

FERPA (FAQ's for Students)

CONTENTS

CONTENTS	1
WHAT ARE MY RIGHTS UNDER FERPA?.....	1
WHEN DO FERPA RIGHTS BEGIN?.....	2
WHAT ARE EDUCATION RECORDS?.....	2
WHO HAS ACCESS TO MY EDUCATION RECORDS?.....	3
DO MY PARENTS HAVE ACCESS TO MY EDUCATION RECORDS?.....	3
DOES MY SPOUSE HAVE ACCESS TO MY EDUCATION RECORDS?	4
COULD MY EDUCATION RECORDS BE RELEASED WITHOUT MY CONSENT? ..	4
WHAT HAPPENS DURING CRISIS SITUATIONS AND EMERGENCIES?	5
WHAT IS CONSIDERED DIRECTORY INFORMATION?	5
HOW DO I WITHHOLD RELEASE OF DIRECTORY INFORMATION?	6
HOW DO I AUTHORIZE RELEASE OF INFORMATION TO A SPECIFIED THIRD PARTY?	6
COMMENTS/QUESTIONS	7

WHAT ARE MY RIGHTS UNDER FERPA?

Right to inspect/review

A student has a right to inspect and review any education record to which he or she is permitted under this policy. Education records are maintained in a number of University offices. Requests to review records must be made in writing to the responsible official of each office which maintains the records who shall comply with the request within 45 days upon receipt.

The University reserves the right to refuse to permit a student to inspect the following records:

- Records that contain information on more than one student. A student may inspect only that information which relates to him/her.

Northeastern State University Policy and Procedures

November 29, 2018

Page **1** of **7**

- Financial records of the student's parents.
- Confidential letters and statements of recommendation for which the student has waived his or her right of inspection and review.
- Records connected with an application to attend the University or a component unit of the University if that application was denied.
- Those records which are excluded from the FERPA definition of education records.

Right to challenge the content of education records

A student who wishes to challenge the content of the educational record may do so by submitting a written request to the official responsible for maintaining the record, with such request specifying the content being challenged, the grounds for the challenge, and the exact action being sought. If the official grants the request, the change(s) will be made. If the request is denied, the student will be informed and will be given the opportunity to add an explanation to the record and/or appeal the official's decision pursuant to the NSU Grievance Procedure.

Right to have some control over the disclosure of information from education records

This includes the student's right to prevent the disclosure of directory information.

Right to file a complaint

Students have the right to file a complaint with the U.S. Department of Education if the student believes that the University has failed to comply with the requirements of FERPA. The complaint must be made within 180 days of when the infraction was discovered, and there must be sufficient evidence to prove the violation. The written complaint should be sent to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

WHEN DO FERPA RIGHTS BEGIN?

A student's FERPA rights begin with his or her registered enrollment at NSU. Applicants who are denied admission or who are admitted but never attend are not covered under FERPA. There is no end point for FERPA rights—as long as the student is living.

WHAT ARE EDUCATION RECORDS?

Education records are defined as records which contain information directly related to a student and are maintained by an educational institution or by a

party acting for the institution. Examples are enrollment and grade records, applications for university scholarships, financial aid records.

Education records do NOT include: sole possession documents (such as personal notes or “memory joggers” created and maintained by individual faculty/staff); law enforcement records; employment records where employment is not tied to student status; medical records; and records containing information about an individual that are created after he/she is no longer a student at that institution (i.e., alumni records).

WHO HAS ACCESS TO MY EDUCATION RECORDS?

Education records may be accessed by “school officials” who have a “legitimate educational interest” in the student. “School official” is defined as:

- Person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff);
- Person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent);
- Person serving on the Board of Trustees; and/or
- Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks

In general, a school official has a “legitimate educational interest” if the official needs to review an education record in order to fulfill his or her professional responsibility to the University. Records should be used only in the context of official educational business.

FERPA protects the privacy of education records. School officials may not disclose personally identifiable information about students or permit inspection of their records without written permission from the student, unless such action is covered by certain exceptions permitted by FERPA.

DO MY PARENTS HAVE ACCESS TO MY EDUCATION RECORDS?

At the elementary and secondary school level, FERPA gives parents the right to access education records. When a student reaches 18 years of age or is attending an institution of post-secondary education, FERPA rights transfer

from parent to student. Therefore, at the postsecondary level, parents have no inherent rights to inspect their son's or daughter's education records.

Information regarding education records is best obtained by direct communication between the parent and the student. If desired, students can obtain grades, class schedule, billing, and other information online and provide a copy to their parents. Student records are available at the online portal for NSU information and services, <https://go.nsuok.edu>

DOES MY SPOUSE HAVE ACCESS TO MY EDUCATION RECORDS?

The spouse has no rights under FERPA to access the student's education record.

COULD MY EDUCATION RECORDS BE RELEASED WITHOUT MY CONSENT?

Directory information may be released without the written consent of the student, unless the student has filed a Request to Withhold Directory Information, which can be obtained from the Office of the Registrar. An institution may not disclose or confirm directory information without the student's written consent if the student's social security number or other non-directory information is used alone or combined with other data elements to identify the student.

Prior consent is not required to disclose personally identifiable information:

- To "school officials" who have a "legitimate educational interest" in the student. "School official" is defined as:
 - Person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent);
 - Person serving on the Board of Trustees; and/or
 - Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks
- To another institution to which a student seeks or intends to enroll.
- To federal, state, and local authorities involving an audit or evaluation of compliance with education programs.
- In connection with financial aid (such as the administration or continuation of aid).
- To individuals or organizations conducting studies for or on behalf of an educational institution.
- To regional or professional accreditation organizations.

Northeastern State University Policy and Procedures

November 29, 2018

Page **4** of **7**

- To parents of a dependent student, if the parent has provided to the Office of the Registrar evidence that they declare the student as a dependent on their most recent Federal Income Tax form (Form 1040).
- In response to a lawfully issued court order or subpoena (normally handled by the Office of the Registrar, other official record custodian and/or Legal Counsel)
- In the event that the release of information is necessary to protect the health or safety of the student or other individuals.
- If the disclosure is the result of a disciplinary hearing where the student is the perpetrator for a crime of violence or a non-forcible sex offense. Under this exception, information may be released to anyone, including the media. No information on the victim or witnesses may be released.
- To parents of a student under the age of 21 who has committed a drug or alcohol related offense.

WHAT HAPPENS DURING CRISIS SITUATIONS AND EMERGENCIES?

If non-directory information is needed to resolve a crisis or emergency situation, an education institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals." Factors considered in making this assessment are: the severity of the threat to the health or safety of those involved; the need for the information; the time required to deal with the emergency; and the ability of the parties to whom the information is to be given to deal with the emergency.

WHAT IS CONSIDERED DIRECTORY INFORMATION?

NSU Directory Information

The following items are considered "directory information" at NSU. Directory information may be released without the written consent of the student, unless the student has filed a Request to Withhold Directory Information in the Office of the Registrar. An institution may not disclose or confirm directory information without the student's written consent if the student's social security number or other non-directory information is used alone or combined with other data elements to identify the student.

- A. Student's name, mailing address, and telephone number
- B. Date of birth
- C. Classification and enrollment status

- D. Major field of study
- E. Dates of attendance at Northeastern State University
- F. Most recent previous school attended
- G. Degrees, honors and awards received
- H. Participation in officially recognized activities and sports
- I. Weight and height of athletic team members
- J. E-mail address assigned/provided by the institution or provided to the university by the student

HOW DO I WITHHOLD RELEASE OF DIRECTORY INFORMATION?

Students may complete and submit to the Office of the Registrar a Request to Withhold Directory Information. Such a hold is called a confidentiality indicator. Students should consider all aspects of a directory information hold prior to filing such a request. This request will prevent NSU from releasing any directory information, and any requests for such information from non-institutional persons or organizations will be refused (i.e., your name will not appear in the commencement program, we will not be able to confirm your degree to a prospective employer, your name will not be provided to honor societies that wish to invite you to join, etc.).

Requests for non-disclosure that were made while a student was in attendance continue to be honored, even after the student leaves the University, unless the request is revoked by the student (or former student). To revoke a directory hold, students may complete and submit a Revocation of Request to Withhold Directory Information. A student with a directory hold may request a one-time exception to allow NSU to publish his/her name in the NSU Commencement Program Book by submitting a One-Time Directory Hold Exception for Commencement Program form on or before the diploma application deadline.

HOW DO I AUTHORIZE RELEASE OF INFORMATION TO A SPECIFIED THIRD PARTY?

Examples of record release with written permission from students are:

- Request to send a transcript to a third party (through the Office of the Registrar)
- One-Time Authorization to Release Educational Information via FERPA Release
- Student Consent for Parental Access to Educational Records

WHERE ARE MY EDUCATION RECORDS?

The Office of the Registrar is the official office of the University for maintaining and releasing information pertaining to students' academic records. Additional academic records exist in other campus offices, such as college advising offices, the Graduate College, faculty offices, Student Affairs, Financial Aid, etc.

COMMENTS/QUESTIONS

General questions may be directed to the Vice President for Student Affairs, 204 Administration Building, Tahlequah, OK 74464, 918.444.2120.