

# FERPA (General Information)

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## WHAT IS FERPA?

FERPA is the Family Educational Rights and Privacy Act of 1974. The essence of FERPA is to give a student the right to inspect his or her education records and to protect the privacy of these records. The statute applies to any educational agency or institution that receives funding under any program administered by the Secretary of Education.

## 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).

## WHEN DO FERPA RIGHTS BEGIN?

A student's FERPA rights begin with his or her registered enrollment at NSU. Attendance need not be physical, such as in cases of distance learning courses. 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.

## STUDENT 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.
- 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.

## ACCESS TO STUDENT EDUCATION RECORDS

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.

Examples of record release with written permission from students are:

- Request to send a transcript to a third party (through the Registrar's Office)
- One-Time Authorization to Release Educational Information via signed Consent to Release Student Records form.
- Student Consent for Parental Access to Educational Records

## WHEN CAN RECORDS BE RELEASED WITHOUT STUDENT CONSENT?

Directory Information may be released without the written consent of the student, unless the student has filed a Request to Withhold Directory Information. 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 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.
- 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.
- To parents of a dependent student, if the parent has provided to the Registrar’s Office 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 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.

## 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. 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

## RESTRICTING THE 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.

## LOCATION OF 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.

# PARENTAL ACCESS TO STUDENT 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. Students may review their personal record by logging in to their goNSU account. Students may consent to release their education records to parents, legal guardians, or other individuals by completing the Consent to Release Student Records form in Student Affairs office, Office of the Registrar, or appropriate Vice President. Such consent should be given in an uncoercive environment. The Consent to Release Student Records form is used on a case by case basis.

Parents of a dependent student may challenge denial of access to educational records by providing to the Registrar's Office evidence that they declare the student as a dependent on their most recent Federal Income Tax form (Form 1040).

## REQUESTING STUDENT RECORD INFORMATION

Students may request official transcripts online or from the Office of the Registrar.

University officials may request student record information through Banner. All requests for student record information from entities outside of NSU should be made through the Office of the Registrar or the appropriate Vice President. **Annual notification to students.**

Students are notified annually of their FERPA rights in the NSU Catalog and on the NSU website. In addition, periodic notification is provided through the campus newspaper. **More information about FERPA.**

- U.S. Department of Education Family Policy Compliance Office (<http://www.ed.gov/policy/gen/guid/fpc/index.html>)
- AACRAO FERPA Guide (<http://www.aacrao.org/compliance/ferpa/index.cfm>)

- Link to the full act (<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=6b7e313020dfabb7caa0216830b2a7d8;rgn=div5;view=text;node=34%3A1.1.1.1.34;idno=34;cc=ecfr>)
- Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Colleges and Universities (<http://www.ed.gov/policy/gen/guid/fpco/brochures/postsec.html>)

## COMMENTS/QUESTIONS

General questions may be directed to the Office of the Registrar or any other office that serves as an official custodian of student records. Comments or suggestions about this website should be addressed to the Office of the Registrar or Vice President for Student Affairs, 204 Administration Building, NSU, Tahlequah, OK 74464, (918) 444-2120.