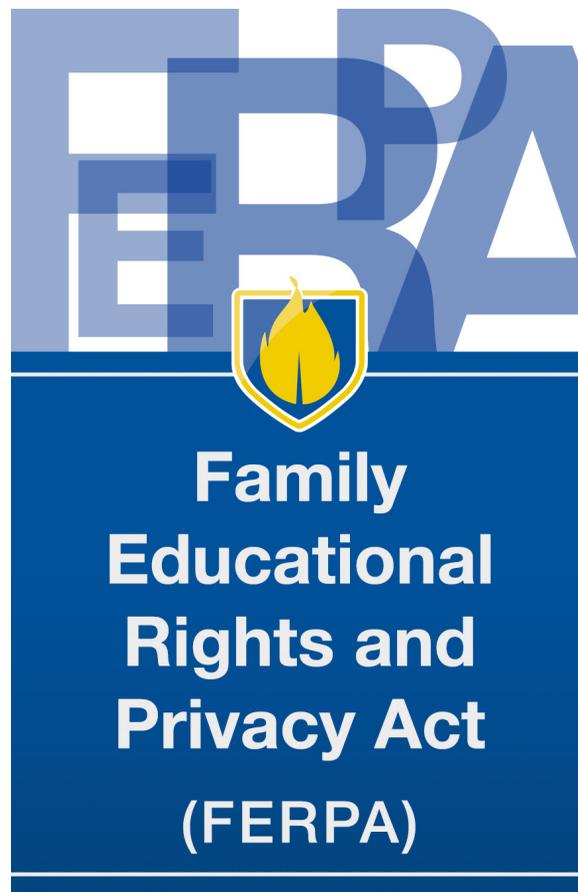

The Federal Family Educational Rights and Privacy Act affords students certain rights with respect to their educational records:

- a.) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
- b.) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
- c.) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that Family Education Rights and Privacy Act authorizes disclosure without consent.
- d.) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Southern Arkansas University at Magnolia, Arkansas, to comply with the requirements of the Family Educational Rights and Privacy Act.

The name and address of the Office that administers Family Educational Rights and Privacy Act is:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901



Reference items found in Federal Register,
Vol. 73, No. 237
Part V, Department of Education
34 CFR Part 99
Family Educational Rights and Privacy; Final Rule

**You may view this information on the
Internet at the following sites:**

www.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf
and
www.ed.gov



What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for students the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The Act applies to all institutions that are the recipients of Federal funding.

Who is protected under FERPA?

Students who are currently enrolled in higher education institutions or formerly enrolled regardless of their age or dependency status are protected under FERPA. Included are those students in attendance in person, by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies; students who are not physically present in the classroom; and students working under a work-study program. Parents of students termed "dependent" for income tax purposes may have access to the student's educational records. Deceased students are protected under FERPA as long as they were formerly enrolled. Students who have applied but have not attended an institution are not protected under FERPA.

What are educational records?

With certain exceptions, a student has access to those records which are directly related to him/her and which are maintained by an educational institution or party authorized to keep records for the institution. "Educational Records" are 1) directly related to the student and 2) maintained by an educational agency or institution or by a party acting for the agency or institution.

FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation. The records may be handwritten or in the form of print, magnetic tape, film or some other medium. FERPA coverage includes medical records, files, documents, and data directly related to students. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

What is not included in an educational record?

- a.) Sole possession records or private notes held by educational personnel which are not accessible or revealed to other personnel except as a temporary substitute for the maker of this record.
- b.) Law enforcement or campus security records which are solely for law enforcement purposes.
- c.) Records relating to individuals who are employed by the institution (unless contingent upon attendance).
- d.) Records on a student 18 years or older who is attending an institution of postsecondary education that are relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity in connection with the treatment of the student and disclosed only to individuals providing treatment.
- e.) Records that only contain information about an individual after that person is no longer a student at that institution (i.e., alumni records).
- f.) Financial records of the student's parents or guardian.

What documents can be removed from an educational record before the student views the record?

- a.) Any information that pertains to another student.
- b.) Financial records of the student's parents.
- c.) Confidential letters of recommendation which were placed in education records of a student prior to January 1, 1975.
- d.) Some confidential letters and statements of recommendation placed in education records of a student after January 1, 1975, under conditions described in FERPA section 99.12.

What is directory information?

Institutions may disclose information about a student without violating FERPA through what is known as "directory information." SAU designates the following as directory information:

- a.) Name, address, and telephone number.
- b.) University e-mail address.
- c.) Major field of study.
- d.) Participation in officially recognized sports.
- e.) Weight and height of athletes.
- f.) Dates of attendance, i.e., an academic year, a spring semester, or a first quarter.
- g.) Degrees and awards received.
- h.) Most recent previous educational agency or institution attended.

Each institution is required annually to identify what constitutes directory information within its policy. This notice must also provide procedures for students to restrict the institution from releasing his/her directory information. To restrict the release of directory information, a student may contact the **Office of the Vice President for Student Affairs, Overstreet Hall, room 114. Request for non-disclosure must be filed each semester and will be honored by the institution for only the current enrollment period.**

Who is entitled to student information?

- a.) The student and any outside party who has the student's written consent.
- b.) School officials who have "legitimate educational interests" as defined in FERPA.
- c.) Parents of a dependent student as defined by the Internal Revenue code of 1986 Section 152.
- d.) A judicial order or subpoena which allows the institution to release records without the student's consent. However, a "reasonable effort" must be made to notify the student before complying with the order.

When do you need consent to disclose personally identifiable information from an education record (including transcripts)?

Except for specific exceptions, a signed and dated consent by the student must be obtained before any disclosure is made. The written consent must:

- a.) Specify the records that may be disclosed.
- b.) State the purpose of disclosure.
- c.) Identify the party or class of parties to whom the disclosure may be made.

A signature in electronic form may be acceptable provided the institution is able to authenticate the identity of the individual requesting disclosure of education records; attribute the signature to the consent; and secure and verify the integrity of the consent in transmission and upon receipt.

The University reserves the right to refuse disclosure if unpaid financial obligations exist.

What is "personally identifiable information?"

"Personally identifiable information" includes but is not limited to:

- a.) The student's name.
- b.) The name of the student's parent or other family members.
- c.) The address of the student or student's family.
- d.) A personal identifier, such as a social security number, student number, or biometric* record.
- e.) A list of personal characteristics.
- f.) Other information that would make a student's identity easily traceable.

*Biometric record: a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, i.e., fingerprints, handwriting, etc.

When is the student's consent not required to disclose information?

The exceptions are:

- a.) To school officials (who have a legitimate educational interest).
- b.) To schools in which a student seeks to enroll.
- c.) To authorized representatives of (i) The Comptroller General of the U.S.; (ii) The Attorney General of the U.S.; (iii) the Secretary; or (iv) State and local educational authorities involving an audit or evaluation or compliance with education programs.
- d.) In connection with financial aid.
- e.) To organizations conducting studies for or on behalf of educational institutions.
- f.) To accrediting organizations.
- g.) To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- h.) To comply with a judicial order or subpoena, under the conditions described in Section 99.31.
- i.) A health or safety emergency, under the conditions described in 99.36.
- j.) Directory information, under conditions described in 99.37.
- k.) To the parent of a student who is not an eligible student or to the student.
- l.) Final results of a disciplinary hearing to a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense with respect to that crime.
- m.) To State and local juvenile justice systems or their officials as permitted by State statute adopted before November 19, 1974, if the allowed reporting concerns the juvenile justice system and the system's ability to serve the student whose records are released. Or after November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to serve, prior to, adjudication and the official and authorities certify in writing information will not be disclosed to any other party without consent of the parent of the student.
- n.) Final results of a disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or a nonforcible sex offense if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crimes or offense.

- o.) Drug and Alcohol Violation Disclosure to parents or guardians if the institution determines the student is under the age of 21 and has committed a disciplinary violation with respect to use or possession.
- p.) "Directory Information Only" for military recruiting purposes unless the student has "opted out" from the institution's policy of disclosing.
- q.) A contractor, consultant, volunteer, or verification agency, such as the National Student Clearinghouse, to whom an agency or institution has outsourced institutional services or functions provided the service or function would otherwise be done by employees and is under the direct control of the agency or institution.
- r.) To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- s.) An educational agency or institution must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the agency or institution discloses personally identifiable information from education records.
- t.) To conform with the requirements of the Campus Sex Crimes Prevention Act, the regulations permit campus officials to release information they receive from a state community notification program about a student registered as a sex offender in the State.

The U.S. Department of Education's Family Policy Compliance Office established specific criteria under which a student's consent can be waived:

- a.) The student takes an adversarial position against the school.
- b.) The student initiated the involvement of a third party.
- c.) There is a special relationship between the third party and the educational institution.
- d.) The institution is limited to defending itself against the student's charges.
- e.) FERPA regulations do not require an educational agency or institution or any other party to disclose education records or information from education records to any party.

Requests to disclose information should always be handled with caution and approached on a case-by-case basis.