



FERPA GUIDELINES FOR FACULTY, STAFF and STUDENTS

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

20 U.S.C. 1232g, 34CFR§ 99 | January 20, 2017

Introduction to FERPA

The acronym FERPA stands for the **Family Educational Rights and Privacy Act** (20 U.S.C. 1232g, 34CFR§99). Enacted by Congress in 1974, FERPA is sometimes referred to as the Buckley Amendment. FERPA requires faculty, staff, and administrative officers at Reinhardt University to treat education records in a legally-specified manner, outlining procedures for providing student access to such record, procedures for maintaining the privacy of student records, and institutional penalties for violation of its stipulations.

DISCLOSURE OF STUDENT RECORDS

FERPA requires that a student's education records be:

1. Disclosed *only* to persons who meet the strict definition of a school official who has a legitimate educational interest in the records (or others explicitly granted access under the law).
2. Made available within 45 days of the student's written request for inspection and review.

A school official is defined as:

1. A person employed by the University in an administrative, supervisory, academic, research, or support staff position.
2. A student, alumnus, or other person who is serving on an official committee (e.g., disciplinary, grievance) or is assisting a school official in a task.
3. A trustee or outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the University.

A University official has a legal right to know if a person defined as having a legitimate educational interest is:

1. Performing a task that is specified in his/her position or related to student discipline.

2. Providing a service or benefit related to a student/a student's family, or maintaining safety and security on campus.

An example of legitimate educational interest would be an advisor who needs to review a student's education record to determine what courses have been or need to be completed; this task is related to student advising. The advisor would *not* be authorized to view education records that are not relevant to the task at hand. *Curiosity does not qualify as a legal right to know.*

Those who receive student record information may use it only for the purpose specified. If a third party discloses personally-identifiable student information in violation of FERPA, the educational agency or institution which disclosed the information to the third party is prohibited from permitting access to education records to that third party for a period of not less than five years.

Parents have the right to expect confidentiality of certain types of information about them in student records and, under certain conditions, to gain access to information in student education records. *For purposes of FERPA, the University considers all students to be independent; this limits the student education record information that may be released to parents (without the student's specific written permission) to Directory Information only.*

The law does *not require* the release of education records to any party other than the student. Additional parties to whom education records *may* be released *without* written permission are:

1. Officials of another educational institution in which a student intends to enroll. The student should receive notification of the disclosure, unless the student initiated it.
2. Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health/safety of the student or others.
3. Persons specified in a lawfully-served judicial order or subpoena, provided the University makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification).
4. Parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1954. A student must have indicated that either parent claimed him/her as a tax dependent on an Application for Admission submitted within 12 months of the request for student information. Otherwise, the parent must provide a copy of the most recently-required Federal Income Tax Return indicating that the student in question was claimed.
5. Employees working with an application for financial aid, with schools to which a student is applying, with federal and state government agencies and officials, with accrediting agencies, and with organizations conducting studies for or on behalf of educational agencies *if conducted so as not to permit the personal identification* of any individual student.

Student records include any and all records, in any medium, maintained by Reinhardt University which are directly related to a student (or are personally-identifiable records or files).

DIRECTORY INFORMATION

One exception for which written permission from the student is *not* generally required is the release of directory information. Although FERPA *does not require* the release of directory information, an educational institution is allowed to designate certain types of information that may be released *without* seeking written permission from the student. Students have the right to prohibit the release of *all* or *part* of any item(s) listed as directory information.

Requests for releasing any directory information should be directed to the Registrar's Office to ensure that the student has not placed a hold on his/her record. If the person making the request fits the profile of those previously described who are allowed access to education records without the student's permission, the records may be released; this information can be released even when access is prohibited in writing by the student. Directory information may be provided to the requestor by mail, by telephone, or in person. Such information may be made public.

Reinhardt University has chosen to designate the following items as Directory Information:

1. Name
2. Address(es)
3. Telephone number
4. Email Address
5. Date of birth
6. Dates of attendance
7. Degrees and dates received
8. Current schedule of classes (released to local, state, and federal law enforcement agencies only)
9. Classification (e.g., freshman, senior)
10. College and major
11. Full- and part-time status
12. Level (e.g., undergraduate, graduate)
13. Academic honors
14. Awards and scholarships
15. Most recent institution attended, including high school
16. Participation in recognized activities and sports
17. Photograph (released to local, state, and federal law enforcement agencies only)
18. Weight and height of members of athletic teams

PROCEDURES FOR CHALLENGE

Rights are granted to the student to challenge the contents of education records on the basis of possible clerical errors. Students may also question a possible violation of privacy. If the student

believes that the education record is inaccurate, misleading, or in violation of privacy rights, the student may request that the record be changed. If the request for the change is denied, the student has a right to a hearing on the issue.

Possible privacy violations should be first addressed with the University Registrar. If necessary, a hearing will be held. If the hearing does not resolve the matter, the student may then notify the FERPA Office in Washington, D.C.

Grades earned are not covered under FERPA because the rights of challenge are not intended to allow a student to contest, for example, a grade in a course because the student *felt* that a higher grade should have been assigned. However, FERPA does obligate faculty to honor a student's request to determine if a grade was recorded in error.

FREQUENTLY-ASKED QUESTIONS

1. Can a professor obtain a copy of a student's records without the student's written permission?

A school official (which includes professors) may obtain a copy of a student's records without the consent of the student *only when the school official has a legitimate educational interest (or a legal right to know)*.

2. If a faculty/staff member has access to computerized education records, is the person authorized to view all of the available records?

No. A school official should access a student's education record only if a legitimate educational interest exists with respect to that particular student and that particular record. The confidentiality provisions of FERPA still apply.

4. Do any special rules apply to transcripts or Social Security Numbers?

Yes. The Registrar is the only person authorized to issue transcripts. An official transcript is issued only when requested by the student in writing. Social Security Numbers are personally identifiable and are considered non-releasable, private information; they are treated as education records.

5. What rights does FERPA give to students?

FERPA grants students the right to inspect and review their student records, except for those portions of the records that are not considered education records. Therefore, a student could *not* review (a) portions of a record containing information about students *other* than the requesting student; (b) medical or mental health records; or (c) records connected with an application to attend Reinhardt University or a component unit of Reinhardt University if the application is denied.

6. What limits apply to the disclosure of information from a student's education record to a third party?

Records may be disclosed to a third party only if the student has given written permission for the additional disclosure, or if a legitimate educational interest has been articulated for

disclosure to the third party and noted in the record. This limitation does *not* apply to directory information.