



University of Western States (UWS or university) collects and retains data and information about students for designated periods of time for the express purpose of facilitating the student's educational development. The university recognizes the privacy rights of individuals in exerting control over what information about themselves may be disclosed and, at the same time, attempts to balance that right with the university's need for information relevant to the fulfillment of its educational mission.

The federal Family Educational Rights and Privacy Act (FERPA) of 1974 affords students certain rights with respect to their education records. FERPA grants students the right to:

- Inspect and review their education records within 45 days of the day UWS receives a request for access.
- Exercise some control over the disclosure of information from their education records, including the right to provide written consent before UWS discloses personally identifiable information (PII) from the student's education record, unless otherwise permitted without consent under FERPA.
- Request an amendment to education records they believe to be inaccurate or misleading, or otherwise in violation of the student's privacy rights under FERPA.
- File a complaint with the U.S. Department of Education concerning alleged failures by UWS to comply with FERPA requirements.

EDUCATION RECORDS

Education records are defined as records, files, documents, data and other materials that contain information directly related to a student and are maintained by UWS or by a person acting for the university pursuant to UWS policy. See definition of "education record" in the Definitions section below.

Directory Information

Directory information is generally not considered harmful to or invasive of students' privacy if released to third parties, and therefore may be disclosed without the prior consent of the student. Directory Information includes:

- Student name
- UWS email
- Program of study
- Degrees received
- Dates of attendance
- Date of graduation
- Enrollment status (full-time, part-time, or not enrolled)



The student is entitled to request that directory information not be made publicly available. Such a request must be made in writing to the office of the registrar using the "[Request for Non-disclosure of Directory Information](#)" form. A student may submit a request to block the sharing of their directory information at any time, and the request will be effective within three (3) to five (5) business days. Submitting a request to withhold directory information blocks the release of directory items in response to inquiries made to the university by the public after the receipt of the request. The block remains in effect until it is rescinded by the student in writing to the office of the registrar. UWS continues to honor any request made to not release directory information about a student even after the student no longer attends the university, so long as the student has not rescinded the request.

WAIVING RIGHTS UNDER FERPA

Students may waive any of their rights under FERPA. All waivers are required to be made in writing to be valid. Waivers are recorded in the office of registrar.

PERSONALLY IDENTIFIABLE INFORMATION

Personally identifiable information includes all information about a student that is *not* defined as directory information, as well as any information that the student has indicated may not be released, including directory information. What constitutes "personally identifiable information" is further defined in the Definitions section below.

UWS does not release personally identifiable information from a students' education record without the student's consent, except as permitted by law. FERPA authorizes the university to disclose personally identifiable information from a student's education record without the prior written consent of the student when the disclosure is to:

1. A UWS school official with a legitimate educational interest. See definitions of "school official" and "legitimate educational interest" below in the definitions section of this policy. Note there are specific conditions that must be met under each definition.
2. Officials of another school in which a 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. When such a request is received by UWS, the university reasonably attempts to notify the student of these disclosures.



3. Authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the Secretary of the Department of Education, and state educational authorities:
 - a. For the purpose of audit and evaluation of federal or state supported education programs or the enforcement of and compliance with federal legal requirements related to these programs; or
 - b. In connection with financial aid for which a student has applied or which a student has received. In these instances, personally identifiable information from the education records of the student may be disclosed only as necessary for purposes such as:
 - Determining the eligibility of the student for financial aid;
 - Determining the amount of financial aid;
 - Determining the conditions that will be imposed regarding financial aid; or
 - Enforcing the terms or conditions of financial aid.Any data collected by these representatives under these conditions is required to be protected by the persons receiving it in a manner that does not permit the personal identification of students and their parents by other than those authorized above, except when:
 - Written consent of the student has been obtained; or
 - The collection of personally identifiable information is specifically authorized by federal law.
4. State and local officials or authorities to whom such information is specifically required to be reported or disclosed.
5. Organizations conducting studies for, or on behalf of the university, or a broader group of educational agencies or institutions, for the purpose of:
 - a. Developing, validating, or administering predictive tests;
 - b. Administering student aid programs; and/or
 - c. Improving instruction.
6. Accrediting organizations in order to carry out accrediting functions.
7. Parents of a dependent student defined in section 152 of the *Internal Revenue Code*, as evidenced by a notarized affidavit stating that the student is a dependent for income tax purposes, or other documentation as may be separately approved by the university registrar, on a case-by-case basis.



8. Appropriate parties in a health or safety emergency. The totality of the circumstances is considered in determining whether personally identifiable information should be disclosed, including but not limited to the following:
 - a. The seriousness of the threat to the health or safety of the student or other individuals;
 - b. The necessity of gaining the information to deal with the emergency;
 - c. The ability of the parties to whom the information is disclosed to deal with the emergency; and
 - d. The extent to which time is of the essence in dealing with the emergency.
9. Any third parties, so long as the information is designated as “directory information,” as set forth in this policy.
10. Persons holding a judicial order or lawfully issued subpoena. The school official makes a reasonable effort to notify the student of the order or the subpoena several days in advance of compliance except when the order or subpoena was issued for a law enforcement purpose and states that the student is not to be notified. Also, the school official notifies the third party receiving the education records of its obligation to notify the student before further re-disclosure in compliance with a court order or subpoena.
11. A victim of an alleged perpetrator of a crime of violence of a non-forcible sex offense, subject to the requirements of FERPA. Such disclosure includes only the final results of the disciplinary action of the alleged offense regardless of the findings.
12. The general public, subject to the requirements of FERPA, regarding the final results of a disciplinary proceeding, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against them.
13. To the parents of a student regarding the student’s violation of any federal, state, or local law, or of any rule or policy of the university, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.



REQUIRED RECORD OF RELEASES OF INFORMATION

Except as otherwise required by law, UWS maintains records of each request for the release of personally identifiable information. This information is kept with the student's education records and maintained by the custodian of the record.

UWS maintains records of release, and each record indicates: (1) the parties who have requested or obtained personally identifiable information, (2) the legitimate interest these parties had in requesting or obtaining the information, and (3) the date of such a request or disclosure. A copy of the record of release is retained and made available to a student (or other authorized representative of the student, e.g., parent) upon request to review the record. Records of release or disclosure are available for inspection only to the student, university personnel responsible for custody of the record, and other authorized representatives listed in this policy.

These records are maintained for as long as the education records to which they pertain are maintained. FERPA dictates the following exceptions to the requirement for the recording of release of information:

1. Requests by or disclosures to the student;
2. Requests by or disclosures to a school official having a legitimate educational interest in the record;
3. Disclosures pursuant to a student's written consent when the consent is specific with respect to the party, or parties, to whom the disclosure is made;
4. Requests for directory information; and
5. Disclosures pursuant to a judicial order or lawfully issued subpoena that by its terms prohibits the university from revealing the request.

Whenever records are released to any third party, a written statement accompanies the records release stating that the release is conditional on the third party not permitting any other party to have access to the personally identifiable information in the student records without the student's prior written consent; and that the information contained in the student record may only be used for the purposes for which the disclosure was made. This requirement does not apply to disclosures made to parents of dependent students; to parties that are identified as the provider or creator of the education record; in response to court orders, issued subpoenas, or litigation; disclosure of directory information; disclosures made in connection with a disciplinary hearing, or disclosures made to parents of a violation of law, rule or policy governing the use or possession of alcohol or a controlled substance, if the student is under the age of 21 at the time of the disclosure.



LOCATION OF RECORDS

The custodian of academic transcript records at UWS is the university registrar.

Student information is preserved for a prescribed period in order to comply with legal or policy requirements governing record retention. In accordance with university policy, some parts of a student's education record may be destroyed by designated officials, when retention of such records is no longer necessary (see [Policy 1231 Student Record Retention and Disposal](#)). However, once a student requests access to their records, such removal or destruction of the record may not occur until access is granted to the student to review the record requested.

RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

The office of the registrar permits a student to inspect and review their education records within 45 days of receiving from the student a written request that identifies the records that the student wishes to inspect. Inspection of education records takes place at reasonable times during business hours. The student is notified of the time and location where such records may be inspected, or if such records are not maintained by the school official in receipt of the request, the correct official to whom the request should be addressed.

Generally, reasonable requests by students for an explanation or interpretation of a record are accommodated.

There are certain records that may not be available for review, including for example, the financial records of the student's parents; confidential letters and statements of recommendation if the student has signed a waiver of access rights; and records that personally identify other students (in which case the student requesting the information is informed about of any information pertaining to that student contained in the record).

AMENDMENT OF EDUCATION RECORDS

Having reviewed their records, students who wish to challenge the content of the record on file are required to submit a written request to the university official responsible for the record, identify the part of the record that the student wants changed, and state the specific reason(s) why it should be changed. Students are required to follow the procedures set forth below. Substantive educational judgments, such as grades may not be challenged, but the improper recording of a grade may be contested.

Informal Request

The student who believes that information contained in their education records is misleading, inaccurate, or violates the privacy rights of the student may request that UWS amend such

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records. A request to amend a student's education record should, at first, be made at the level closest to the source of the information (i.e., the school official that is responsible for the record). Informal meetings and discussions with the instructor or the university official responsible for the record should be utilized to satisfy a particular inquiry. The disposition of this request should be made within a reasonable period of time. The school official in charge of receiving and addressing the request for amendment notes the date of receipt on the front page of the request.

Formal Request/Hearing

If the university instructor or other official decides not to amend the education records of the student in response to the informal request, the student has the right to make a formal request. A formal request may be made in writing through the office of the registrar. The formal written request includes the following information:

1. Name(s) and contact information of the individual(s) filing the appeal.
2. Date the appeal is submitted.
3. Reason for the appeal.
4. Details of circumstances that justify the request.
5. Any other evidence, documentation, and/or information relevant to the request for amendment.
6. Specific request for a hearing at which the student may present an oral presentation of the argument for amendment. A student may also decline to have a formal hearing and request a review of their written claims and evidence.

Upon receipt of a formal written request, the executive vice president for university affairs appoints a panel comprised of three to five university personnel who do not have a direct interest in the outcome.

If the student requests a hearing, the university holds the hearing within thirty (30) business days after it has received the request. Notice of the date, time, and place are provided to the student reasonably in advance of the scheduled hearing. The hearing is conducted by the selected panel of university personnel who do not have a direct interest in the outcome.

The university gives the student a full and fair opportunity to present evidence relevant to the issues that student has raised related to the request for amendment, whether or not a hearing is held. A student may choose to be assisted or represented by an attorney at their own expense.



In the event a hearing is held, a decision is rendered within fourteen (14) business days after the date of the hearing. If a hearing is not conducted, the panel reviews the request for amendment and renders a decision within fourteen (14) business days of the date of the request.

Decisions are provided to the individual in a written letter of notification via email and/or mail. Decisions are made based solely on the evidence presented to the panel and are memorialized in the written letter to the student with a summary of the evidence presented and reasons for the decision.

If, as a result of the panel's decision, the university decides that the record is misleading, inaccurate, or otherwise in violation of the privacy rights of the student, it corrects the education records of the student accordingly and informs the student in writing. The correction will be made within thirty (30) business days of the original request by the student. However, if the university decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it informs the student in writing of the right to place in the education record a statement commenting upon the contested information in the education record, setting forth any reasons for disagreeing with the decision of the university.

If the university places a student's statement contesting the education record of the student in the student's file, then that statement must be: (1) maintained with the contested part of the record for as long as the record is maintained; and (2) disclosed whenever the portion of the record to which the statement relates is disclosed to a third party.

Right to Appeal Decision

Students (or their representatives) have a right to submit to the executive vice president for university affairs a written appeal of the university's decision not to correct a student's education record within five (5) business days of when the student was issued the letter of notification. The executive vice president for university affairs may overturn the decision not to correct a student's record if the student demonstrates that the panel's decision process was inconsistent with expected UWS standards or the student has substantive new evidence (not restatement of existing evidence) for consideration that was not known at the time of the panel's decision. Without evidence of errors in the process or substantive new evidence, the executive vice president for university affairs upholds the panel's original decision.

The executive vice president for university affairs, whose decision is final, renders a decision within ten (10) business days of receiving the appeal. The final decision is provided to the student in a letter of notification delivered by email and/or mail.



Complaints that cannot be resolved within the university may be filed in writing with the Department of Education's Family Policy Compliance Office.

DEFINITIONS

Directory Information

Directory information, as provided under the "Directory Information" section of this policy, may be released to anyone without consent of the student, unless the student indicates otherwise, except to the extent that FERPA authorizes disclosure without consent.

Education Records

An education record is any record that is directly related to a student and is maintained by UWS or by a party acting for the university.

Education records do not include records of instructional, supervisory, administrative and educational personnel, which are in the sole possession of the person making the record, and are not revealed to any other person. Nor do they include the unofficial educational records maintained by mentors that are not accessible or revealed to any other person (except for a temporary substitute for the maker of the record, to the extent one exists). These records, even if they consist of student grade reports, correspondence relating to the student's academic progress and academic standing are not official student records and are not subject to review by the student.

Legitimate Educational Interest

Legitimate educational interest is defined by UWS as an interest in an education record that is justified under one or more of the following conditions:

- The information or records requested are relevant and necessary to accomplish some task or determination related to the university official's role or provided for in a contract or other agreement;
- The university official needs to review an education record in order to fulfill their professional role and responsibilities for the university (and for no other extraneous purpose); and/or
- The task or determination is consistent with the purpose for which the records, information, or data are maintained about the student, and the information is used consistently with the purposes for which the data was maintained.



Personally Identifiable Information

For the purposes of this policy, personally identifiable information includes but is not limited to:

- Student name.
- Name of student's parent or other family members.
- Address of the student or student's family.
- A personal identifier, such as the student's Social Security Number, student identification number, or biometric record.
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
- Other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- Information requested by a person who the university reasonably believes knows, or does know, the identity of the student to whom the education record relates.

University Official otherwise referred to as School Officials

University official are defined by UWS as administrators, faculty, or staff employed by the university; and/or a person or organization with whom the university has contracted as its agent, acting with a legitimate educational interest to provide a service instead of using a university employee or official (such as an attorney, auditor, collection agent, service provider); any person serving on a formal board for the university; a student serving on an official committee or assisting another university official to perform their task; a contractor, consultant, volunteer or other outside party to whom the university has outsourced university services or functions that would otherwise be performed by university employees, if the party is under the direct control of the university with respect to the use and maintenance of education records, and the party is subject to the same conditions governing the use and re-disclosure of education records imposed under FERPA.

Student

A person who attends or has previously attended UWS (including attendance in person, by correspondence, by distance or through a work study program) and regarding whom UWS maintains education records. This does not include persons who have been admitted but have never registered for classes at UWS.



QUESTIONS AND COMPLAINTS

Questions related to FERPA or university policies concerning the privacy of students' education records may be directed to the university registrar, at (University of Western States, Attn: Registrar, 2900 NE 132nd Ave, Portland, OR 97230; 503-251-5710; registrar@uws.edu).

Complaints concerning alleged failures by the university to comply with the requirements of FERPA may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

Related Policies: [Policy 1231 Student Record Retention and Disposal](#)
[Policy 1237 Transcripts](#)

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