SECTION 8: STUDENT RECORDS

8-3 EDUCATIONAL RECORDS

A. Educational records are those records, files, documents, and other materials which contain information directly related to a student’s academic progress, financial status, medical condition, etc., and are maintained by the University of North Dakota or a party acting on behalf of the University. Educational records include more than academic records. Educational records, with the exception of those designated as directory information (see Section 8-2 of the Code), may not be released without the written consent of the student to any individual, agency, or organization other than the following:

1. School officials who have legitimate educational interests;
   a. A school official is someone employed by the University in an administrative, supervisory, academic, research, or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person or organization acting as an official agent of the University and performing a business function or service on behalf of the institution; a person serving on the State Board of Higher Education; a student serving on an official or recognized committee, such as a disciplinary or grievance committee; or assisting another school official in performing his or her tasks.
   b. A school official has a legitimate educational interest if the official needs to access the educational record in order to fulfill his or her responsibility on behalf of the University. This means performing a task that is specified in his/her position description or contract.

2. Officials of other institutions in which the student seeks or intends to enroll.

3. Authorized representatives of the Comptroller General, the Secretary of Education, the administrative head of an educational agency, state education authorities, or the Attorney General when investigating government sponsored or affiliated programs.

4. Officials responsible for acting in conjunction with the student’s application for, or receipt of, financial aid.

5. Authorized individuals or organizations conducting studies for or on behalf of the University for the purpose of developing, validating, or administering predictive tests; for administering student aid programs; and for improving instruction. These studies must be conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of the University or such organizations.

   This information is to be destroyed when it is no longer needed for the purpose for which it was collected. Authorization for such activities will come from the appropriate Vice President.

6. A Complainant Student (see Section 2) of discriminatory or harassing behaviors or other act of violence or non-forcible sexual offense, of the results of any disciplinary proceeding regarding an alleged perpetrator of that act.

7. Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of the student or others.

B. The disclosure of educational records to family members and in response to subpoenas will be carried out as follows:

1. University officials are expected to comply with judicial orders and subpoenas. A reasonable attempt shall be made to notify a student of the University’s intention to comply with court orders, unless directed otherwise by court order.

2. Spouses or other family members of students may receive student record information when a written consent form is submitted by the student.

3. Records of former students are confidential except for directory information. The University may release without written consent directory information on any student not currently enrolled unless that student has requested otherwise.

4. The records of deceased students may be released or disclosed at the request of a parent, personal representative, or other qualified representative of the student’s estate, or pursuant to a court order or subpoena.

C. Upon written request, the University shall provide student access to a student’s own educational records with the exception of:

1. Financial aid records of the student’s parents or guardian;

2. Confidential letters of recommendation when the student has signed a waiver of right-of-access, or letters of recommendation written prior to January 1, 1975, providing such letters are used only for the purpose for which they were specifically intended.

D. Students may waive their access to records.

1. A student may sign a waiver of right-of-access to confidential recommendations concerning admission, application for employment, and/or application for an honor or honorary recognition. In such cases the student, upon request, shall be notified of the names of individuals making such confidential recommendations. These recommendations are to be used solely for the purpose for which they were intended;

2. In the event a student refuses to sign a waiver of access, such an act may not be considered as a condition for admission, receipt of financial aid, or any other service or benefit from the University.

E. Since the University does not maintain a central repository for student records, inquiries for access to specific educational records should be made to the University office or agency responsible for a particular record. Requests for assistance in locating individual educational records may be directed to the Office of the Vice President for Student Affairs.

Within a reasonable time period, University personnel must produce for inspection all records, with the exception of those previously noted, which pertain to that student. Access to records should occur as soon as
reasonably practicable, but in no instance more than 45 days after the request. Students seeking access to their records are subject to the following procedure:

1. Student must provide proper identification;
2. Students are free to examine the content of the record;
3. No materials are to be removed from the record;
4. Designated staff or personnel should review and interpret the contents of the record with the student;

F. A student has the right to ask the University to amend the education record if the student believes the records relating to the student contain information that is inaccurate, misleading, or in violation of the student’s right of privacy. The student should write the University official responsible for the record, clearly identify the part of the record he or she wants changed, and specify why it is inaccurate. When a student has challenged specific data or information and has requested amendment of the record:

1. The designated department or staff member may agree to amend selected information; or,
2. In the event the designated department or staff member does not concur with the student’s request to amend the information, the student shall follow the procedures developed by the department and/or college in which the department is located. Note: In the event of a challenge to a grade, the student must first follow the grievance procedures defined in Appendix IIIa-2 of the Code.
3. If after following the above procedures, resolution has not occurred (that is, the student still feels the record is inaccurate or misleading), the student may submit, in writing, a request for a hearing to the University Registrar.
4. Hearings will be conducted by a University official who does not have a direct interest in the outcome of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the reasons for the challenge. The hearing officer will render a decision, in writing, noting the reasons and summarizing the evidence presented within a reasonable period of time after the challenge is filed.
5. Should the appeal be in favor of the student, the record shall be amended accordingly. Should the request be denied, the student may choose to place a statement with the record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student’s statement and notice of the board’s decision, as long as the student’s record is maintained by the University.

G. For records to be released other than as outlined in Section 8-3-A of the Code, there must be a written consent form completed by the student.

H. If the student has previously signed a waiver releasing their records and wishes to revoke this waiver, the student must make a request in writing at the Registrar’s Office to revoke the waiver.

I. Each University office which releases student records must maintain permanently in the student’s file a signed written form indicating the date of release for records (except when released to University personnel) and the legitimate educational or other interest that each person, University employee, agency, or organization had in seeking the information.
J. Student record information can be transferred to a third party for an approved purpose only on the condition that the third party will not in turn release the record to another party. This third party limitation shall be noted on all information released to the third party.

K. Areas of the University maintaining educational records are required to have a copy of their records policy available to students.

L. Disclosure of University of North Dakota Graduation Rates: The University of North Dakota graduation rate information is available online at: http://und.edu/academics/registrar/graduation-rates.cfm.

A paper copy of this report is also available by calling the Office of the Registrar at (701) 777-2711.

1 see Department of Education “Dear Colleague Letter,” April 4, 2011.

2 20 U.S.C. § 1232g(b)(6); 34 CFR § 99.31(a)(13)

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