

Name of Policy	Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information
Policy Number	00089186
Date Last Reviewed	Spring 2020
Date of Next Review	July 2023
Responsible for Review	Executive Team Member with Oversight of Communications and Executive Team Member with Oversight of Risk Management

I. Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information

A. Purpose

1. This Policy is intended to supplement the protections afforded to UNC student-athletes by federal law, state law, and University policies. In the event of any perceived conflict between this Policy and any state or federal law, please contact a member of the Department of Athletics Executive Team.
2. This Policy has been jointly adopted by the Department of Athletics, Department of Sports Medicine, and ASPSA. It shall apply to all staff members of such units, whether paid or unpaid, as well as to all UNC student-athletes. It shall also apply to any individual affiliated in any way with the University who accesses any student-athlete information protected by state or federal law or University policies.
3. The provisions of this Policy restricting access to and usage of Confidential Information and any other student-athlete information protected by state or federal law or shall remain in effect even after an individual's official affiliation with the University ceases.
4. This Policy shall supersede the University of North Carolina at Chapel Hill Policy and Procedures for Communication about Injuries to Student-Athletes.

B. Definitions

For purposes of this Policy, the definitions below shall apply.

1. "ASPSA" shall mean the University's Academic Support Program for Student-Athletes.
2. "Campus Health Services" shall mean the University's Campus Health Services unit.
3. "Confidential Information" shall include PHI and PII of a student-athlete which does not constitute Directory Information, as well as any other information protected by the University's Family Educational Rights and Privacy Act Policy or other state or federal law. This includes, but is not limited to, the following: financial Records (including

Social Security Numbers and credit card numbers), health Records, contracts, research data, alumni Records, donor Records, personnel Records other than an individual's own personnel Records, University financial data, computer passwords, and University proprietary information or data.

4. "Department of Athletics" shall mean the Department of Athletics of UNC.
5. "Department of Sports Medicine" shall mean the Department of Sports Medicine within Campus Health Services.
6. "Directory Information" shall include a student-athlete's name, local and billing addresses, student email address, local and billing telephone numbers, date and place of birth, major field of study, class, enrollment status, personal identification number ("PID"), anticipated graduation date, participation in officially recognized activities and sports, height and weight, dates of University attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and the county, state and/or United States territory from which the student-athlete entered the University.
7. "Disclose" or "Disclosing" shall mean the act of Disclosure as defined below.
8. "Disclosure" shall mean the act of communicating, permitting access to, releasing, transferring, or otherwise facilitating or allowing any other provision of any Confidential Information to any party by any means including, but not limited to: oral, written, or electronic forms of communication.
 - A. This definition shall exclude any sharing or communication of Confidential Information to other internal individuals within the University who have a legitimate need to know such Confidential Information. The "legitimate need to know" such Confidential Information shall be directly related to the provision of support or care for the individual student-athlete who is the subject matter of such Confidential Information.
 - B. This definition shall also exclude any sharing or communication of Confidential Information of or related to a student-athlete when such sharing or communication of such Confidential Information is done by the applicable student-athlete.
 - C. This definition shall be limited to Disclosures made by the Department of Athletics, ASPSA, and the Department of Sports Medicine. Disclosures made by other units within the University shall be governed by the University's Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974.
9. "Education Records" shall mean all Records other than Directory Information which contain information directly related to a student-athlete and which are maintained by the Department of Athletics, Department of Sports Medicine, ASPSA, or other University unit or by a party acting for the University. For information about what Records this term does not include, see the provisions in the University's Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974 which are related to Education Records maintained by the University or a party acting for the University.
10. "Employee" shall mean any individual employed by the Department of Athletics, ASPSA, or Department of Sports Medicine.

11. "Executive Team" shall mean the executive leadership of the Department of Athletics, as determined by the Director of Athletics.
12. "FERPA" shall mean the Family Educational Rights and Privacy Act of 1974.
13. "HIPAA" shall mean the Health Insurance Portability and Accountability Act of 1996, as modified by the Health Information Technology for Economic Clinical Health Act of 2009.
14. "Personally Identifiable Information" or "PII" shall mean information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual by context. This information may include a person's name, address, Social Security Number, PID, or the name of a person's parents or family members.
15. "Policy" shall mean these Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information.
16. "Protected Health Information" or "PHI" shall include any information about the past, present, or future physical or mental health condition(s) of an individual. PHI shall also include information related to the past, present, or future provision(s) of health care to an individual or the past, present, or future payment(s) for the provision of health care to an individual. (This definition shall exclude information related to health conditions, provisions of health care, or payments for the provision of health care from Campus Health Services when such information is maintained by the University during the time of an individual's enrollment at UNC, though such information is still considered Confidential Information and protected under FERPA.) PHI is protected under HIPAA.
17. A "Record" shall mean information maintained in any format including, but not limited to: audio tape, computer media, film, handwriting, microfilm, microfiche, print, electronic or digital file, and video tape.
18. "Research Study" shall mean any investigation which uses, analyzes, references, or otherwise involves any UNC student-athlete's Confidential Information or in which any UNC student-athlete is a subject or participant, including research development, testing, evaluation, or any other similar activity which is intended or designed to develop or contribute to generalizable knowledge, understandings, data, perspectives, representations, presentations, or conclusions. This definition shall exclude any analysis of a student-athlete's respective Confidential Information which:
 - A. Is performed by appropriate medical-related personnel of or engaged by the University;
 - B. Is performed solely for medical purposes related to assessment and/or treatment of such student-athlete; and
 - C. Will not be disclosed to any external party outside of those involved in the provision of such medical care and those at the University with a legitimate need to know such Confidential Information.
19. "UNC" or "University" shall mean the University of North Carolina at Chapel Hill.
20. "UNC ITS" shall mean the University's Department of Information Technology Services.

C. Student-Athlete Confidential Information

1. General

1. Much of the language in this Section has been adapted from the University's Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974. This Section is merely intended to provide an overview of certain matters involving this important statute as it relates specifically to student-athletes and their protected information. This Section also sets forth standards to ensure that the Department of Athletics, Department of Sports Medicine, and ASPSA act in accordance with the statute. For more information about FERPA, individuals may contact the Office of the Registrar, review the University's Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974, and review the statute itself at 34 C.F.R. pt. 99 et. seq.
2. Generally, FERPA provides each student-athlete with the right to inspect, correct, amend, and limit Disclosure of his or her Education Records. Additionally, FERPA provides guidelines about when a student-athlete's PII may or may not be released from his or her Education Records.

2. Protected Information

- A. With limited exceptions, the University and its Department of Athletics, Department of Sports Medicine, and ASPSA are committed to protecting each student-athlete's PII within their respective Education Records. The University and its Department of Athletics, Department of Sports Medicine, and ASPSA are also committed to protecting information about each student-athlete which does not constitute PII, but which still constitutes Confidential Information.

3. Maintaining Student Education Records

- A. Education Records may be maintained by many University offices and school officials. The University offices and school officials that are most likely to maintain Education Records include, but are not limited to: academic departments and schools, the Department of Athletics, ASPSA, faculty members in their roles as advisors and teachers, the Office of the University Registrar, graduate schools, and University administrative and business offices.

4. Access, Use, and Disclosure by School Officials

- A. Access to a student-athlete's Education Records by school officials is restricted to the portion of any such Record necessary for the discharge of official assigned duties. Any unauthorized Disclosure of PII or other Confidential Information from the Education Records of a student-athlete is strictly prohibited.

5. Disclosure of Directory Information

- A. The Department of Athletics, Department of Sports Medicine, or ASPSA may Disclose a student-athlete's PII from his or her Education Records without the student-athlete's prior written consent if such information constitutes Directory Information. Student-athletes shall be informed regarding the existence of Directory Information and allowed a reasonable amount of time to request that the University (including the Department of Athletics, Department of Sports Medicine, and ASPSA) not Disclose such Directory Information.

D. Requesting Non-Disclosure of Directory Information

A student-athlete who desires non-Disclosure of any or all Directory Information should consult with the Director of ASPSA and the Department of Athletics Executive Team member with oversight of Communications to discuss what Disclosure limits may be placed on Directory Information. Due to a student-athlete's role as a representative of the University, certain portions of a student-athlete's PII must remain Directory Information, such as a student-athlete's name and participation on a team.

1. Requirement for Authorization Prior to Disclosure of Confidential Information

- A. With certain exceptions, the Department of Athletics, ASPSA, and Department of Sports Medicine will not Disclose PII or other Confidential Information that does not constitute Directory Information from a student-athlete's Education Records without the student-athlete's prior written consent. To review Disclosures that may be made without consent, please consult the University's Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974.
- B. Furthermore, other than pursuant to exceptions set forth in University policies or this Policy, or otherwise as permitted by law, all Disclosures of any student-athlete's Confidential Information must be authorized in writing in advance by the applicable student-athlete. This shall mean that appropriate authorization must be obtained from each applicable student-athlete prior to Disclosures of Confidential Information including, but not limited to:
 1. Disclosure of an injury to a student-athlete or other medical information related to a student-athlete to the media, an individual affiliated with a professional sports team or league, a sports agent or other professional representative, or any other recipient to whom such a Disclosure is prohibited by applicable legislation; and
 2. Disclosure of a student-athlete's Education Records or other non-Directory Information PII to the media, an individual affiliated with a professional sports team or league, a sports agent or other professional representative, or any other recipient to whom such a Disclosure is prohibited by applicable legislation.
 3. The preferred forms for student-athletes to provide such required consent are attached as appendices to this Policy and are discussed further below in this Policy.

2. Authorizations for Disclosure of Confidential Information

A. Consent for Release of Confidential Information Form

1. Student-athletes may periodically be asked to sign a form authorizing certain Disclosures of Confidential Information by members of ASPSA, Campus Health Services and the Department of Sports Medicine, and the Department of Athletics. This form is attached to this Policy as Appendix A. Any such authorization for Disclosure provided by a student-athlete shall be effective until revoked by means of written notice provided by the applicable student-athlete to the University in accordance with the provisions of this Policy.

2. Additional Forms by which Student-Athletes May Consent to Disclosure of Confidential Information

- a) In addition, student-athletes may periodically be asked to sign a Student-Athlete Consent for Release of Medical Information form. By completing this form, a student-athlete consents to the Disclosure of specific types of Confidential Information to the NCAA, its affiliated individuals, and certain other recipients. This information includes, among other things, Confidential Information about injuries, illnesses, treatments, and involvement in activities related to or affecting training for and participation in intercollegiate athletics. Any such authorization for Disclosure provided by a student-athlete shall be effective until revoked by means of written notice provided by the applicable student-athlete to the University in accordance with the provisions of this Policy.
- b) Student-athletes may also periodically be asked to sign other forms authorizing certain Disclosures of Confidential Information to various external constituents. Examples of some of these forms are included in the appendices to this Policy. Any such authorization for Disclosure provided by a student-athlete shall be effective until revoked by means of written notice provided by the applicable student-athlete to the University in accordance with the provisions of this Policy.

3. Additional Prior Approval Required for Certain Disclosures of Confidential Information

- A. In addition to the prior approval from each applicable student-athlete that should typically be obtained prior to any Disclosure of any such student-athlete's Confidential Information, approval must also be obtained from the individuals set forth below prior to any Employee's Disclosure of a student-athlete's Confidential Information.
 - 1. Any Disclosure of Confidential Information which is academic in nature must be preapproved by (1) the Director of ASPSA; (2) the Department of Athletics Compliance Office; and (3) either the Director of Athletics or the Department of Athletics Executive Team member with oversight of Risk Management.
- B. Any Disclosure of Confidential Information which is medical in nature must be preapproved by the Director of Sports Medicine or his designee.
 - 1. Notwithstanding the foregoing, due to the time sensitivity of certain situations (primarily during intercollegiate competition), appropriate Department of Athletics Head Coaches and Communications Office personnel shall be permitted to use their discretion in deciding whether to Disclose certain medically-related Confidential Information to the media or other broad audiences, provided that each applicable student-athlete whose Confidential Information will be Disclosed has previously executed the Consent for Release of Confidential Information form (or other similar form). In such situations, Disclosure of Confidential Information should be limited to general injury

information about the applicable student-athlete and a timeframe for such student-athlete's return to athletic participation.

2. Whenever practical in situations other than the in-game situations described above, each applicable student-athlete whose medically-related Confidential Information will be Disclosed should also be given an opportunity to review such information in advance of Disclosure. Among other things, this means that any student-athlete whose Confidential Information will be Disclosed in a press release or similar manner should have an opportunity to review the language of such document prior to Disclosure whenever such review is feasible.
3. Any Disclosure of Confidential Information related to an ongoing investigation must be preapproved by (1) the Department of Athletics Compliance Office and (2) either the Director of Athletics or the Department of Athletics Executive Team member with oversight of Risk Management.
4. Any other Disclosure(s) of Confidential Information must be preapproved by (1) the Department of Athletics Compliance Office and (2) either the Director of Athletics or the Department of Athletics Executive Team member with oversight of Risk Management.

D. Termination of Employment, Service, or Work for the University

1. Upon the conclusion of any individual's employment by, service to, or other paid or unpaid work for the University, such individual shall promptly return all original versions and reproductions of any kind of any and all Records in such individual's possession which contain Confidential Information about or related to any current, prospective, or former student-athlete of the University. Any such Records shall be returned by such individual to the Department of Athletics, Department of Sports Medicine, or ASPSA (as appropriate). Each such individual shall also relinquish all further access to and cease all use of any and all Confidential Information involving any current, prospective, or former UNC student-athlete.

E. Procedures for Communication about a Student-Athlete's Injury to the Media and Other Broad Audiences

1. Some Head Coaches may direct medically-related Confidential Information about student-athletes on their respective team not to be Disclosed. If a Head Coach permits such medically-related Confidential Information to be Disclosed, the applicable student-athlete has appropriately authorized Disclosure of Confidential Information related to an injury he or she has sustained, and the Director of Sports Medicine or his designee has also approved Disclosure of such Confidential Information, the University shall adhere to the provisions below regarding the Disclosure of medically-related Confidential Information about such student-athlete to members of the media and other broad audiences.
 - A. A UNC Athletic Trainer or Team Physician must be consulted for an official injury report before any medically-related Confidential Information about a student-athlete is released to the media.
 - a) If an injury to a student-athlete occurs during competition, a member of the Department of Sports Medicine, when appropriate, will provide a coach and/or a representative from the Department of Athletics Communications Office with basic information about the injury. This information may include specification of the injured body part(s) and the probability of the student-athlete returning to participation in the competition.

1. If an injury to a student-athlete, regardless of when it occurs, is likely to result in the student-athlete missing the next competition, the applicable Athletic Trainer for the student-athlete's sport should notify the designated representative of the Department of Athletics Communication Office.
 2. The only individuals authorized to provide information to the media about a student-athlete's injury are the applicable student-athlete's Head Coach (or his or her designee if the applicable Head Coach is unavailable), appropriate members of the Department of Sports Medicine, and designated representatives of the Department of Athletics Communications Office.
 3. Comments about an injured student-athlete made by such student-athlete's Head Coach and Department of Athletics Communications Office staff members should be restricted to general injury information and "return to participation" timelines when appropriate. If necessary, more specific information or details may be provided by a member of the Department of Sports Medicine staff, who may choose to communicate this information either directly to the media, through the student-athlete's Head Coach, or through a representative of the Department of Athletics Communication Office.
- F. Revocation
1. Any student-athlete who wishes to revoke (in whole or in part) any authorization for Disclosure of any Confidential Information shall communicate such revocation of authorization in writing to the Department of Athletics Executive Team member with oversight of Communications, the Director of ASPSA, and the Director of Sports Medicine.
- G. Reminder for Student-Athletes
1. Student-athletes should be careful not to directly or indirectly Disclose Confidential Information about or related to another student-athlete. This restriction applies to interviews with the media, comments on social media, photos taken of or around another student-athlete who is receiving medical treatment, and any other manner of Disclosure of such Confidential Information.
 - A. Each Head Coach and appropriate Department of Sports Medicine personnel should instruct and periodically remind the student-athletes with whom they work that student-athletes are not authorized to comment on or otherwise Disclose Confidential Information about a fellow student-athlete including, but not limited to, information about a fellow student-athlete's injury or playing status due to injury.
- H. Storage of Confidential Information
1. When in the possession of ASPSA, Department of Sports Medicine, or Department of Athletics staff, Confidential Information of or related to UNC student-athletes should always be stored in a secure manner and consistent with UNC ITS policies to appropriately safeguard against security breaches, unauthorized access, and improper use.
 2. Any known or suspected improper access to or Disclosure of any Confidential Information of or related to any UNC student-athlete(s) should immediately be reported to the Director of Athletics, the Director of ASPSA, the Director of Sports Medicine, and/or the Campus Health Services Privacy Officer (as appropriate).
- I. Student-Athletes' Disclosure of Disabilities, Food Allergies, and Other Relevant Conditions
1. Each student-athlete is expected to promptly Disclose to the Director of Sports Medicine any food allergy, learning disability, or other medical condition which may impact health, safety, or the ability to perform academically or athletically. Such Disclosure should be made immediately upon a student-athlete's enrollment at UNC or upon a current UNC student-athlete's learning that he or she has such a condition.
 2. Upon receipt of such information from a student-athlete, the Director of Sports Medicine or his or her designee shall communicate the information to appropriate staff members in the Department of Sports Medicine, ASPSA, and the Department of Athletics so that proper accommodations may be provided to support the student-athlete.
- J. Research Studies

1. Purpose
 - A. This Section of the Policy is intended to work in conjunction with applicable legislation and University policies to help protect the rights of student-athletes who may choose to become participants in any Research Study.
2. Organizations Not Affiliated with the University
 - A. Due to the significant interests the University has in protecting student-athletes' well-being, time, and privacy, the Department of Athletics typically does not grant requests for student-athletes to participate in Research Studies conducted by organizations that are not affiliated with the University. Similarly, the Department of Athletics typically does not permit student-athletes' Confidential Information to be used in such activities.
3. Organizations Affiliated with the University
 - A. Only on rare occasions will student-athletes be permitted to participate in Research Studies conducted by organizations or individuals affiliated with the University.
4. The prerequisites below must be met for any student-athlete to be permitted to participate in a Research Study.
 - A. The University's Institutional Review Board must provide advance approval of any Research Study which will involve any student-athlete or the Confidential Information of any student-athlete. This requirement shall apply even in cases when such Confidential Information has been de-identified or used in a generalized manner, provided such Confidential Information was acquired by means related to an individual's employment at the University.
 - B. Advance written approval must also be provided by the Director of Athletics or his designee, the Department of Athletics Compliance Office, and the Head Coach(es) of any student-athlete(s) involved in a Research Study or whose Confidential Information will be involved in a Research Study.
5. Student-Athlete Participation
 - A. Any and all student-athlete involvement in any Research Study must be completely voluntary.
 - B. Each student-athlete who will be involved in a Research Study or whose Confidential Information will be involved in a Research Study must provide the conductor(s) of the Research Study advance written consent to their participation and/or use of their Confidential Information before the commencement of such Research Study.
 - C. All information about the Research Study must be provided to each applicable student-athlete by the conductor(s) of the Research Study before obtaining each student-athlete's consent to participation or use of their Confidential Information in the Research Study. This information provided to each student-athlete must include, at a minimum:
 1. the method(s) of the Research Study;
 2. the purpose(s) of the Research Study;
 3. any risks involved in the Research Study;
 4. the extent of the participation requested from the specific student-athlete;
 5. how any information, including any Confidential Information, obtained will be used; and
 6. the person(s) who will have access to data or Confidential Information involved with, developed by, or aggregated in the Research Study.
 - D. Any student-athlete who is involved or whose Confidential Information is involved in a Research Study must be immediately informed and provide additional written consent to their inclusion or use of their Confidential Information in the Research Study if there is any change whatsoever to the

information about the Research Study initially Disclosed to the student-athlete as required above in this Policy.

- E. Any student-athlete who is approached by any organization or individual about participating in a Research Study should direct the requesting individual(s) to the Director of Athletics.
 - A. Student-Athletes Conducting Research Studies
- F. Any student-athlete who wishes to conduct a Research Study and desires to have other student-athlete(s) participate in such Research Study must comply with the procedures set forth in this Policy.
- 6. Strict Compliance Required
 - A. Any Research Study as herein defined must also strictly comply with FERPA, HIPAA, any other applicable legislation, and all University and Department of Athletics policies and procedures.
- K. Policy Violation and Reporting of Concerns
 - 1. A violation of this Policy may result in disciplinary action (including, but not limited to, suspension or termination of employment), possible criminal prosecution, and any other remedies available under the laws of the United States or the State of North Carolina.
 - 2. Any potential violation of this Policy should be communicated immediately to Risk Management personnel in the Department of Athletics.
 - A. Any potential violation of this Policy involving Confidential Information which is academic in nature should also be communicated immediately to the Director of ASPSA.
 - 3. Any potential violation of this Policy involving Confidential Information which is medical in nature should also be communicated immediately to the Director of Sports Medicine.
 - 4. Any potential violation of NCAA legislation should be immediately reported to the Department of Athletics Compliance Office. Any other concerns about inappropriate conduct should be promptly reported in accordance with standard University protocols.
- L. Access to Confidential Information by the Director of Athletics
 - 1. This Policy shall not be construed in any way to restrict access to Confidential Information by the Director of Athletics.
- M. Further Assistance and Questions
 - 1. Any questions regarding this Policy should be communicated in a timely manner to Risk Management personnel in the Department of Athletics.

Appendix A

(To be distributed by the Department of Athletics Compliance Office each year.)

Consent for Release of Confidential Information

Academic Support Program for Student-Athletes, Campus Health Services and the Department of Sports Medicine, and the Department of Athletics

The Academic Support Program for Student-Athletes (“ASPSA”), Campus Health Services including the Department of Sports Medicine (“Sports Medicine”), and the Department of Athletics are all units of The University of North Carolina at Chapel Hill (“University”) that work closely together to support you as a student-athlete. At times, these units may need to share information about you with other individuals outside the University for purposes of discussing your participation in athletics. As discussed in the University’s Family Educational Rights and Privacy Act (“FERPA”) Policy, the University also shares information about you among University units on a “need to know” basis. Please note that your medical records may be covered by certain North Carolina privilege laws.

The privacy of your confidential information, including student record information and medical information, is protected by federal and state law.

INFORMATION ABOUT YOUR MEDICAL RECORDS

Medical Information at Campus Health Services: Sports Medicine is a unit within Campus Health Services (“CHS”). CHS provides health care services to you as a student-athlete through Sports Medicine and other departments within CHS. The CHS provider may share pertinent information about your condition(s) with any outside provider whose assistance is necessary for further treatment (medical equipment vendors, specialists, surgeons, and other similarly situated individuals, for example). CHS will also provide information to your insurance company or prescription drug benefit manager so payment may be made to CHS for treatment provided to you.

- A CHS treatment provider may share information about your condition(s) with other individuals who need to be informed of your condition(s) for legitimate reasons (such as continuing treatment or determining whether you are able to practice, play, or attend class).
- If you are injured, information about your condition(s) may be provided to Athletic Trainers to share with your coaches to help your coaches make informed decisions about your return to participation in athletically-related activities.
- CHS provides appropriate medical information to the Department of Athletics so that payment may be made for treatment received by you from CHS.
- CHS may provide some of your medical information to the Department of Athletics for required disclosures to appropriate external entities such as the NCAA or the ACC.

Unless required to do so by law, CHS will **NOT** share your specific medical records with sports agents, professional athletic teams or leagues, attorneys, or unrelated third parties without your independently-provided, written consent granted separate from this document.

DISCLOSURES WHICH ASPSA, CHS, DEPARTMENT OF SPORTS MEDICINE, AND/OR DEPARTMENT OF ATHLETICS STAFF DETERMINE ARE IN MY BEST INTEREST

Because student-athletes are in the public eye, there may be times when sharing a limited amount of information about you is in your best interest. These disclosures will NOT include specific medical records or grades, except as otherwise provided in the University’s FERPA Policy. The ASPSA, CHS, and/or Department of Athletics staff will usually make an effort to verbally discuss such disclosures with you before they are made.

These disclosures include information about you which in the judgement of your coaching staff, the Department of Athletics Communications Office, other members of the Department of Athletics, ASPSA staff, or CHS staff (depending on the nature of the information) should be disclosed to members of the media or the general public. This information may include, but is not limited to, information about your playing status and related factors which may impact such playing status. If your playing status is implicated, such disclosures may include limited information about your medical condition, such as specific injuries. Information about specific injuries that occur off the playing field will typically only be provided to the media after consultation with your Head Coach, Sports Medicine personnel, and Department of Athletics Communications Office representatives for your respective sport. By signing this consent form, you are also consenting to the limited disclosure of injuries that occur during a game.

Information may also be disclosed to scouts or other personnel of professional sports organizations, sports agents, and others associated with the professional sports industry by members of the Department of Athletics, CHS, and/or ASPSA. This may include information about your character, playing abilities, and personality, as well as general information about you as a student, such as your cumulative GPA. It will not include specific records, such as your transcript.

Information may also be disclosed to potential employers by members of the Department of Athletics, CHS, and/or ASPSA. This may include information about your character and personality, as well as general information about you as a student, such as your cumulative GPA. It will not include specific records, such as your transcript.

For you to be considered for awards and honors, the University may release information about your cumulative GPA.

At times, the University may also need to disclose the information described above to your parent(s) or legal guardian(s), which may sometimes be of a more sensitive nature than that shared with the media or general public. Information about a specific medical condition, regardless of where it occurs, or grades may be shared with your parents or legal guardian.

My signature below indicates my consent to these provisions.

Student-Athlete Printed Name

Student-Athlete Signature

Sport

Date

****In certain circumstances, the terminology and meaning of certain words in this Appendix may be similar to, but not exactly the same as, the defined terms in the Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information. Any authorization for disclosure of confidential information provided by a student-athlete shall be effective until revoked by means of written notice provided by the applicable student-athlete to the University in accordance with the provisions of the Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information.**

Appendix B

(To be distributed by the Department of Athletics Compliance Office each year.)

Student-Athlete Authorization/Consent for
Disclosure of Protected Health Information
for NCAA-Related Research Purposes

I, _____ hereby authorize _____
Name of Student-Athlete Name of my Institution

and its physicians, athletic trainers and health care personnel to disclose my protected health information including, without limitation, any information regarding any injury, illness, treatment or participation related to or affecting my training for and participation in intercollegiate athletics to the National Collegiate Athletic Association (NCAA), and its designated employees, agents and/or contractors. I further authorize the NCAA to disclose, and/or use, such information as provided herein.

I understand that my participation and protected health information may be disclosed to, and/or used by, the NCAA, and authorized third parties to receive such information for the purpose of using injury, relevant illness and participation information collected from multiple student-athletes and institutions in a manner that does not identify myself or my school. The information is provided to NCAA committees, athletics conferences and individual schools, and NCAA-approved researchers to evaluate the effectiveness of health and safety rules and policy, and to study other sports medicine questions. Selected de-identified summary (aggregate) data also are made accessible to the general public as a service to further the general understanding of athletic injury patterns and help develop education on student-athlete health topics.

I am making this authorization/consent voluntarily to release my health information otherwise protected by federal regulations under either the Health Information Portability and Accountability Act (HIPAA) or the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment). The NCAA and institution are not requiring this authorization/consent to be signed.

I understand that while HIPAA regulations may not apply to NCAA use or disclosure of my injury/illness information, the NCAA is committed to protecting my privacy. I understand that my data will be stored securely within industry standards.

This authorization/consent for transfer of protected health information expires 545 days from the date of my signature below, but I have the right to revoke it in writing at any time by sending written notification to the director of athletics at my institution. I understand that a revocation takes effect on its request date and does not affect any action taken prior to that date.

Printed name of student-athlete Signature Date

Signature of parent or legal guardian (if student-athlete is a minor) Date

intra.ncaa.org/sites/ama/OperationsTeam/6.TechnologyTeam/07.ComplianceForms/2015-16/Divisional/HIPAA/Buckley/2015-16/LRZ_kh:060315

Appendix C

(To be distributed by the Department of Athletics Compliance Office each year.)

Part II: Buckley Amendment Consent.

By signing this part of the form, you certify that you agree to disclose your education records.

You understand that this entire form and the results of any NCAA drug test you may take are part of your education records. These records are protected by the Family Educational Rights and Privacy Act of 1974 and they may not be disclosed without your consent.

You give your consent to disclose only to authorized representatives of this institution, its athletics conference (if any) and the NCAA, except as permitted in the Drug-Testing Consent form, the following documents:

1. This form;
2. Results of NCAA drug tests and related information and correspondence;
3. Results of positive drug tests administered by a non-NCAA national or international sports governing body;
4. Any transcript from your high school, this institution or any junior college or any other four-year institution you have attended;
5. Precollege test scores, appropriately related information and correspondence (e.g., testing sites, dates and letters of test-score certification or appeal) and, where applicable, information relating to eligibility for or conduct of nonstandard testing;
6. Graduation status;
7. Your social security number and/or student identification number;
8. Race and gender identification;
9. Diagnosis of any education-impacting disabilities;
10. Accommodations provided or approved and other information related to any education-impacting disabilities in all secondary and postsecondary schools;
11. Records concerning your financial aid; and
12. Any other papers or information pertaining to your NCAA eligibility.

You agree to disclose these records only to determine your eligibility for intercollegiate athletics, your eligibility for athletically related financial aid, for evaluation of school and team academic

success, for awards and recognition programs highlighting student-athlete academic success (e.g., Elite 90), for purposes of inclusion in summary institutional information reported to the NCAA (and which may be publicly released by it), for NCAA longitudinal research studies and for activities related to NCAA compliance reviews and institutional performance program. You will not be identified by name by the NCAA in any such published or distributed information. This consent shall remain in effect as long as any issues regarding the purposes listed above exist.

You also agree that information regarding any infractions matter in which you may be involved may be published or distributed to third parties as required by NCAA policies, bylaws or procedures.

Name (please print)

Signature of student-athlete

Date

Signature of parent or legal guardian (if student-athlete is a minor)

Date

Appendix D

(For use when evaluating academic history and learning preferences. To be distributed by ASPSA staff.)



Academic Support Program for Student-Athletes
University of North Carolina-Chapel Hill

**AUTHORIZATION for VOLUNTARY RELEASE of
QUESTIONNAIRE**

I, _____, PID:
(print)

I agree to complete a Questionnaire which will be used to assess for possible learning difficulties which may affect my academic success. I also understand the questionnaire will be reviewed by the ASPSA Learning Specialist team.

Yes No (please circle)

I authorize the Learning Specialist Team to share their findings with an ASPSA academic professional.

Yes No (please circle)

Authorized by:

Date:

Appendix E

(To be distributed by ASPSA staff and used in conjunction with campus personnel when student-athletes are referred for testing for learning disabilities.)

Academic Support Program for Student-Athletes
University of North Carolina-Chapel Hill

AUTHORIZATION for RELEASE of CONFIDENTIAL INFORMATION

I, _____ PID _____
(print)

Understand and acknowledge the following:

1. My privacy and confidentiality are a high priority with UNC-Chapel Hill and its departments, including the Academic Support Program for Student-Athletes (ASPSA), Accessibility Resources (AR), Learning Center (LC), Student Health Service (SHS), and Sports Medicine (SM), as well as with independent agencies contracted by ASPSA.
2. I agree to be assessed for learning and/or emotional problems that may affect my academic success. I also understand the results of these evaluations will be sent to the ASPSA and exchanged with applicable ASPSA staff (learning specialist) and other appropriate university resources listed above.
3. My records are protected under a number of federal and state confidentiality regulations and cannot be disclosed to outside parties other than those listed above without my written consent unless otherwise provided for in state and federal regulations. Exceptions to this legal safeguard are:
 - a. If I am in danger to myself or others
 - b. Records are subpoenaed by court of law
 - c. There is abuse or neglect of any child or adult who cannot protect themselves
4. This release is voluntary. I am not obligated to disclose this information. If I choose not to disclose and release this information, my participation in intercollegiate athletics will not be affected, and I will still be eligible for all academic and disability support services.
5. I may revoke this consent by request at any time except to the extent the information has been sent or received prior to my revocation. In any event, this consent expires automatically when I am no longer associated with the Academic Support Program for Student-Athletes at UNC-Chapel Hill.
6. I understand I am authorizing the ASPSA to exchange information pertaining to my academic performance with the following departments: Accessibility Resources (AR), Learning Center (LC), Student Health Services (SHS), Sports Medicine (SM), and other independent agencies contracted by ASPSA. This information will be exchanged and shared for the sole purpose of caring for my health, well-being, and academic success. This information is vital for these departments to provide the best possible services and for ASPSA to offer essential academic assistance.
7. I also authorize you to discuss my disability, including but not limited to: documentation pertaining to my disability, requests or evaluations regarding accommodations, and auxiliary aids and services, with the following people (please check all that apply):

- ASPSA Staff
- Parents
- Major Advisor
- Tutors
- Instructors

- Coaches (please specify):
- NCAA
- Office of Compliance
- UNC Psychology Clinic

My signature below acknowledges I have read and fully understand the preceding statements regarding my right to confidentiality, the limits of confidentiality, and understand the release of my information is in my best interest.

Authorized by: _____
Student-Athlete Signature

Date: _____

Authorized by: _____
Learning Specialist Signature

Date: _____

Appendix F

(To be distributed by the Department of Athletics Compliance Office when filing a waiver with the NCAA.)

Requests/Self-Reports Online Signature Page

Institution: University of North Carolina, Chapel Hill

Division: I

Case ID: [REDACTED]

Case Type: [REDACTED]

[REDACTED]

Date: [REDACTED]

Student-Athlete Signature (If Required)

Buckley Statement. I give my consent to disclose to authorized representatives of this institution, its athletics conference (if any) and the NCAA any documents or information pertaining to my NCAA eligibility. Additionally, I give my consent to the NCAA to disclose my name and personally identifiable information from my education records to a third party (including but not limited to the media) as necessary to explain the NCAA decision regarding this request without such disclosure constituting a violation of my rights under the Family Educational Rights and Privacy Act.

Student-Athlete's Name

Student-Athlete Signature

Date

Prospective Student-Athlete Signature

As an institutional representative, I am affirming that a Buckley Statement is not required for this case. I understand that the NCAA may request a Buckley Statement if it is deemed necessary.

Institutional Representative Signature

Date

Printed Name

Appendix G

(To be distributed by the Department of Athletics Compliance Office when filing a waiver with the ACC.)

ACC Atlantic Coast Conference
Administered Waivers

Institution: _____ Student-Athlete: _____

Date: _____ Sport: _____

Medical Hardship (NCAA bylaw 12.8.4)
(Medical Hardship Waivers should be submitted during the academic year in which the injury occurred).

Year Hardship Requested: _____ Date of Injury: _____

1. The following must be attached before the waiver will be reviewed by the Conference Office:

- Letter signed by the treating physician that includes the diagnosis of injury/illness and confirms that the student athlete was incapacitated and unable to compete for the remainder of that season.
- Contemporaneous medical documentation (e.g., doctor's or training room notes) to substantiate dates and length of injury/illness described in the physician's letter.
- Complete schedule of contests/dates of competition as set prior to first competition.
- Results or proof of participation confirming that the student-athlete competed in less than 3 contest or 30% of the team's scheduled contests/dates of competition and that the student-athlete did not compete in the second half of the season.
- Completed calendar used in determining first half of the season calculation (*Individual sports only*).
- Signed HIPPA Form

2. Complete the following chart for team sports:

Total number of scheduled events	Date of last contest SA competed	Last contest date of first half of season	Total contests SA competed	30% of team's scheduled events or dates of competition

3. Complete the following chart for individual sports:

Max. number of contests per Bylaw 17	First contest ANY SA Completed	Last contest ANY SA competed	Total number of days in season	First Contest in 2 nd half of season
30% of Contests				

4. **All** contest(s)/date(s) of competition student-athlete competed during the hardship season:

Medical Absence Waiver [NCAA Bylaw 14.4.3.7-(a)]

- Credit hours are to be prorated at 12 units per term of actual attendance (enrolled prior to 8/1/03).
- Credit hours are to be prorated at 9 units per term of actual attendance (enrolled on or after 8/1/03).
- Attached is appropriate medical documentation.
- Unofficial transcript reflecting withdrawal from classes.

International Competition Waiver 14.4.3.7-(b)

Student-athlete was unable to enroll in or complete term(s) as a result of participation in approved international competition? Yes No

Name of international event: _____

- Attached is documentation of chronology of competition and term(s) missed.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) AUTHORIZATION

I authorize any physician, team doctor, or other health care provider who is affiliated with my university and from whom I have received health care treatment to disclose the following health information to a Faculty Representative or other authorized representative of the Atlantic Coast Conference:

All information contained in any of my medical, psychiatric, psychological or other health care services records, including, but not limited to, any treatment records, notes, charts, summaries, reports, diagnoses, films, photographs, x-rays, sketches, diagnostic information, prescriptions, reports to or from third parties relating to my treatment in any way, and dates of service.

I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immunodeficiency syndromes (AIDS), or human immunodeficiency virus (HIV). It may also include information about behavioral or mental health services, and treatment for alcohol and drug abuse.

This health information may be disclosed to and used by the Atlantic Coast Conference for the purposes of determining my eligibility as a student-athlete under National Collegiate Athletic Association (NCAA) guidelines and for processing and considering my petition for waivers of Atlantic Coast Conference rules and NCAA waivers delegated to the Atlantic Coast Conference to administer.

This authorization shall be in force and effect until the completion of my eligibility as a student-athlete as determined under Atlantic Coast Conference rules and NCAA guidelines, at which time this authorization will expire.

I understand that I have the right to revoke this authorization, in writing, at any time by sending my written revocation to the Commissioner of the Atlantic Coast Conference and to the specific physician, team doctor or other health care provider who is affiliated with my university and from whom I have received health care treatment. I understand that the revocation will not apply to information that has already been released in response to this authorization and that my revocation of this authorization may, depending on the circumstances of the revocation, prevent me from obtaining a waiver of Atlantic Coast Conference or NCAA rules.

I understand that authorizing the disclosure of this health information is voluntary. I can refuse to sign this authorization. I also understand that the disclosure of this health information carries with it the potential for re-disclosure by the Atlantic Coast Conference or other recipients and may no longer be protected by federal or state law. However, I also understand that if I refuse to sign this authorization, my petition for waiver will not be processed.

Student-Athlete

Date

Institutional Certification: The appropriate undersigned individual certifies that the information set forth is accurate and the requirements of the appropriate NCAA bylaw have been met:

Athletics Director (or designee)

Date

Faculty Athletics Representative

Date

Submit signed form and all required documentation to:
Kelly Campbell, Director of Compliance
Fax: 336-369-0065

Appendix H

NOTICE OF PRIVACY PRACTICES

The University of North Carolina at Chapel Hill – CAMPUS HEALTH SERVICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

This Notice is provided on behalf of Campus Health Services. Campus Health Services provides ambulatory primary medical care, mental health services and wellness programs along with selected specialty services including obstetrics/gynecology, orthopedics, and dermatology to the eligible members of the Campus Community.

PURPOSE OF NOTICE: This Notice of Privacy Practices describes how we may use and disclose your Protected Health Information to carry out treatment, payment or healthcare operations and for other purposes permitted or required by law. This Notice will also describe your rights and certain obligations we have prior to using or disclosing your PHI. “Protected Health Information” or “PHI” is information about you or your minor child, including demographic data such as name, address, phone numbers, etc., that may identify you or your minor child and that relates to your or your minor child’s past, present or future physical or mental health and related healthcare services.

We understand that PHI about you is personal and confidential, and we are committed to protecting its confidentiality. We create a record of the care and services you receive at Campus Health Services to enable us to provide such services and to comply with legal requirements. We are required by law to provide this Notice and to maintain the privacy of PHI. We must abide by the most current version of this Notice, and we reserve the right to change the privacy practices described in it, with such changes to be effective for all PHI that we maintain. This Notice, including any updates, may be viewed on our web site, at <http://campushealth.unc.edu>. Notices will be posted in prominent areas of our facilities. You may receive a current copy by sending a written request to The University of North Carolina at Chapel Hill, Campus Health Services, Attn: HIPAA Liaison, CB# 7470, Chapel Hill, NC 27599-7470.

THIS NOTICE DESCRIBES THE PRACTICES OF: Campus Health Services healthcare professionals, employees, Students-in- training and others who work or provide healthcare services at our facility.

Your Privacy Rights. You have the following rights relating to your Protected Health Information and may:

- Request a paper copy of this Notice.
- Inspect and/or obtain a copy of PHI in records used to make decisions about you. You have a right to a copy of such records in their original electronic version, or if this is not possible, in another electronic form that is mutually agreeable to you and us. We may charge you related fees. Under certain circumstances, we may deny this request. In some situations, you have the right to have the denial of your request reviewed by a licensed healthcare professional from Campus Health Services who was not involved in the original denial decision.
- Request that an amendment be added to your record. We will ask you to put these requests in writing and provide a reason that supports your request. We are allowed to deny these requests in certain circumstances.
- Request in writing a restriction on certain uses and disclosures of your PHI. We are not required to abide by the requested restrictions in most circumstances, however, we must agree to your request to restrict disclosure of PHI about you to your health plan for payment purposes when the PHI pertains solely to a health care item or service for which you, or someone on your behalf, have paid in full out of pocket.
- Obtain a record (“accounting”) of certain disclosures of PHI about you.
- Make a reasonable request to have confidential communications of PHI about you sent to you by alternative means or at alternative locations.

- Revoke your authorization for use or disclosure of PHI about you, except that such revocation will not affect uses or disclosures permitted or required by law without authorization or any use or disclosure that already has occurred prior to the revocation. A revocation of authorization must be in writing and signed by you.
- Receive notice of any breach of your unsecured PHI.

You may exercise any of the above rights by contacting the Campus Health Services Health Information Management Department, Attn: HIPAA Liaison, CB# 7470, Chapel Hill, NC 27599-7470, and/or by calling the Campus Health Services HIPAA Liaison at 919-966-6557.

OUR RESPONSIBILITIES. We are required by law to protect the privacy of your PHI; abide by the terms of this Notice; make this Notice available to you; and notify you if we are unable to agree to a requested restriction or an alternative means of communicating. We will obtain your general consent for some uses and disclosures of PHI about you, for other uses and disclosures of PHI about you we will obtain your authorization; and, in some circumstances, we may use and/or disclose PHI about you without your authorization.

USES & DISCLOSURES. Unless otherwise stated below, the use or disclosure described is permitted by law to be made without your authorization.

TREATMENT: We need to use and disclose PHI about you to provide, coordinate or manage your health care and related services. This may include communicating with other health care providers regarding your treatment and coordinating and managing your health care with others. For example, we need to use and disclose PHI about you, both inside and outside our system, when you need a prescription, lab work, an x-ray, or other health care services. In addition, we need to use and disclose PHI about you when referring you to another health care provider.

PAYMENT: Generally, we need to use and disclose PHI about you to others to bill and collect payment for the treatment and services provided to you by us or by another provider. Before you receive scheduled services, we may need to share information about these services with your health plan(s). Sharing information allows us to ask for coverage under your plan or policy and for approval of payment before we provide the services.

REGULAR HEALTHCARE OPERATIONS: We may use PHI about you to review the care you received, how you responded to it, and for other business purposes related to operating our clinic. "Healthcare operations" also may include activities such as training or evaluating staff or trainees within our organization.

BUSINESS ASSOCIATES: There are some services we provide through outside individuals or companies that we call "Business Associates", including vendors, contracted health care providers, offsite storage facilities, and liability insurance carriers. In order to protect PHI about you, "Business Associates" are required by law to provide appropriate safeguards and procedures for privacy and security of the PHI entrusted to them under their contract with us.

COMMUNICATION WITH INVOLVED INDIVIDUALS: We may share PHI with a family member, a close personal friend, or a person that you identify, if we determine they are involved in your care or in payment for your care, unless you tell us not to do so. We may only disclose prescriptions to you and certain others, including your parent or guardian, or a person to whom you give written authorization. We will use our professional judgment and experience with common practice to allow a person to pick up non-prescription medical supplies and other medical information for you.

PSYCHOTHERAPY NOTES: Most uses and disclosures of psychotherapy notes will only be made after obtaining your authorization. Psychotherapy notes are defined as records from private, joint, group, or family counseling sessions that are separated from the rest of a patient's medical record.

RESEARCH: We may disclose information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your health information.

CORONERS, MEDICAL EXAMINERS, FUNERAL DIRECTORS: The law allows us to disclose PHI to these people so that they may carry out their duties.

ORGAN DONOR ORGANIZATIONS: We are required to share PHI about you for purposes of tissue, eye or organ donation.

CONTACTS: We may contact you to provide appointment reminders, to discuss treatment alternatives or other health related benefits that may be of interest to you as a patient. Our Pharmacy may contact you to remind you to pick up your prescriptions.

FUNDRAISING: We may use and/or disclose certain PHI about you for fundraising purposes. This may include disclosure to a foundation, or contacting you to raise money for the organization and its operations. All fundraising communications will give you a way to opt out of receiving such communications in the future.

FOOD AND DRUG ADMINISTRATION (FDA): We may share PHI about you with certain government agencies like the FDA so they can recall drugs or equipment.

WORKERS COMPENSATION AND YOUR EMPLOYER: In certain circumstances, we may disclose PHI about you to your employer and your employer's workers' compensation carrier regarding a work-related injury or illness.

PUBLIC HEALTH ACTIVITIES: We may disclose PHI about you to public health agencies who are charged with preventing or controlling disease, injury or disability or as required by law. We may disclose PHI about you if you have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition. Disclosures include for example, lifetime reporting to the North Carolina Cancer Registry information about cancer patients that we treat and is required by law.

CORRECTIONAL INSTITUTION: We may disclose PHI about you to a correctional institution having lawful custody of you.

LAW ENFORCEMENT: We may disclose PHI about you in order to comply with laws that require the reporting of certain types of wounds or other physical injuries.

AS REQUIRED BY LAW: We must disclose PHI about you when required by federal, state or local law.

HEALTH OVERSIGHT: We may disclose PHI about you to a state or federal health oversight agency, for activities -it is authorized by law to carry out, such as investigations and inspections.

ABUSE, NEGLECT OR DOMESTIC VIOLENCE: We must disclose PHI about you to government authorities that are authorized by law to receive reports of suspected abuse, neglect or domestic violence.

LEGAL PROCEEDINGS: We may disclose PHI about you in the course of any judicial or administrative proceeding and in response to a court order, subpoena, discovery request or other lawful process.

REQUIRED USES AND DISCLOSURES: We must make disclosures of PHI when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the requirements of the HIPAA Privacy Regulations.

TO AVOID HARM: We may use and/or disclose PHI about you when necessary to prevent or lessen a serious threat to your health or safety, or to the health or safety of the public or another person.

FOR SPECIFIC GOVERNMENT FUNCTIONS: In certain situations, we may disclose PHI of military personnel and veterans for national security activities or other purposes, as required by law.

MARKETING: We will not, without your advance authorization, use and/or disclose PHI about you to engage in a marketing activity for which we receive financial compensation, nor will we sell your PHI.

APPLICATION OF OTHER LAWS. If a use and/or disclosure of PHI about you described above is prohibited or materially limited by other laws that apply to us, it is our intent to meet the requirements of the more stringent law. For example, some North Carolina laws provide more protection, with some exceptions, for specific types of information, including: specific communicable diseases (e.g., HIV/AIDS, syphilis, TB), mental health, developmental disabilities, and substance abuse.

SPECIAL PROVISIONS FOR MINORS. Under North Carolina law, minors, with or without the consent of a parent or guardian, have the right to consent to services for the prevention, diagnosis and treatment of certain illnesses including: venereal disease and other diseases that must be reported to the State; pregnancy; abuse of controlled substances or alcohol; and emotional disturbance. If you are a minor and you consent to one of these services, you have all the authority and rights included in this Notice relating to that service. In addition, the law permits certain minors to be treated as adults for all purposes. These minors have all rights and authority included in this Notice for all services.

OTHER USES OF PROTECTED HEALTH INFORMATION

Under any circumstances other than those listed above, we will obtain your written authorization before we use or disclose PHI about you. If you sign a written authorization allowing us to use or disclose PHI about you in a specific situation, you can later revoke your authorization by contacting our Medical/Health Information Management Department. You must revoke your authorization in writing. The revocation will not apply to PHI about you that has already been used or disclosed in reliance on your authorization. Upon receiving your written revocation, we will not use or disclose PHI about you, except for disclosures already in process.

If you think we have violated your privacy rights, you want to complain to us about our privacy practices, or you have any questions regarding the privacy of PHI about you, you can contact the person listed below:

UNC Privacy Office
Attn: Chief Privacy Officer
CB #1150, 440 W. Franklin St., Chapel Hill, NC 27599 (919) 962-6332
privacy@unc.edu

You may also send a written complaint to the United States Secretary of the Department of Health and Human Services. Contact information can be found at the website for the Office of Civil Rights at www.hhs.gov/ocr. If you file a complaint, we will not take any action against you or change our treatment of you in any way.

**In certain circumstances, the terminology and meaning of certain words in this Appendix may be similar to, but not exactly the same as, the defined terms in the Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information.



The Family Educational Rights and Privacy Act (FERPA): A Legal Overview

Jody Feder
Legislative Attorney

May 1, 2013

Congressional Research Service

7-5700

www.crs.gov

RS22341

CRS Report for Congress

Prepared for Members and Committees of Congress

Summary

The Family Educational Rights and Privacy Act (FERPA) of 1974 guarantees parental access to student education records, while limiting the disclosure of those records to third parties. The act, sometimes referred to as the Buckley Amendment, was designed to address parents' growing concerns over privacy and the belief that parents should have the right to learn about the information schools were using to make decisions concerning their children. No substantial legislative changes have been made to FERPA since 2001, but in 2011, the Department of Education (ED) issued controversial new regulations that, among other things, permit educational agencies and institutions to disclose personally identifiable information to third parties for purposes of conducting audits or evaluations of federal- or state-supported education programs or enforcing compliance with federal requirements related to such programs.

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This report provides an overview of the Family Educational Rights and Privacy Act (FERPA),¹ as well as a discussion of several court cases that have clarified the statute's requirements.

Access to Education Records

Under FERPA, educational agencies and institutions that receive federal funds must provide parents with access to the educational records of their children. Access must be provided within a reasonable time, but no later than forty-five days after a request to access education records has been made. In addition, the statute provides parents with an opportunity to challenge the content of their children's education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of a student's privacy rights.²

Under the statute, education records are defined to include those records, files, documents, and other materials that contain information directly related to a student and that are maintained by an educational agency or institution or by a person acting for such agency or institution.³ Education records may also include videotape and products of other media.⁴ However, education records do not include any of the following: (1) records of educational personnel that are in the sole possession of the maker and not accessible to anyone other than a substitute; (2) records maintained by a law enforcement unit of an educational agency or institution for purposes of law enforcement; (3) employment records; or (4) medical records for students who are age eighteen or older.⁵

The parents of a student may exercise rights granted by FERPA until the student reaches the age of eighteen or attends an institution of postsecondary education. At that point, the rights defined by FERPA are transferred from the parents to the student.⁶ However, FERPA provides that certain types of information shall not be available to students in institutions of postsecondary education. Such students shall not have access to their parents' financial records. Letters and statements of recommendation submitted prior to the enactment of FERPA must also remain confidential if the letters are not used for other purposes. Finally, recommendations regarding admission to any educational agency or institution, employment application, and the receipt of an honor must remain confidential if the student has signed a waiver of his right of access.⁷

Release of Education Records

In addition to requirements regarding access to educational records, FERPA prohibits educational agencies or institutions that receive federal funds from having a policy or practice of releasing the

¹ 20 U.S.C. §1232g.

² *Id.* at §1232g(a)(2). *See also* 34 C.F.R. §99.21(a)-(b).

³ 20 U.S.C. §1232g(a)(4)(A).

⁴ 34 C.F.R. §99.3.

⁵ 20 U.S.C. §1232g(a)(4)(B); 34 C.F.R. §99.3.

⁶ 20 U.S.C. §1232g(d).

⁷ *Id.* at §1232g(a)(1)(C).

education records of a student without the written consent of his parents.⁸ In addition, each educational agency or institution must maintain a record that identifies those individuals, agencies, or organizations that have requested or obtained access to a student's education records.⁹

It is important to note that consent is not required for the release of education records to certain individuals and organizations. These exceptions to FERPA's general prohibition against nonconsensual disclosure of educational records are described in detail below, as are controversial 2011 regulations that, among other things, permit educational agencies and institutions to disclose personally identifiable information to third parties under limited circumstances.

General Exceptions

Under FERPA, education records may be released without consent to certain school or government officials, including the following: school officials with a legitimate educational interest in the records; school officials at a school to which a student intends to transfer, as long as the parents are notified of the transfer; authorized representatives of the Comptroller General of the United States, the Secretary of Education, or state educational authorities in connection with an audit and evaluation of federally supported education programs or in connection with the enforcement of federal requirements that relate to such programs; authorized representatives of the Attorney General for law enforcement purposes; in connection with a student's application for, or receipt of, financial aid; state and local officials pursuant to a state statute that requires disclosure concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released; and persons designated in a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose.¹⁰ In addition, a new exception was added in 2013 to allow nonconsensual disclosure to a caseworker or other state, local, or tribal child welfare agency official with legal responsibility for the care or protection of the student.¹¹

Education records may also be released without consent to certain third parties other than school or government officials. For example, education records may also be released to accrediting organizations to carry out their accrediting functions, and to the parents of a dependent student. Organizations conducting studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction may also access education records. However, such studies must be conducted in a manner that does not reveal the personal identification of students and their parents, and the education records must be destroyed when they are no longer needed.¹²

In 2001, the definition of "education records" and the requirements related to the release of such records was the subject of review in a Supreme Court case, *Owasso Independent School District v. Falvo*, that considered whether peer grading and the practice of calling out grades in class

⁸ *Id.* at §1232(b)(1).

⁹ *Id.* at §1232(b)(4)(A).

¹⁰ *Id.* at §1232(b)(1).

¹¹ *Id.*

¹² *Id.*

resulted in an impermissible release of education records.¹³ The plaintiff argued that the grades on student-graded assignments were education records maintained by students acting for an educational institution and that students should not be allowed to call out the grades they recorded in class because education records may not be released without consent. The school district, on the other hand, maintained that FERPA's definition of "education records" covered only institutional records or materials maintained in a permanent file, such as final course grades, standardized test scores, attendance records, and similar information, but not student homework or classroom work.¹⁴

Ultimately, the Court concluded that the grades on peer-graded student assignments were not education records, identifying two statutory explanations for its decision. First, the Court determined that student assignments are not "maintained" within the meaning of FERPA's definition of "education records" because neither the teacher nor the students maintain the grades of a recently corrected assignment in a manner that reflected a common understanding of when something is "maintained." As the Court observed, the word "maintain" suggests records that "will be kept in a filing cabinet in a records room at the school or on a permanent secure database...."¹⁵ Second, the Court concluded that student graders are not "person[s] acting for" an educational institution for purposes of FERPA's definition of "education records." The Court found that the phrase "acting for" does not suggest students, but rather connotes agents of the school, such as teachers, administrators, and other school employees. Moreover, the Court maintained that correcting a classmate's work could be viewed as being part of an assignment: "It is a way to teach material again in a new context, and it helps show students how to assist and respect fellow pupils."¹⁶ The Court did not interpret FERPA to prohibit such educational techniques, and noted that the logical consequences of finding peer-graded assignments to be education records would seem unbounded.

Directory Information

Absent prior notice from a parent, an educational agency or institution may release directory information without consent. FERPA defines directory information to include the following: "the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student."¹⁷

An agency or institution compiling directory information must give public notice of the categories of information it has designated as "directory information," and must allow a reasonable period of time after the issuance of such notice to permit a parent to inform the agency or institution that parental consent must be given before the release of any or all of the directory information.¹⁸

¹³ 534 U.S. 426 (2002).

¹⁴ *Id.* at 431-32.

¹⁵ *Id.* at 432-433.

¹⁶ *Id.* at 433.

¹⁷ 20 U.S.C. §1232g(a)(5).

¹⁸ *Id.*

In 2011, the Department of Education (ED) issued new regulations that expanded the definition of directory information to include a student identification number displayed on a student identification card or badge. Under the new regulations, parents may not opt out or otherwise prevent an educational agency or institution from requiring students to wear badges or cards that are designated as directory information.¹⁹

Health and Safety Exception

Under another important exception to the general prohibition against nonconsensual release of educational records, such records may be released in connection with an emergency if the records are necessary to protect the health or safety of the student or other persons.²⁰ In the wake of the shootings at Virginia Tech, there have been several attempts to clarify FERPA's health or safety exception. For example, under amendments to the Higher Education Act made in 2008, ED is required to provide guidance clarifying rules regarding disclosure when a "student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault." Such guidance must clarify that institutions that disclose such information in good faith are not liable for the disclosure.²¹ In addition, ED issued regulations that contain similar clarifications regarding disclosure requirements in the event of a threat to health or safety.²²

Disclosure of Misconduct and Drug and Alcohol Violations

FERPA does not restrict postsecondary institutions from disclosing certain information about student misconduct and from identifying student drug and alcohol violations. For example, a postsecondary institution may disclose to an alleged victim of any crime of violence or nonforcible sex offense the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator. Likewise, an institution may disclose to anyone the final results of any disciplinary proceeding conducted against a student who is an alleged perpetrator of any crime of violence or nonforcible sex offense if the institution determines as a result of the proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.²³

It is important to note that amendments made to the Higher Education Act in 2008 essentially override FERPA's optional disclosure rule by requiring institutions of higher education to disclose to the alleged victim of any crime of violence or a nonforcible sex offense the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of disclosure.²⁴

¹⁹ Department of Education, Family Educational Rights and Privacy, 76 FR 75604 (December 2, 2011).

²⁰ *Id.* at §1232(b)(1).

²¹ P.L. 110-315, §801.

²² Department of Education, Family Educational Rights and Privacy, 73 FR 74806 (December 9, 2008).

²³ 20 U.S.C. §1232g(b)(6).

²⁴ P.L. 110-315, §493

In addition, FERPA permits a postsecondary institution to disclose to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law, or any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance. However, disclosure is permitted only when the student is under the age of twenty-one and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance.²⁵

Disclosures Related to the Investigation and Prosecution of Terrorism

In 2001, FERPA was amended to allow the Attorney General (AG) or certain employees designated by the AG to seek access to education records that are relevant to an authorized investigation or prosecution of a terrorism-related offense or an act of domestic or international terrorism. These records may be disseminated and used as evidence in an administrative or judicial proceeding.²⁶

To obtain access to the records, the AG or his designee must submit a written application to a court for an order requiring an educational agency or institution to release the records. The application must certify that there are specific facts that give reason to believe that the education records are likely to contain relevant information, and the court shall issue the order if it finds that the application includes this certification.²⁷ Education records disclosed pursuant to a court order are not subject to FERPA's requirement that educational agencies and institutions maintain records identifying entities that have requested or obtained access to a student's education records.²⁸

The 2011 Regulations

In 2011, ED issued a final rule amending the FERPA regulations.²⁹ Designed to allow increased data sharing, the rule was intended, in part, to facilitate the development of statewide longitudinal data systems (SLDS). According to ED, "Improved access to data will facilitate States' ability to evaluate education programs, to ensure limited resources are invested effectively, to build upon what works and discard what does not, to increase accountability and transparency, and to contribute to a culture of innovation and continuous improvement in education."³⁰

The new regulations make a number of changes, including, but not limited to

- permitting educational agencies and institutions to disclose personally identifiable information to authorized third parties for purposes of conducting audits or evaluations of federal- or state-supported education programs or enforcing compliance with federal requirements related to such programs;

²⁵ 20 U.S.C. §1232g(i).

²⁶ *Id.* at §1232g(j)(1).

²⁷ *Id.* at §1232g(j)(2).

²⁸ *Id.* at §1232g(b)(4).

²⁹ Department of Education, Family Educational Rights and Privacy, 76 FR 75604 (December 2, 2011).

³⁰ *Id.*

- allowing student identification numbers to be designated as directory information for purposes of display on a student identification card or badge; and
- adding new enforcement mechanisms for violations of the act.

The changes regarding release of personally identifiable information and directory information have proved to be somewhat controversial. Indeed, privacy advocates have raised concerns, noting that the changes may pose increased risks to student privacy, and one organization—the Electronic Privacy Information Center (EPIC)—has filed a lawsuit alleging that the regulations exceed the agency’s statutory authority and are contrary to existing law.³¹

Enforcement of FERPA Violations

Under FERPA, educational agencies and institutions found to have a policy of denying parental access to a student’s education records or releasing a student’s education records without written consent may be denied federal funds. The Secretary of Education is authorized to deal with violations of the act and to establish or designate a review board for investigating and adjudicating FERPA violations.³² The Family Policy Compliance Office (FPCO), which acts as a review board, permits students and parents who suspect a violation to file individual written complaints.³³ If a violation is found after investigation, the FPCO will notify the complainant and the educational agency or institution of its findings and identify the specific steps that the agency or institution must take to comply with FERPA.³⁴ If the agency or institution fails to comply within a reasonable period of time, the Secretary may either withhold further payments under any applicable program, issue a complaint to compel compliance through a cease-and-desist order, or terminate eligibility to receive funding.³⁵

In *Gonzaga University v. Doe*,³⁶ the Court considered whether a student could enforce the provisions of FERPA by suing an institution for damages under 42 U.S.C. Section 1983, which provides a remedy for violations of federally conferred rights. The respondent, a former student at Gonzaga, planned to teach in the Washington state public school system after graduation. Washington required new teachers to obtain an affidavit of good moral character from a dean of their graduating college or university, but the respondent was denied such an affidavit after Gonzaga’s teacher certification specialist informed the state agency responsible for teacher certification of allegations involving sexual misconduct by the respondent. The respondent sued Gonzaga, alleging a violation of section 1983 for the impermissible release of personal information to an unauthorized person under FERPA.³⁷

The Court found that FERPA creates no personal rights that may be enforced under section 1983. The Court noted that unless Congress expresses an unambiguous intent to confer individual

³¹ Electronic Privacy Information Center v. U.S. Department of Education, No: 1:12-cv-00327 (D.D.C. filed February 29, 2012).

³² 20 U.S.C. §1232g(f), (g).

³³ 34 C.F.R. §99.63.

³⁴ *Id.* at §99.66.

³⁵ *Id.* at §99.67(a).

³⁶ 536 U.S. 273 (2002).

³⁷ *Id.* at 277.

rights, federal funding provisions, like those included in FERPA, provide no basis for private enforcement under section 1983. The respondent had argued that as long as Congress intended for a statute to “benefit” putative plaintiffs, the statute could be found to confer rights enforceable under section 1983.³⁸ The Court disagreed: “it is the rights, not the broader or vaguer ‘benefits’ or ‘interests,’ that may be enforced under the authority of that section.”³⁹ The Court also observed that FERPA’s nondisclosure provisions had an aggregate focus and were not concerned with the needs of any particular person.⁴⁰ By having such a focus, the provisions could not be understood to give rise to individual rights.

Author Contact Information

Jody Feder
Legislative Attorney
jfeder@crs.loc.gov, 7-8088

³⁸ *Id.* at 282.

³⁹ *Id.* at 283.

⁴⁰ *Id.* at 288.

Appendix J

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) Frequently Asked Questions

What does FERPA require?

In general, FERPA states that:

- College students must be permitted to inspect their own education records upon request.
- School officials may not disclose education record information without the student's written permission unless one of the exceptions provided by FERPA applies.

What is an education record?

Education records are those records directly related to a student and maintained by the University, regardless of subject matter. Examples include:

- Academic records (such as transcripts, course schedules, or graded work, in either paper or electronic format);
- Medical records at Campus Health or in the possession of staff, including coaches and athletic trainers;
- Disciplinary records held by the Office of Student Conduct or in the possession of other University employees;
- Disability and accommodation records (such as those held by the Academic Support Program for Student-Athletes);
- Tutoring notes and schedules; and
- Financial aid or other financial assistance records (such as funds distributed by the Student Assistance Fund).

What is NOT an education record?

FERPA applies to records, not personal observations. Information about a student observed by a coach or staff member (such as behavior, playing performance, or appearance) would not be protected by FERPA, unless such information is recorded in a record (such as a medical record).

When can school officials disclose education record information about a student?

There are several FERPA exceptions that permit the disclosure of identifiable information about a student. For example, FERPA permits the disclosure of student information:

- With a student's written consent, such as a release allowing information to be shared with the NCAA. Students may also sign releases permitting information to be shared with parents, sports agents, or professional scouts;
- To teachers, officials, and employees of the University, University contractors, University students functioning in an official University capacity (Honor Court members, for example), and employees of General Administration, so long as these individuals have a legitimate educational interest in the information (meaning that it is necessary or desirable for the individual to obtain the information to carry out their official University duties, or it is in the educational interest of the student for such individuals to obtain the information);
- In response to subpoenas or court orders that are issued to the University. Unless confidentiality is required by law enforcement, students will be notified;
- In a health or safety emergency; and
- To anyone, if the information is "directory information." Directory information only includes a student's:
 - name;
 - local and grade/billing addresses;
 - e-mail address;

- local and grade/billing telephone numbers;
- date and place of birth;
- county, state and/or United States territory from which the student entered the University;
- major field of study;
- class;
- enrollment status (full-time, half-time, or part-time);
- PID;
- anticipated graduation date;
- participation in officially recognized activities and sports;
- weight and height of members of athletic teams;
- dates of attendance at the University;
- degrees and awards received; and
- most recent previous educational agency or institution attended by the student.

What if a student's parent, friend, or spouse calls and asks for information about a student?

FERPA prohibits sharing certain information about a student with their parents, friends, or spouse unless the student has consented in writing to such sharing of information. Directory information and personal knowledge and impressions may be shared.

What if a member of the media or a professional scout asks for information about a student?

Only directory information and personal knowledge and impressions may be shared unless authorization is provided by each applicable student-athlete in accordance with the Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information.

What if a student asks for copies of records or documents pertaining to him or her?

A student has a legal right to inspect his or her education records and must receive this access within 45 days of submitting a request in writing.

**In certain circumstances, the terminology and meaning of certain words in this Appendix may be similar to, but not exactly the same as, the defined terms in the Policies and Procedures Regarding the Protection of Student-Athletes' Confidential Information.