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Family Educational Rights and Privacy Act (FERPA) Policy

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FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT POLICY

Area:	Enrollment Management	Number:	N/A
Applies to:	Campus Community	Issued:	March 17, 2015
Sources:	20 U.S.C. § 1232g; 34 CFR Part 99	Revised:	September 9, 2021
		Reviewed:	
Policy Owner:	Registrar	Page(s):	4

I. Purpose

This institution is covered by the Family Educational Rights and Privacy Act of 1974 (FERPA) which is designed to protect the student's rights with regard to educational records maintained by the institution. The intent of this legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are the recipients of federal aid administered by the Secretary of Education. Additional details regarding FERPA can be found at: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

II. Policy Statement

STUDENT RIGHT OF ACCESS TO RECORDS

Any student, regardless of age, who is or has been in attendance at Georgia Southern University, has the right to inspect and review their "Education Record" within a reasonable period of time after requesting to do so (not to exceed 45 days). However, the student shall not have access to:

1. Financial records of parents.
2. Confidential letters or recommendation concerning admissions placed in the record prior to January 1, 1975.
3. Letters of recommendation concerning admission, application for employment or honors for which the student has signed a waiver.
4. Transcripts received from other institutions. Students may inspect transcripts from other institutions but may not obtain copies of these records. Students may request personal copies of these records from the institutions that issued them.
5. Treatment records.

6. Title IX investigation information, except the outcome and any resulting sanctions may be provided to the complainant/victim.

7. Records that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

Any student desiring to inspect their "Education Record" should consult the registrar, dean, head of the academic department, or other appropriate official designated as responsible for that part of his record to be inspected. Under this Act, a student has the following rights:

1. The right to inspect and review education records maintained by this institution that pertain to the student,
2. The right to challenge the content of records on the grounds that they are inaccurate, misleading or a violation of privacy or other rights; and
3. The right to control disclosures from the education records with certain exceptions.
<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the institution to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

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

III. Definitions

Legitimate Educational Interest - shall be determined on a case-by-case basis. The information requested must be necessary for the requestor to perform appropriate tasks specific to their job performance. The information must be relevant to accomplishment of a specific task or to make a determination about the student. https://nces.ed.gov/pubs2004/privacy/section_4b.asp

Education Record - those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution.

Student – any individual who attends or has attended the University. For purposes of FERPA, Georgia Southern University considers an enrolled student to be “in attendance” when the student begins attending class. Note: the definition of “student” set forth is only for use in connection with this guidance. For the official University definition of “student”, please refer to the Georgia Southern University Student Code of Conduct.

IV. Exclusions

In accordance with federal law, a university may exempt certain student information, called “Directory Information,” from the confidentiality provisions of FERPA. Georgia Southern has defined directory

information to include the student's name, enrollment status and enrolled hours, post office box, local telephone number, classification (freshman, sophomore, junior, senior, or graduate student), major, participation in activities, weight and height and photograph of members of athletic teams, dates of attendance, degrees and awards received, thesis/dissertation title and faculty mentor, and most recent educational institution attended. This information is considered public information and will be released to those requesting such information unless the student has specifically requested that the information in this category be restricted. Students who wish to prohibit the release of Directory Information may present a written request to the Registrar and such information will not be released. However, requests that directory information be withheld from a written publication must be received in sufficient time to prevent delay in processing that publication.

The University will also release additional specific information as required by the "Solomon Amendment" (10 U.S.C. sec. 983) when requested by appropriate agencies. Additional information provided under this federal law includes permanent home address, permanent home telephone and date of birth.

RELEASE OF INFORMATION IN EDUCATION RECORD WITHOUT CONSENT

Release of personally identifiable student information will not be allowed without the written consent of the student except as follows:

1. Georgia Southern University personnel, where such persons have a legitimate educational interest and demonstrate a need to know to the official responsible for the record.
2. Officials of other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer
3. Representatives of Federal Agencies authorized by law to have access to education records, and state education authorities.
4. Appropriate persons in connection with a student's application for receipt of financial aid.
5. State and local officials to whom information must be released pursuant to a state statute adopted prior to November 19, 1974.
6. Organizations conducting studies for the institution.
7. Accrediting organizations.
8. Parents of a dependent student, as determined by the Internal Revenue Code of 1954, as amended.
9. Necessary persons in emergency situations to protect health and safety.
10. Persons designated in subpoenas or court orders. (Records will be released in compliance with a judicial order or lawfully issued subpoena. However, every reasonable effort will be made to notify the student in advance of the compliance).

RESTRICTED RECORDS

The following records are considered restricted and are not included in the "Education Records" noted above. They are not available for inspection by the student or his representative under FERPA except as noted.

1. Records kept by education personnel which remain in the sole possession of the maker.
2. Law enforcement records maintained by Public Safety.
3. Treatment records, by definition, are not available to anyone other than the professionals providing treatment to the student, or to physicians or other appropriate professionals of the student's choice.

V. Procedures

Students may complete a FERPA Consent form to authorize release of their educational record information to specific individuals named in the release by completing the Family Education Rights and Privacy Act (FERPA) Consent form in the Student's Personal Setting menu in his/her MyGeorgiaSouthern (<https://my.georgiasouthern.edu/>) account.