's family;
  4. A personal identifier, such as the student's social security number, student number, or biometric record;

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
  6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the UNCSA community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; OR
  7. Information requested by a person who UNCSA reasonably believes knows the identity of the student to whom the education record relates.
- G. **“Record”** means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- H. **“Records of the Department of Police & Public Safety”** means files, documents, etc., that are created and maintained by the Department for a law enforcement purpose.. This definition does not apply to the Department’s records that are either created exclusively for a non-law enforcement purpose (disciplinary action or proceeding) or are maintained by another UNCSA department.
- I. **“School Official”** means:
1. a person employed by UNCSA in an administrative, supervisory, academic or research, or support staff position (including Department of Police & Public Safety personal and health staff);
  2. outside contractors or volunteers if UNCSA would otherwise hire someone to perform that individual’s job, UNCSA directly controls that individual’s use of education records, and UNCSA subjects that individual to the requirements of FERPA;
  3. a person serving on the Board of Trustees; OR
  4. a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

#### IV. Policy

##### A. Generally

1. In the event that this Policy conflicts with any federal law, federal law will govern.
2. **Shift of Rights.** When a student becomes an eligible student (as defined above), a parent’s rights and consent authority transfer to the student. At that time, **the parent’s rights terminate**, except for disclosures permitted to an eligible student’s parent(s).
3. A UNCSA student who applies for admission to an academic program or an arts school different than the academic program or arts school that the student has attended does not have rights under this Policy with respect to records maintained by the other academic program or other arts school, unless the student is accepted and attends the other academic program or other arts school.
4. Regardless of the provisions of the Records Retention Policy, UNCSA may not destroy an education record if there is an outstanding request to inspect and review the records.

- B. Parents or eligible students have the right to:
1. inspect and review the student's education records. UNCOSA must allow access within 45 days after receiving the request.
  2. receive a response to reasonable requests for explanations or interpretations of education records from UNCOSA.
  3. request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights, pursuant to the applicable procedures. In such an event, the requesting party should review their appeal rights, UNCOSA's obligations, and appeal procedures included in this policy's procedures.
  4. consent to disclosure of personally identifiable information.
  5. file a complaint with the U.S. Department Education concerning alleged failures by UNCOSA to comply with FERPA. Parents or eligible students who believe their rights have been abridged and who have exhausted their administrative remedies may file complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202, concerning the alleged failures of the University to comply with the law. Such complaints must be filed with the Family Compliance Office within 180 days of the date of the alleged violation or the date the complainant knew or should have known of the alleged violation.
- C. Annually, UNCOSA shall provide parents or eligible students with UNCOSA's *Annual Notification of Rights* and UNC General Administration's *Students' Education Records at The University of North Carolina General Administration: Annual Notification of Rights*. Specific information about the notification of rights is included in this policy's procedures.
- D. **Disclosures of Education Records**
1. **Disclosures to Parents or Eligible Students**
    - a. If the requested education records contain information about multiple students, the parent or eligible student may only inspect and review or be informed of only the specific information about that specific student.
    - b. With respect to college students, UNCOSA does not allow inspection of:
      - i. A parent's financial records;
      - ii. confidential letters of recommendation placed in the education records of the student before January 1, 1975, so long as the statements are used only for the purposes for which they were specifically intended; AND
      - iii. confidential letters and confidential letters of recommendation placed in the student's education records after January 1, 1975 related to the student's admission to an educational institution, application for employment, or receipt of an honor when the student has waived the right to inspect those letters in the manner set forth in this policy's procedures.

2. **Disclosures with Prior Consent of the Parent or Eligible Student**
  - a. UNCSA will not release or allow access to personally identifiable student information in education records without the prior written consent except as outlined below.
  - b. The prior written consent must:
    - i. be in writing, signed, and dated;
    - ii. specify the records to be disclosed;
    - iii. specify the party to whom the records are to be disclosed; AND
    - iv. specify the purpose of the disclosure.
3. **Disclosures without Prior Consent.** UNCSA may disclose an education record to:
  - a. **School Officials** with a legitimate educational interest;
  - b. **another school** to which the student is enrolled, receives services from, or is seeking enrollment for purposes related to the student's enrollment or transfer,
  - c. authorized **government officials** as noted in this policy's attached procedures ;
  - d. in connection with **financial aid**, as noted in this policy's attached procedures
  - e. officials in the **juvenile justice system**, as noted in this policy's attached procedures;
  - f. in connection with **studies** for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction in accordance with this policy's attached procedures;
  - g. an **accrediting organization** in order for it to carry out its accrediting functions;
  - h. **parents** of dependent students and students who are not "eligible students;"
  - i. in response to a **Court Order or Subpoena** as set forth in this policy's procedures;
  - j. in connection with **Litigation** as set forth in this policy's procedures;
  - k. in a **health or safety emergency** as set forth in this policy's procedures;
  - l. **directory information** as set forth in this policy's procedures;
  - m. **results of student conduct hearings** as set forth in this policy's procedures;
  - n. **Alcohol and Drug Violations.** UNCSA may disclose to a parent of a college student information regarding any violation of any Federal, State, or local law, or of any UNCSA rule or policy, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if the student is under the age of 21 at the time of disclosure to the parent, and UNCSA determines that the student violated UNCSA policy with respect to such use or possession;

- o. information regarding **registered sex offenders** as set forth in this policy's procedures;
4. **Records of disclosures.** Generally, any time an education record containing personally identifiable material is disclosed, the person who maintains the record must add to that record a written notation of the name and interest of the individual who requested or accessed the record.
  - a. No written notation is required for:
    - i. disclosures to a School Official with a legitimate educational interest;
    - ii. disclosures made with the written consent of the parent or eligible student;
    - iii. disclosures of directory information;
    - iv. disclosures to a parent of a non-eligible student or to an eligible student; OR
    - v. disclosures in accordance with a lawfully issued subpoena, the compliance with which UNCSA is prohibited from notifying the parent or eligible student about as per the subpoena and this policy.
  - b. Other exceptions and limitations to the written notation general rule appear in the procedures for this policy.
5. **Redisclosure.** Generally, UNCSA must require the entity to whom the disclosure is made to agree not to disclose the information further without the parent's or eligible student's consent. For further information and exceptions, consult the procedures for this policy.

#### E. **Applicability to Department of Police & Public Safety**

1. This policy does not prohibit UNCSA from contacting the Department of Police & Public Safety or any other law enforcement entity, orally or in writing, for the purpose of asking it to investigate a possible violation of, or to enforce, any local, State, or federal law.
2. Education records, and personally identifiable information contained in education records, do not lose their status as such and remain subject to all aspects of this Policy while in the possession of the Department of Police and Public Safety or any other law enforcement unit.
3. This policy neither requires nor prohibits the Department of Police and Public Safety from disclosing its law enforcement records.

#### F. **UNC General Administration Requirements**

1. Annually, UNCSA will provide parents or eligible students with a copy of UNC General Administration's *Students' Education Records at The University of North Carolina General Administration: Annual Notification of Rights*.
2. UNCSA will maintain a copy of the UNC General Administration's FERPA policies and procedures in the same place and in the same manner that UNCSA has established for parents or eligible student access to UNCSA's FERPA policies and procedures.

3. UNCSA will file with UNC General Administration a copy of its current FERPA policies and procedures.

**G. Copying Fees**

1. UNCSA may charge a fee to copy educational records; however it may not effectively prevent a parent or eligible student from inspecting or reviewing the student's education records.
2. UNCSA may not charge a fee to search or retrieve a student's education record.

**V. Revision History**

- A. February 17, 2011 – Adopted by Board of Trustees as part of UNCSA Policy Manual

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS**  
**FERPA Procedures**  
**Procedure #803**

**I. Legal Rights**

A. UNCOSA's Annual Notification of Rights must include:

1. Information for parents or eligible students concerning the following rights:
  - a. to inspect and review the student's education records;
  - b. to seek amendment of the student's education records believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
  - c. to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law authorizes disclosure without consent; and
  - d. to file with the Department of Education a complaint concerning alleged failures of UNCOSA to comply with the requirements of FERPA.
2. The procedure for exercising the right to inspect and review education records.
3. The procedure for requesting amendment of education records.
4. A specification of criteria for determining who constitutes a School Official and what constitutes a legitimate educational interest.
5. Notice that UNCOSA forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

B. Legal rights regarding requested amendment of an educational record:

1. If, after receiving a request for amendment from a parent or eligible student, UNCOSA elects not to amend the student's education record, it will inform the parent or eligible student of this decision and also of the right to appeal this determination and have a hearing on the matter.
2. If, as a result of the hearing, UNCOSA decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, UNCOSA must inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why (s)he disagrees with UNCOSA's decision, or both.
  - a. The statement will be maintained with the contested part of the record for as long as the record is maintained; and
  - b. The statement will be disclosed whenever the portion of the record to which the statement relates is disclosed.

- C. Legal rights regarding waiver of access to confidential letters: A student may waive the right to view confidential letters and confidential letters of recommendation related to the student's admission to an educational institution, application for employment, or receipt of an honor.
1. The waiver must be in writing and signed by the student.
  2. A waiver may be revoked at any time with respect to any actions after the revocation. Any revocation of a waiver must be in writing.
  3. If a student has waived his or her rights to inspect and review these letters, the student may still request UNCSA provide the student with a list of names of the individuals who provided letters of recommendation.
  4. These letters may only be used for the purposes which they were intended.
  5. UNCSA may not require a student to waive the student's rights to inspect and review these letters in order for the student to receive admission or some other benefit from UNCSA.
- D. Legal rights and obligations regarding **disclosure without prior consent**: UNCSA may disclose an education record to specific entities in the following circumstances:
1. UNCSA **School officials** with a legitimate educational interest,
  2. **Other institutions** if the student is:
    - a. **Seeking Enrollment.** UNCSA may disclose an education record to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
    - b. **Currently Enrolled.** UNCSA may disclose an education record of a student in attendance to another educational agency or institution if the student is enrolled in or receives services from the other agency or institution
  3. **Governmental Officials.** UNCSA may disclose an education record to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of Education; or State and local educational authorities, 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.
  4. **Financial Aid.** UNCSA may disclose an education record in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
    - a. determine eligibility for the aid;
    - b. determine the amount of the aid;
    - c. determine the conditions for the aid; OR
    - d. enforce the terms and conditions of the aid.

5. **Juvenile Justice System.** UNCOSA may disclose an education record to State and local officials or authorities to whom this information is specifically permitted under:
  - a. a North Carolina statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; OR
  - b. a North Carolina statute adopted after November 19, 1974 if the statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom the records are disclosed shall certify in writing to UNCOSA that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent or eligible student.
6. In connection with studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction only if:
  - a. the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;
  - b. the information is destroyed when no longer needed for the purposes for which the study was conducted; AND
  - c. UNCOSA enters into a written agreement with the organization that:
    - i. specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
    - ii. requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
    - iii. requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; AND
    - iv. requires the organization to destroy or return to UNCOSA all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.
7. **Dependent Students.** UNCOSA may disclose an education record to parents of a student who is a dependent for federal tax purposes, as defined by Section 152 of the Internal Revenue Code of 1986.
8. **Not Eligible Students.** UNCOSA may disclose an education record to the parent of a student who is not an eligible student or to the student.

9. In connection with a **Court Order or Subpoena**
  - a. UNCSA must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action.
  - b. UNCSA may not notify the parent or eligible student of the order or subpoena in order to comply with:
    - i. 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;
    - ii. a subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; OR
    - iii. an *ex parte* court order obtained by the United States Attorney General, or a designee not lower than an Assistant Attorney General, concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331.
10. **In connection with Litigation.** If UNCSA initiates legal action against a parent or student, or if a parent or student initiates legal action against UNCSA, UNCSA may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for UNCSA to proceed with the legal action as plaintiff or to defend itself in such legal action.
11. **In a Health or Safety Emergency.** If UNCSA determines that there is an articulable and significant threat, based on the totality of the circumstances, to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
12. **Directory Information.** UNCSA may disclose directory information if the parent or eligible student has not submitted a privacy hold or if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.
  - a. Parents or eligible students may block the disclosure of directory information by requesting a "privacy hold," pursuant to the applicable procedures
  - b. UNCSA continues to honor a former student's "privacy hold" request made while in attendance unless it has been specifically rescinded by the former student.
  - c. Records that pertain to an individual's previous attendance as a student are "education records" under FERPA regardless of when they were created or received by the institution.

### 13. Student Conduct Hearing Results

- a. **Disclosure to Victims.** UNCOSA may disclose to an alleged victim of any crime of violence or a non-forcible sex offense (as defined by 34 C.F.R. § 99.39), the final results of any student conduct proceeding conducted by UNCOSA against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies with respect to such crime or offense.
- b. **Disclosure to Third Parties.** UNCOSA may disclose the final results of any student conduct proceeding against a college student who is an alleged perpetrator of any crime of violence or non-forcible sex offense (as defined by 34 C.F.R. § 99.39) if the student is found responsible on or after October 7, 1998, for violating UNCOSA's rules or policies with respect to such crime or offense.
  - i. Any disclosure shall include only the name of the student, the violation committed, and any sanction imposed by the University on that student.
  - ii. Any disclosure may include the name of any other student, such as a victim or witness, only with the written consent of that other student.

14. **Alcohol and Drug Violations.** UNCOSA may disclose to a parent of a college student information regarding any violation of any Federal, State, or local law, or of any UNCOSA rule or policy, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if the student is under the age of 21 at the time of disclosure to the parent, and UNCOSA determines that the student violated UNCOSA policy with respect to such use or possession.

15. **Registered Sex Offenders.** UNCOSA may disclose education records concerning sex offenders and other individuals required to register under § 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, if the information was provided to UNCOSA under 42 U.S.C. § 14071 and the applicable Federal guidelines.

- E. **Records of Disclosures.** Generally, any time an education record containing personally identifiable material is disclosed, the person who maintains the record must add to that record a written notation of the name and interest of the individual who requested or accessed the record. However, in the following circumstances, no such notation is required:
1. If an education record is disclosed under this policy's health and safety emergency exception, the person who maintains the record must also add to that record a written notation of the articulable and significant that formed the basis for the disclosure; and the parties to whom UNCOSA disclosed the information.
  2. If UNCOSA discloses personally identifiable information from education records with the understanding that the education records may be disclosed to additional parties, the record of the disclosure required under this section must also include:
    - a. the names of the additional parties to whom the receiving party may disclose the information on behalf of UNCOSA; AND

- b. the legitimate interests which each of the additional parties has in requesting or obtaining the information.
  3. UNCOSA will obtain a copy of the record of further disclosures of an education record previously disclosed to the Comptroller General of the United States; The Attorney General of the United States; The Secretary of Education; or State and local educational authorities, 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. The record of the further disclosures will be maintained with the record of others disclosures of the education record made by UNCOSA pursuant to this subsection.
- F. **Redisclosure.** Generally, UNCOSA must require the entity to whom the disclosure is made to agree not to disclose the information further without the parent's or eligible student's consent.
1. UNCOSA may only disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student unless the disclosure by the receiving party satisfies one of the exceptions for disclosures without prior consent and UNCOSA and the receiving party maintain all required records of the disclosure(s).
  2. UNCOSA must inform a party to whom a disclosure is made of the limitation on redisclosure and the reporting requirements regarding subsequent disclosures.
  3. This subsection does not apply to the following disclosures:
    - a. to a parent of a student who is a dependant of the parent; not an eligible student; OR is under the age of 21 and has violated UNCOSA policy with respect to illegal drugs or alcohol.
    - b. to comply with a judicial or lawfully issued subpoena;
    - c. of directory information;
    - d. to the student;
    - e. relating to the results of a student conduct hearing, including those disclosures required under the Clery Act; OR
    - f. concerning sex offenders and other individuals required to register under § 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, if the information was provided to UNCOSA under 42 U.S.C. § 14071 and the applicable Federal guidelines.

## II. Inspection Procedures

- A. Students should submit to the registrar, dean, or other appropriate official, a written request that identifies the record(s) they wish to inspect.
- B. The UNCOSA official will make arrangements for access and notify the student of the time and place where the records may be inspected.

- C. If the records are not maintained by the official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

### **III. Record Amendment Procedures – Pursuant to FERPA**

- A. Students may ask UNCSA to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights.
- B. The student should write the UNCSA official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights.
- C. UNCSA will make a determination as to if it will amend the education record within a reasonable time.
- D. If UNCSA elects not to amend the student's education record, it will inform the parent or eligible student of this decision and also the right to appeal this determination.
  - 1. This appeal must be held within a reasonable amount of time after the request was made.
  - 2. Notice of the hearing time and location must be given to the parent or eligible student a reasonable period of time before the hearing.
  - 3. The hearing will be conducted by the Chief Academic Officer unless (s)he has a direct interest in the outcome of the hearing.
  - 4. The CAO will make his/her decision in writing, which will include a summary of the evidence and the reasons for the decision, within a reasonable period of time after the hearing.
- E. If, as a result of the hearing, UNCSA decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, UNCSA must inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why (s)he disagrees with UNCSA's decision, or both.
  - 1. The statement will be maintained with the contested part of the record for as long as the record is maintained; and
  - 2. The statement will be disclosed whenever the portion of the record to which the statement relates is disclosed.

### **IV. Privacy Holds**

- A. Parents or eligible students may request a Privacy Hold by submitting a letter or appropriate form to the registrar by the end of the first week of the school year or initial period of enrollment.
- B. Such requests are effective indefinitely, unless otherwise revoked or rescinded in writing, submitted to the registrar, by the parent or eligible student.

**V. Demonstrating Tax Dependency**

- A. Parents may demonstrate the tax dependency of a student only by submitting to the University a copy of their most recently filed federal income tax return.
- B. A student may demonstrate tax dependency, and thus allow parental access to the student's records without prior consent of the student, by submitting to the University a signed statement of his or her tax dependency.

**VI. Privacy Holds.** Parents or eligible students may request a “privacy hold” by submitting a letter or appropriate form to the Registrar by the end of the first week of the school year or initial period of enrollment.

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS**  
**FERPA Policy & Procedures**  
**Appendix #803**

**I. Annual Notification of Rights Under the Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day UNCSA receives a request for access.

Students should submit to the Registrar, dean, or other appropriate official, a written request that identifies the record(s) they wish to inspect. The UNCSA 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 official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.

Students may ask UNCSA to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights. They should write the UNCSA official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights.

If UNCSA decides not to amend the records as requested by the student, UNCSA will notify the student of the decision and advise the student of his or her 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.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by UNCSA in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personal and health staff); outside contractors or volunteers if UNCSA would otherwise hire someone to perform that individual's job, UNCSA directly controls that individual's use of education records, and UNCSA subjects that individual to the requirements of FERPA; a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, UNCOSA discloses education records without consent to officials of another school, upon request, in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department Education concerning alleged failures by UNCOSA 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 20202-4605

**Notice of Directory Information**

In accordance with the Family Educational Rights and Privacy Act (FERPA), “directory information” at the University of North Carolina School of the Arts is defined to include: the student’s name, parents’ names, addresses, telephone listings, date and place of birth, major field of study, class level, participation in officially recognized activities, performance brochures, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, e-mail address, and full- or part-time status. Some of this information, including name, mailing address, field of study, class level, telephone number and e-mail address may be included on UNCOSA’s website.

Directory information is considered public information and will be released unless the student requests a “privacy hold.” All other information is considered private, and will not be released outside the School without the written permission of the student, unless a specific exception under FERPA applies. Students may request a Privacy Hold by submitting a letter or appropriate form to the Registrar by the end of the first week of the school year or initial period of enrollment. Such requests must be filed annually.

Questions concerning student records and FERPA should be addressed to the Office of the Registrar.