



# **FERPA PAMPHLET**

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# The Family Educational Rights and Privacy Act (FERPA)

## Informational Guidelines



### ◆ What is FERPA?

Clark Atlanta University (the “University” complies with FERPA (34 CFR § §99.1-99.67), a Federal law which affords eligible students certain rights with respect to their education records. (NOTE: An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) It prohibits educational agencies (e.g., school districts) and institutions (i.e., colleges and universities) from disclosing personally identifiable information (PII) from students’ education record without the prior written consent of a parent or “eligible student,” unless an exception to FERPA’s general consent rule applies.

### ◆ What rights does FERPA afford students with respect to their education records?

FERPA rights include:

1. **The right to inspect and review the student's education records within 45 days after the day the University receives a request for access.** A student should submit his or her request, in writing, to the Office of the

University Registrar and identify the record(s) he or she wishes to inspect. The staff of the office will make arrangements for access and notify the student of the time and place where the records may be inspected. If the requested records are not maintained in the Office of the University Registrar, the student will be notified of the correct official to whom the request should be addressed.

2. **The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.** Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the Office of the University Registrar, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing will be provided to the student when notified of the hearing.

3. **The right to provide written consent before the University discloses personally**

**identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the University's Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the University who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks.

A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill

his or her professional responsibilities for the University.

**4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920  
800-USA-LEARN (1-800-872-5327)

**◆ What is an education record?**

With certain exceptions, an "education record" is any record (1) directly related to a student and (2) maintained by the University or by a party acting for the University. Education records include any records in whatever medium (handwritten, print, magnetic tape, film, diskette, etc.) that are in the possession of any school official. This includes, for example, transcripts or other records obtained from a school in which a student was previously enrolled.

**◆ What does the term "education record" NOT include?**

Education records do not include:

- Record or notes that are kept in the sole possession of the maker,

are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

- Records of a campus law enforcement that are solely for law enforcement purposes and maintained solely by the law enforcement unit;
- Records relating to individuals who are employed by the institution, are made and maintained in the normal course of business, relate exclusively to the individual's capacity as an employee and are not available for any other purpose (unless contingent upon attendance);
- Records relating to an individual in attendance at the University who is employed as a result of his or her status as a student;
- Records of a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; made, maintained, or used only in connection with treatment of the student; and disclosed only to individuals providing the treatment.
- Records created or received by the University after an individual is no longer a student in attendance and that are not directly related to

the individual's attendance as a student.

- Grades on peer-graded papers before they are collected and recorded by a professor or instructor.

### ◆ **When is a student's consent NOT required to disclose information?**

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the student, if the disclosure meets certain conditions found in FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, FERPA regulations require the University to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. The University may disclose PII from the student's education records **without obtaining prior written consent** of the student –

- To other school officials, including faculty, within the University whom the University has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the University has outsourced institutional services or functions, provided that certain conditions are met. (§ 99.31(a)(1))

- To officials of another college or university where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the University's state-supported education programs. Disclosures under this provision may be made, subject to the satisfaction of specific requirements, in connection with an audit or evaluation of Federal- or state-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the University, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the University has designated as "directory information." (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, provided that the disclosure only includes the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to certain requirements, if the University

determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the University's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance if the University determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## ◆ What is Directory Information?

The University may disclose appropriately designated "directory information" without a student's prior written consent, unless the student has advised the University to the contrary in accordance with the University's procedures. The primary purpose of directory information is to allow the University to include information from a student's education records in certain University publications. Examples include: a playbill, showing your role in a drama production; the annual yearbook; Dean's lists or other recognition lists; graduation programs and related productions; and sports activity sheets, such as for football, showing weight and height of team members.

"Directory information," which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without the student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture trophies and awards or that publish yearbooks.

The University has designated the following information as "directory information":

- **Student's name;**
- **Address;**
- **Telephone number;**
- **Major and minor fields of study;**
- **Dates of attendance;**
- **Current enrollment status (i.e. full-time or part-time);**
- **Class standing;**
- **Receipt or non-receipt of a degree;**
- **Academic awards or honors received (i.e. Dean's List, Honor Roll, etc.)**
- **Photograph;**
- **Participation in officially recognized activities and sports;**
- **Weight and height of members of athletic teams; and**
- **Student ID number used to communicate in electronic systems but only if the**

**number cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user**

A student who does **NOT** want the University to disclose in a given semester any or all of the types of information designated above as directory information from his or her education records without his or her prior written consent must notify the University in writing **no later 45 days after the start of the semester.**

◆ **How does a student authorize release of his or her education record in the form of an academic transcript?**

Students must authorize the release of their transcript by signed, written

request or by completing and signing a transcript request form available in the Office of the University Registrar. There is a **\$5.00** fee for each copy of an unofficial transcript requested and a fee of **\$10.00** for each copy of an official transcript requested. The receipt of a written request with signature to release an education record via fax is permissible.

◆ **How will increased use of technology impact a student's FERPA rights on the University's campus?**

The use of computerized record-keeping systems is steady expanding at a fast pace. We can anticipate that the distribution of electronic data will eventually replace most paper documents and provide much information about students to school officials through desktop terminals. It is the responsibility of each school official to understand his or her legal responsibilities under FERPA. The same principles of confidentiality that apply to paper records also apply to electronic data.