

APPENDIX R: STUDENT RECORDS POLICY

Duke University Policy and Procedures under the Family Education Rights and Policy Act

Duke University adheres to a policy of compliance with the Family Education Rights and Privacy Act. The policy (1) permits students to inspect their education records, (2) limits disclosure to others of personally-identifiable information from education records without the student's prior written consent, and (3) provides students the opportunity to seek correction of their education records where appropriate.

1. Definitions

Student means an individual who is or who has become in attendance at Duke University. It does not include an individual who was an unsuccessful applicant for admission to the university.

Education records include those records which contain information directly related to a student and which are maintained as official working files by the university. The following are not education records:

- Records about students made by professors and administrators for their own use and not shown to others;
- Campus police records maintained solely for law enforcement purposes and kept separate from the education records described above;
- Employment records, except where a currently-enrolled student is employed as a result of his or her status as a student;
- Records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment. However, these records may be reviewed by an appropriate professional of the student's choice;
- Records which contain only information relating to a person's activities after that person is no longer a student at the university

2. It is the policy of Duke University to permit students to inspect their education records.

RIGHT OF ACCESS

Each student has a right of access to his or her education records, except financial records of the student's parents and confidential letters of recommendation received prior to January 1, 1975.

WAIVER

A student may waive his or her right of access to confidential recommendations in three areas: Admissions to any educational institution, job placement, and receipt of honors and awards. The university will not require such waivers as a condition for admission or receipt of any service or benefit normally provided to students. If the student chooses to waive his or her right of access, he or she will be notified, upon request, of the names of all persons making confidential recommendations. Such recommendations will be used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and the revocation will apply to all subsequent recommendations.

TYPES AND LOCATIONS OF EDUCATION RECORDS

University Registrar

Undergraduate, Graduate, and Professional Schools:

1121 West Main Street, Bevans Building

Academic records, Computer files (biographical data, course information)

Medical School, Doctor of Physical Therapy, and Allied Health Registrar

Suite 0387 Seeley Mudd Building
Academic records

Departments

Departmental Offices; Chairmen, Director of Undergraduate Studies, Director of Graduate Studies
Grade reports, biographical data, results of certain examinations, other advisory information. (Records kept vary with the department.)

Colleges and Schools

Deans' offices of each college and school
Admissions information, progress towards degree information, financial aid information

Student Affairs

Undergraduate: Office of Student Conduct, 200 Crowell Building - Student disciplinary records;
Housing and Residence Life, 301 Swift Avenue, Suite #25 - On-campus housing records
Graduate and Professional Students: See each school for location and type

Assistant/Associate Deans

Pre-Law Advisor; 04 Allen
Pre-Business Advisor; 02 Allen
Correspondence, advisor's recommendations, notes of conferences
Pre-Med Advisor; 011 Allen
Letters of evaluation, personal information sheet, transcript, pre-professional recommendations, test scores (if student permits)

Counseling and Psychological Services (CAPS)

305 Towerview Drive
Biographical data, summaries of conversations with student test results. (Where records are made and used only for treatment purposes, they are not education records and are not subject to this policy.)

Financial Aid

Undergraduate: 2127 Campus Drive, Annex
Doctor of Medicine, Doctor Physical Therapy and Allied Health Programs: Suite 0385 Seeley Mudd Building
Graduate and Professionals Schools: 2127 Campus Drive
Financial aid applications, needs analysis statements, awards made (note: students do not have access to parents' confidential statements)

Career Center

114 S. Buchanan St., Smith Warehouse, Bay 5
Recommendations, unofficial copies of academic records for undergraduates and some graduate students (note WAIVER section); professional student records in respective professional school career centers

Bursar's Office

American Tobacco Campus, Washington Building, Bay 10
Records of financial payments

Office of Student Loans

2127 Campus Dr., Annex
Promissory notes, copies of correspondence

DukeCard Office

100 West Union Building
Records of DukeCard financial transactions

PROCEDURE TO BE FOLLOWED:

Requests for access specifying the records to be inspected should be made in writing to the University Registrar, Box 90754, Durham, NC 27708-0754. Medical, Physical Therapy, and Allied Health student requests for access specifying the records to be inspected should be made in writing to the School of Medicine Registrar, DUMC Box 3878. The university will comply with a request within a reasonable time, at most within 45 days. In the unusual case, arrangements will be made for the student to read his or her records in the presence of a staff member. It is the policy of Duke University to limit disclosure of personally identifiable information from education records without students' prior consent.

DIRECTORY INFORMATION

The following categories of information have been designated directory information:

- Name(s)
- Addresses
- Duke Unique ID
- Telephone listing(s)
- Email addresses
- Place of birth
- Photograph(s)
- Major fields of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- Most recent previous education institution attended

The university will give annual public notice to students of the categories of information designated as directory information and will allow a reasonable period of time after such notice for the student to inform the university that the information should not be considered directory information as to him or her.

Directory information may appear in public documents and may otherwise be disclosed without student consent unless the student objects as provided above.

PRIOR CONSENT NOT REQUIRED

Prior consent may not be required for disclosure of education records to the following parties:

- School officials of Duke University who have been determined to have legitimate educational interests. School officials include instructional or administrative personnel who are or may be in a position to use the information in furtherance of a legitimate objective, a person serving on the Board of Trustees, a student serving on an official committee, such as a disciplinary committee, a volunteer or contractor outside of Duke who performs an institutional service or function for which Duke would otherwise use its own employees and who is under the direct control of the institution with respect to the use and maintenance of personally identifiable information from education records. Legitimate educational interests include those interests directly related to the academic environment;
- Officials of other schools in which a student seeks or intends to enroll or is enrolled. Authorized representative of the Comptroller General of the U. S., the Attorney General of the U.S., the U. S. Secretary of Education, and State and local educational authorities, but only in connection with the audit or evaluation of federally supported educational program, or in connection with the enforcement of or compliance with federal legal requirements relating to these programs. These officials will protect information received so as not to permit personal identification of students to outsiders, and the data shall be destroyed when no longer needed for the purposes above;

- In connection with a student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions;
- State and local officials to which such information is specifically required to be reported by effective state law adopted prior to November 19, 1974;
- Organizations conducting educational studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to outsiders, and the information will be destroyed when no longer needed for these purposes;
- Accrediting organizations for purposes necessary to carry out their functions;
- Parents of a student who is a dependent for income tax purposes;
- Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- In response to a court order or subpoena (*The university will make reasonable efforts to notify the student before complying with the court order*);
- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding;
- Parents of a student under the age of 21 who has been found with an alcohol-related disciplinary violation.

PRIOR CONSENT REQUIRED

In all other cases, the university will not release personally-identifiable information in education records or allow access to those records without prior consent of the student. Unless disclosure is to the student himself or herself, the consent must be written, signed, and dated, and must specify the records to be disclosed and the identity of the recipient. A copy of the record disclosed will be provided to the student upon request and at his or her expense.

RECORD OF DISCLOSURES

The university will maintain with the student's education records a record for each request and each disclosure, except:

- disclosures to the student himself or herself;
- disclosures pursuant to the written consent of the student;
- disclosures to instructional or administrative officials of Duke University;
- disclosures of directory information

The record of disclosure may be inspected by the student, the official custodian of the records, and other university and governmental officials.

It is the policy of Duke University to provide students the opportunity to seek correction of their education records.

REQUEST TO AMEND RECORDS/RIGHT TO A HEARING

A student who believes that information contained in his or her education records is incorrect, misleading, or violative of privacy or other rights may submit a written request to the University Registrar, specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the responsible person at the origin of the record in question. Within a reasonable period of time of receipt of the request, the University will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student will be so notified and will be advised of the right to a hearing.

Conduct of the hearing:

The hearing will be conducted by a University official who does not have a direct interest in the outcome. The student will have a full and fair opportunity to present evidence relevant to the issues raised

and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney. The university official conducting the hearing will, after considering all relevant information, make a recommendation to the University Registrar.

Decision:

Within a reasonable period of time after the conclusion of the hearing, the university will notify the student in writing of its decision. The decision will be based solely upon 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 information in the student's records is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the university will amend the records accordingly.

RIGHT TO PLACE AN EXPLANATION IN THE RECORDS

If, as a result of the hearing, the university decides that the information is not inaccurate, misleading, or otherwise in violation of the student's right, the university will inform the student of the right to place in his or her record a statement commenting on the information and/or explaining any reasons for disagreeing with the university's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the record is disclosed.