

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
POLICIES AND PROCEDURES UNDER THE
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (“FERPA”)
(REVISED 2016)

The University of North Carolina at Chapel Hill (“UNC-Chapel Hill” or “University”) has adopted the following policies and procedures in accordance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232g (as amended) and its implementing regulations, 34 C.F.R. Part 99 (collectively, “FERPA”). The University accords students¹ the full legal rights that FERPA provides. Currently-enrolled students are notified annually of these rights by means of statements that are published in University catalogs, including but not limited to the Undergraduate Bulletin, the Graduate Record, and the Directory of Classes. In the event of any conflict between this Policy and FERPA, FERPA shall govern. Please refer to both this Policy, including the footnotes, and the FERPA regulations (<http://www2.ed.gov/policy/gen/reg/ferpa/index.html?exp=8>) for guidance.

I. RIGHT TO INSPECT ONE’S OWN EDUCATION RECORDS

A. Any individual who is, or has been, in attendance² at UNC-Chapel Hill has the right to inspect and review Education Records directly related to that individual. “Education Records” are those records directly related to a student that are maintained by or on behalf of UNC-Chapel Hill. “Records” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Education Records do not include:

1. Records that are in the sole possession of their maker used solely as a personal memory aid and that are not revealed to anyone else except a temporary substitute;
2. Records created and maintained by the University’s Department of Public Safety (“DPS”) for law enforcement purposes;
3. Records relating solely to an employee of UNC-Chapel Hill in that employee’s capacity as an employee that are not available for any other purposes (however, records relating to a UNC-Chapel Hill student, who is employed as a result of that student’s status as a student, *are* Education Records);
4. Student medical records created, maintained, and/or used by a medical professional or paraprofessional only in connection with the provision of medical treatment to the student that are not disclosed to anyone other than the individuals providing the treatment;³

¹ Throughout this document, the term “student” shall be understood to refer to both current and former University students.

² “Attendance” includes more than traditional in-person classroom presence. This term includes such things as correspondence courses and other distance learning methodologies such as videoconferences, satellite, Internet, and other electronic information and telecommunications technologies. It also includes the period when a person is working under a work-study program.

³ While students may not be able to inspect their own medical records, these records may be personally reviewed by a physician, or other appropriate professional, of the student’s choice.

5. Records that contain only information relating to a person after that person is no longer a student that are not directly related to the individual's attendance as a student, such as alumni records;

6. Grades on peer-graded papers before they are collected and recorded by an instructor; and

7. Records maintained in connection with a student's application for admission to a UNC-Chapel Hill school or program in which that student is not enrolled, unless the student is accepted and attends that school or program.⁴ Pursuant to North Carolina General Statutes section 132-1.1(f), however, admissions records are not public records.

Education Records are not subject to disclosure pursuant to the North Carolina Public Records Act, North Carolina General Statutes Chapter 132.

B. A student is not permitted to inspect the following records:

1. Parents' financial records and statements;

2. Confidential letters and statements of recommendation that were placed in the student's Education Records before January 1, 1975 if they are used only for the purposes for which they were intended;

3. Confidential letters and statements of recommendation concerning admission to an educational institution, an application for employment, or receipt of an honor that were placed in the student's Education Records after January 1, 1975 where the student has waived (in writing) the right to inspect those letters and statements;⁵ and

4. If the student's Education Records contain information about another student, each student may inspect only the information that directly relates to them.

C. Students who wish to inspect their Education Records must file a written request to inspect their Education Records with the office or individual who has custody of the records ("Custodian"). To the extent possible, students should specify the exact type, source, and date of the Education Records they seek to inspect and review.

In some cases, students will be able to review the records immediately, while in other cases, a certain amount of time will be needed to assemble the records for inspection. A student will not be required to wait more than forty-five (45) days after the date of the request to inspect Education Records.

⁴ This exception applies to application materials submitted by a current University student to another University school, department, or program. Such application materials are not part of the student's Education Records unless and until the individual is accepted and enrolled in the school, department, or program.

⁵ If the student has waived the right to inspect, the University, upon request, will provide the student the names of individuals who submitted the recommendations.

Students who exercise the right to review their Education Records are also entitled to a response from the institution to reasonable requests for explanations and interpretations of those records (provided, however, that responses for explanations and interpretations need only inform students of what the record contains and not why the record exists or why specific information is included). If a student has submitted a request to inspect or review Education Records, none of those records shall be destroyed until a response to the student's request to inspect or review has been provided.

D. In the University's sole discretion, it may comply with the obligation to permit inspection and review of records by providing copies of these records. Students will be provided with a copy of their Education Records where failure to provide such a copy would effectively prevent exercise of the right to inspect and review Education Records. The office providing the copies may charge a reasonable fee to cover copying costs but will not charge a fee to search for or retrieve the records in question.

The University may deny a request for a copy of Education Records if a student is easily able to come to the office that maintains the records and to inspect them in person or if the records are so voluminous that copying them would be unreasonably burdensome for the University employees charged with the task.

Students may not receive an official copy of their academic transcripts if there is a "hold" on the student's record. Students whose record reflects a "hold," however, are entitled to: (1) receive an unofficial copy of their academic transcript, and/or (2) inspect an official copy of their academic transcript.

A student may not receive an official or certified-true copy of a document which exists elsewhere (for example, a photocopied transcript from the student's previous educational institution when a copy of the original transcript may be obtained from that institution).

E. University Offices That May Maintain Education Records

Education Records are maintained by many University offices and officials. The University offices that are most likely to maintain Education Records include those listed below:

1. Academic departments and schools;
2. Campus Health Services;
3. College of Arts and Sciences;
5. Counseling and Psychological Services;
6. Department of Athletics;
7. Department of Housing and Residential Education;
8. Equal Opportunity and Compliance Office;
9. Friday Center for Continuing Education;

10. Faculty members in their roles as advisers and instructors;
11. General College;
12. The Graduate School;
13. Office of Human Resources Employee Records Department (for student teaching assistant, research assistant, and graduate assistant records);
14. Office of the Dean of Students;
15. Office of Scholarships and Student Aid (also for work-study student records);
16. Office of Student Accounts and University Receivables;
17. Office of the University Registrar;
18. Office of the Vice Chancellor for Student Affairs;
19. Professional schools (*e.g.*, School of Law, School of Medicine);
20. Summer School Office;
21. University administrative and business offices;
22. University Career Services; and
23. Veterans Services.

Any University office or official *may* have an Education Record about a student, including offices not listed above. A complete listing of University offices, faculty, and staff, including addresses and telephone numbers, appears in the UNC-Chapel Hill online Campus Director. A student is in the best position to determine which offices are likely to have the student's Education Records. For example, if the student never enrolled in a Chemistry course, it is unlikely that the Department of Chemistry would have any Education Records for that student. Again, when requesting access to inspect and review Education Records, to the extent possible, a student should specify the exact type, source, and date of the Education Record.

II. RIGHT TO SEEK CORRECTION OR AMENDMENT OF ONE'S OWN EDUCATION RECORDS

A. Students who believe that information contained in their Education Records is inaccurate or misleading or violates their privacy rights may discuss these concerns informally with the Custodian of the records in question and may request that they be amended. If the Custodian of the records agrees with the request for amendment, the records will be amended. If not, the Custodian will notify the student within a reasonable period of time that the records will not be amended and will inform the student of the right to a formal hearing, as specified below. In lieu of requesting a formal

hearing, if the student and the University agree that an explanatory statement alone is the appropriate remedy, the student has the right to place a statement in the student's Education Records commenting on the information in question and/or setting forth any reasons for disagreeing with the Custodian's decision not to amend. Any such statement will be maintained as part of the student's Education Records for as long as the record, or the contested portion of the record, is maintained by the University, and the statement will be disclosed to any party to whom the contested portion of the student's Education Records is thereafter released.

B. A student's request for a formal hearing must be submitted within thirty (30) calendar days after the student receives notice from the Custodian that the records will not be amended. The student's request must be in writing and must be submitted to the Assistant Provost and University Registrar. The request must contain:

1. A statement that the student is seeking to correct or amend the student's Education Records;
2. A summary of the evidence and arguments the student would present at a hearing;
3. The date the student received the notice from the Custodian denying the student's request that the records be corrected or amended; and
4. Information about the student's attempts to resolve the matter with the Custodian and the results of these attempts.

C. The Assistant Provost and University Registrar or a designee, who may be any University official without a direct interest in the outcome of the hearing, will schedule a hearing on the matter within a reasonable time after receipt of the student's request. The student and the Custodian will be given reasonable advance notice of the date, place, and time of the hearing.

D. The student and the Custodian will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the complaint. The student may be assisted by an individual of the student's choice at the student's own expense, including an attorney, provided, however, that the individual may not participate in the proceeding.

E. Within a reasonable period of time following the conclusion of the hearing, the University will notify the student in writing of its decision. The decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the University decides that the challenged information from the student's Education Records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will recommend that the appropriate University official amend the student's Education Records accordingly, and that official will inform the student in writing when the amendment has been made.

F. If, as a result of the hearing, the University decides that the challenged information from the student's Education Records is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will inform the student of the right to place a statement in the student's Education Records commenting on the information and/or setting forth any reasons for disagreeing with the University's decision. Any such statement will be maintained and disclosed as set forth in Section II.A., above.

III. EMPLOYEE ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION IN STUDENT EDUCATION RECORDS

A. Faculty and staff members may not access Personally-Identifiable information in student Education Records unless they have a legitimate educational interest in the information.

1. “Personally Identifiable” means that the information includes the name of a student, the student’s parent, or a member of the student’s family; the address of a student or a member of the student’s family; and/or a personal identifier such as the student’s Social Security Number or biometric record.⁶ This term also includes direct identifiers such as date or place of birth, mother’s maiden name, and other information that is linked or linkable to a specific student in a way that would allow an ordinary member of the University community to identify the student with reasonable certainty. Information would also be considered “Personally Identifiable” if the University reasonably believes that the person requesting it knows the identity of the student to whom the Education Record relates; for example, a request for the grade point averages of all students who received a certain scholarship in a year when only one student received that particular scholarship.

2. Faculty and staff members have a legitimate educational interest in Education Record information only if it is necessary for them to obtain the information in order to carry out their assigned duties to the University.

3. Faculty and staff members who access Education Records pursuant to a legitimate educational interest may not re-disclose information from Education Records except in accordance with this Policy. Faculty and staff members may not use the information for any purpose other than in furtherance of legitimate educational interests, as defined above.

4. Faculty and staff members may access Personally-Identifiable Education Records for research purposes only pursuant to the Institutional Data Governance policy (<http://its.unc.edu/files/2014/08/Institutional-Data-Governance-Policy.pdf>) and if approved by the Institutional Review Board.

5. Faculty and staff members found to have violated these provisions may be subject to disciplinary action up to and including termination.

IV. DISCLOSURE⁷ OF PERSONALLY IDENTIFIABLE INFORMATION FROM A STUDENT’S EDUCATION RECORDS

A. With certain exceptions, listed in section IV.C. below, UNC-Chapel Hill will not disclose Personally Identifiable information from a student’s Education Records without the student’s prior written consent.

⁶ A “biometric record” is a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, for example: fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

⁷ “Disclosure” means permitting access to or releasing, transferring, or otherwise communicating personally identifiable information in Education Records by any means, including but not limited to oral, written, or electronic means, to anyone except the party that provided or created the record in question.

To be effective, the written consent must be signed and dated by the student and must include:

1. A specification of the records to be disclosed;
2. The purpose of the disclosure; and
3. The party or class of parties to whom the disclosure may be made.

B. When Personally Identifiable information is disclosed from a student's Education Records pursuant to the student's written consent, the student may also, upon request, obtain a copy of the information so disclosed.

C. UNC-Chapel Hill may disclose Personally Identifiable information from a student's Education Records *without* prior written consent in the following situations, after using reasonable methods to identify and authenticate the identity of the parties to whom it discloses such information:

1. Disclosure to School Officials who have a legitimate educational interest in the records. "School Officials" include: (a) members of the Board of Trustees, administrators, faculty members, and staff members (including employees of DPS) of UNC-Chapel Hill or of the General Administration of The University of North Carolina System; (b) students when functioning in an official University capacity (for example and without limitation, the Honor System); and (c) independent contractors to whom the University has outsourced institutional services or functions (for example, and without limitation, the National Student Clearinghouse, Sakai, entities providing practical or clinical training for students, and other similar or dissimilar contractors).

- a. Disclosure to a School Official is permissible only if the School Official has a legitimate educational interest in the information. A School Official has "a legitimate educational interest" if the information is necessary for them to obtain the information in order to carry out their assigned duties or their contractual obligations to the University.
- b. UNC-Chapel Hill employs reasonable methods (including physical, technical, and administrative controls) to ensure that School Officials obtain access only to those Education Records in which they have legitimate educational interests.
- c. In accordance with section III., School Officials may not access Personally Identifiable information in student Education Records unless they have a legitimate educational interest in the information. Additionally, School Officials who receive information under this section may not re-disclose the information except in accordance with this Policy. Faculty and staff members may not use the information for any purpose other than to perform their legitimate educational interest, as defined above. Failure to comply with these requirements may result in disciplinary action up to and including termination.

2. Disclosure to officials of another educational institution: (a) in which the student seeks or intends to enroll; (b) in which a currently enrolled UNC-Chapel Hill student is contemporaneously enrolled; and (c) in which a former UNC-Chapel Hill student is already enrolled; provided, however, that such disclosures are for purposes related to the student's enrollment or

transfer. Students are hereby notified that it is the policy of the University to forward Education Records upon request to officials of other educational institutions under this section without notifying the student of such transfer of records. Upon request, the student will be provided with a copy of the Education Records so transferred, and the student may seek correction or amendment of such records in accordance with Section II., above.

3. Disclosure to authorized representatives of: (a) the Comptroller General of the United States; (b) the Attorney General of the United States; (c) the U.S. Secretary of Education; or (d) 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 relating to such programs.

4. Disclosure in connection with Financial Aid for which a student has applied or received. Information may only be disclosed under this section to determine a student's eligibility for Financial Aid, to determine the amount of the aid, to determine the conditions of the aid, or to enforce the terms and conditions of the aid. For purposes of this Section, "Financial Aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

5. Disclosure to State and local officials to whom information is specifically allowed to be disclosed pursuant to State statute adopted:

- a. Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and that system's ability to serve effectively the student whose records are released; or
- b. After November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and that system's ability to serve effectively, prior to adjudication, the student whose records are released, and if the officials to whom the information is disclosed certify in writing to the University that the information will not be disclosed to any other party without the student's written consent, except as provided under State law.

6. Disclosure to organizations conducting studies for, or on behalf of, the University to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. Such studies must be conducted in a way that does not allow access to the personal identification of parents and students by anyone other than representatives of the organization who have legitimate interests in the information. Additionally, the recipient organization must return or destroy the disclosed information when no longer needed for the purposes for which the study was conducted.

The University is not required to initiate such a study of its data or to agree with or endorse the study's conclusions or results. If it does decide to initiate such a study, the University must first enter into a written agreement with the organization conducting the study. That agreement must:

- a. Specify the purpose, scope, and duration of the study or studies and the information to be disclosed;

- b. Require that the organization use Personally Identifiable information from Education Records *only* to meet the purpose or purposes of the study as spelled out in the agreement;
- c. Require the organization to conduct the study in such a way that there is no personal identification of parents and students by anyone other than representatives of the organization who have legitimate interests;
- d. Require the organization to destroy the Personally Identifiable information when it is no longer needed for purposes of the study; and
- e. Specify the time period within which the organization must destroy the Personally Identifiable information.

7. Disclosure to accrediting organizations in order to carry out their accrediting functions.

8. Disclosure to a student's parent(s), if the student is their dependent for federal income tax purposes. To establish that the student is their dependent for federal income tax purposes, the parent must complete a form and submit it to the Office of the University Registrar along with a copy of their most recent federal tax return. This eligibility must be established annually.⁸

9. Disclosure pursuant to a judicial order or lawfully issued subpoena. With some exceptions,⁹ UNC-Chapel Hill will make a reasonable effort to notify the student of the order or subpoena before complying therewith so the student will have the opportunity to seek protective action. If another party receives a court order or lawfully issued subpoena and re-discloses Personally Identifiable information from Education Records on the University's behalf, that party is responsible for making a reasonable effort to notify the student of the order or subpoena before complying with it.

- a. If the University initiates legal action against a student or a student's parent, the University may, at its discretion, disclose to the court, without a court order or subpoena, the student's relevant Education Records.
- b. If the student or parent initiates legal action against the University, the University may, at its discretion, disclose to the court, without a court order or subpoena, the student's relevant Education Records in order to defend itself.

⁸ For more information, please see the University Registrar's website, <http://registrar.unc.edu>.

⁹ In the case of a federal grand jury subpoena or any other subpoena or court order issued for a law enforcement purpose, if the court or other issuing agency so orders, the University will not disclose to the student or anyone else the existence or contents of the subpoena or court order or any information furnished in response to the subpoena or court order. If the University receives an ex parte court order obtained by the United States Attorney General (or a designee of the Attorney General not lower than an Assistant Attorney General), and the court order concerns investigations or prosecutions of an offense listed in 18 U.S.C. section 2332b(g)(5)(B) [Federal crime of terrorism] or an act of domestic or international terrorism [18 U.S.C. section 2331], the University will not disclose to the student or anyone else the existence or contents of the court order or any information furnished in response thereto.

10. Disclosure of a student's Personally Identifiable information to appropriate parties, including the student's parents, in connection with an emergency, if the information is necessary to protect the health or safety of the student or others. The Office of the Dean of Students or the Office of University Counsel should be contacted for assistance in making and documenting the decision that a health or safety emergency exists, whenever possible. At a minimum, these offices should be contacted following the determination that there is a health and safety emergency and the disclosure of Personally Identifiable information.

- a. When determining whether a health or safety emergency exists, the University considers the totality of the circumstances pertaining to a threat to the health or safety of a student or to others, and if it determines that there is an articulable and significant threat to health or safety, the University may disclose information from Education Records to anyone who needs the information in order to protect the health or safety of the student or others.
- b. In such situations, the University must record: (i) the articulable and significant threat to the health or safety of a student or others that formed the basis for the disclosure; and (ii) to whom the University disclosed the information. This record shall be included in the record of disclosures discussed in section IV.G. of this Policy.

11. Disclosure of "directory information," which the University defines as the student's:

- a. name;
- b. address (local and grade/billing address);
- c. e-mail address;
- d. telephone listing (local and grade/billing telephone numbers);
- e. date and place of birth;
- f. major field of study;
- g. class (e.g., sophomore, senior);
- h. enrollment status (e.g., full-time, half-time, part-time, withdrawn);
- i. person identification number (PID);
- j. anticipated graduation date;
- k. participation in officially recognized activities and sports;
- l. weight and height (for members of athletic teams only);
- m. dates of attendance (including matriculation and withdrawal date);
- n. degrees and awards received;
- o. most recent previous educational agency or institution attended; and
- p. county, state, and/or U.S. territory from which the student entered the University.

12. Disclosure to the student personally.

13. Disclosure, upon request, to the victim of an alleged crime of violence or non-forcible sex offense¹⁰ of the final results¹¹ of the campus disciplinary proceeding against the alleged

¹⁰ "Crime of violence" is defined as:
Arson or attempted arson

perpetrator, regardless of whether the alleged perpetrator was found to have committed the violation charged. The following information may be disclosed:

- a. name of the alleged perpetrator;
- b. rule or policy violated, if any;
- c. essential findings supporting the conclusion that the violation was committed, if applicable;
- d. disciplinary sanction imposed, if any;
- e. date any sanction was imposed; and
- f. duration of any sanction.

If the alleged victim is deceased as a result of that crime or offense, the victim's next of kin shall have the right, upon request, to receive the information described above.

14. Disclosure, upon request, of the final results¹¹ of a campus disciplinary proceeding where a student has allegedly perpetrated a crime of violence or non-forcible sex offense¹⁰ and, has been found, by that conduct, to have violated University rules or policies. In such a case, the following information may be disclosed:

- a. name of the student's alleged perpetrator;
- b. rule or policy that was violated;
- c. any essential findings supporting the conclusion that the violation was committed;
- d. disciplinary sanction imposed;
- e. date the sanction was imposed; and
- f. duration of the sanction.

The names of victims, witnesses, or other students will not be disclosed without their prior written consent.

15. When a student is found to have violated laws or University policies concerning the use or possession of alcohol or a controlled substance, the University reserves the right to disclose

Simple assault
Aggravated assault
Intimidation (placing another in reasonable fear of bodily harm through the use of threatening words or other conduct without displaying a weapon or committing a physical attack)
Burglary
Negligent manslaughter
Nonnegligent manslaughter
Murder
Destruction/damage/vandalism of property
Kidnapping/abduction
Robbery or attempted robbery
Forcible sex offense

"Non-forcible sex offense" is defined as incest or statutory rape.

¹¹ "Final Results" is a decision or determination, made by an honor court or council, committee, commission, or other entity authorized to resolve disciplinary matters within the institution. The disclosure of Final Results must include only the name of the student, the violation committed, and any sanction imposed by the institution against the student. This provision only applies to Final Results determined on or after October 7, 1998.

this information to the student's parent or guardian if the student is under the age of twenty-one (21) at the time the information is disclosed to the student's parent.

16. Disclosure of information concerning sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 [42 U.S.C. section 14071] if the information was provided to the University under that statute and applicable federal guidelines.

B. Requesting Non-Disclosure of Directory Information

Students who do not wish to have any or all directory information made public without their prior consent must come in person to the Office of the University Registrar (Suite 3100, SASB North) and fill out a "Requesting FERPA Privacy Flag on Student Record: Non-Disclosure of Information" form in order to place a FERPA Privacy Flag on their records. Students who complete the form will receive information about the consequences of placing a FERPA Privacy Flag on their records. Students who are not within commuting distance to the UNC-Chapel Hill campus may contact the Office of the University Registrar for further instructions. Students may also email ferpa@unc.edu.

If a student chooses to place a FERPA Privacy Flag, it will remain in effect until the student removes it as set forth in Section C, below, and the student will not be able to receive any information from their Education Records by telephone. Instead, the student must come in person and show photo ID or send a written request acknowledging that a restriction has been placed on the Education Records but that the student requires specific information.

C. Canceling a Non-Disclosure Request

To remove a FERPA Privacy Flag, a student must come in person to the Office of the University Registrar and fill out a "FERPA Release Authorization Form: To Remove Previously Set Restrictions on Release of Information" form. Students who are not within commuting distance of the UNC-Chapel Hill campus may contact the Office of the University Registrar for further instructions.

D. Blocking Certain Information from the Directory

If a student wishes to block certain information from the online campus directory, but does not want to institute a FERPA Privacy Flag, the student may do so through the portal (my.UNC.edu), on the "Updating Personal Information" section of the directory. Checking the "Public" box next to an item will result in that item being included in the directory. Removing the checkmark from the "Public" box will restrict that information from the directory. If students have questions about restricting information, they may contact the Office of the University Registrar.

In order to assure that new students have a meaningful opportunity to request that their directory information not be made public, it is the policy of the University that it will not release directory information on entering students until after the last day for late registration for the Fall semester.

E. Release of De-Identified Data

The University may release data from Education Records without the student's consent if all Personally Identifiable information is removed before the data is released. Before releasing this de-identified data, the University must make a reasonable determination that a student is not Personally Identifiable either through the release in question or through multiple releases, and in making that determination, the University must take into account other reasonably available information which, when combined with the de-identified data, might make the data Personally Identifiable.

The University may release de-identified data from Education Records for the purpose of education research by attaching a code to each de-identified student record that may allow the recipient to match it with other information received from the University if:

1. The University does not disclose any information about how it generates and assigns the record code or information that would allow the recipient to identify a student based on the record code;
2. The record code is only used to identify a de-identified record for purposes of education research and cannot be used to ascertain Personally Identifiable information about a student; and
3. The record code is not based on a student's Social Security Number or other personal information.

F. Conditions for Re-Disclosure

When Personally Identifiable information from Education Records is disclosed to another party, that party may use that information only for the purposes for which the disclosure was made and may not further disclose the information without the student's prior written consent, unless:

1. The initial disclosure is made with the understanding that the party receiving the information may re-disclose it to specified individuals or organizations who meet the requirements of IV.C. above, and;
2. The record of disclosures (see IV.G., below) includes the names of the additional parties to whom the information may be disclosed or, if the initial disclosure was to a State or local educational authority or federal official or agency, that authority, official, or agency is keeping a record of disclosures as discussed in IV. G. below.

When the University discloses information to another party, it will inform that party of the requirements set forth in this section. This practice does not apply to disclosures made under IV.C. 8, 9, 11, 12, 14, 15, and 16. It also does not apply to disclosures to the accuser and accused made under IV.C.13. where the alleged violation is a sex offense as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 U.S.C. section 1092(f)].

If the U.S. Department of Education determines that a party to whom such information was released permitted access to the information in violation of this section or failed to provide notice of a subpoena for that information as set out in IV.C.9. above, that party may be denied access to information from UNC-Chapel Hill Education Records for five (5) years.

G. Record of Disclosures and Record of Further Disclosures

The Office of the Assistant Provost and University Registrar will maintain a “record of disclosures” of Personally Identifiable information from each education record. The record of disclosures will be kept with the student’s Education Records and will include names of parties who have requested or obtained Personally Identifiable information therefrom and the legitimate interest those parties had in obtaining the information. For any disclosure made pursuant to the health and safety exception, the record of disclosure shall include the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure and the parties to whom the University disclosed the information.

If the disclosure was to a State or local educational authority or a federal official or agency under IV.C.3. above, the record of disclosures must also include the names of the State and local educational authorities and federal officials and agencies that may re-disclose Personally Identifiable information from the student’s record without the student’s consent.

A State or local educational authority or a federal official or agency that re-discloses Personally Identifiable information from a student’s record without the student’s consent (whether it originally received the information from the University or from another State or local educational authority or federal official or agency entitled to receive it under IV.C.3. above) must keep a record of the names of the additional parties to whom they disclosed the information and the section of IV.C. above under which the information was disclosed to each party (a “Record of Further Disclosures”).

When a student asks to inspect the University’s record of disclosures, the University must obtain a copy of the Record of Further Disclosures from the applicable State or local educational authorities or federal officials or agencies so the student may also inspect that record. Once the University requests the Record of Further Disclosures, it must be provided to the University within thirty (30) days.

The record of disclosures will not include:

- A. Disclosures to the student,
- B. Disclosures to school officials with legitimate educational interests,
- C. Disclosures pursuant to the student’s written consent,
- D. Disclosures of directory information, as defined in IV.C.11. above,
- E. Disclosures pursuant to a federal grand jury’s subpoena or other law enforcement subpoenas or court orders where the court or other agency issuing the subpoena or court order has ordered the University not to disclose the existence or contents of the subpoena or court order or the information disclosed in response to it, or
- F. Disclosures pursuant to an ex parte court order obtained by the United States Attorney General (or certain designees) concerning investigations or prosecutions of an offense listed in 18 U.S.C. section 2332b(g)(5)(B) [federal crime of terrorism] or an act of domestic or international terrorism.

The record of disclosures must be maintained with the student’s Education Records as long as the records themselves are maintained, and it may be inspected only by the student, the records Custodian and assistants, and school or federal officials auditing the recordkeeping procedures of UNC-Chapel Hill.

V. LIMIT TO FERPA PROTECTION OF EDUCATION RECORDS

FERPA's protection of Personally Identifiable information in a student's Education Records ends at the time of a student's death. Unless it has information to the contrary, seventy-five (75) years after the date the records were first created, the University will presume that the student is deceased. As a courtesy to the families of recently-deceased students who were enrolled at the time of death, the University generally will not release information from their Education Records for one (1) year without the consent of the deceased student's next-of-kin.

VI. COMPLAINTS TO THE U.S. DEPARTMENT OF EDUCATION

Complaints alleging violations by UNC-Chapel Hill of the provisions of FERPA or the regulations promulgated thereunder may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202.

University faculty and staff may obtain further information about FERPA from the Office of the University Registrar or the Office of University Counsel.