

# **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) GUIDE**

## **1 What is FERPA?**

The Family Education Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for 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 intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of educational records. The Act applies to all institutions that are recipients of federal funding.

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

*☞ The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.*

Students should submit a written request to the Director of Records to identify the record(s) that they wish to inspect. The director will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained in the Records Office, the director will advise the student of the correct official to whom the request should be addressed.

*☞ The right to request an amendment to the student's education records that the student believes is inaccurate or misleading.*

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the Director of Records, 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 right to a hearing.

*☞ The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.*

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law-enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

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.

*☞ 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:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

## **3 Who is protected under FERPA?**

1) Students who are currently enrolled or formerly enrolled regardless of their age or status in regard to parental dependency. 2) Students who have applied but have not attended an institution and deceased students do not come under FERPA guidelines.

Parents of students termed as "dependent" for income tax purposes may have access to the student's education records. A copy of the parent's most recent Federal Income Tax form, where the parents declared the student as a dependent, must be submitted to the Financial Aid or Records Office to document "dependency."

## **4 What are education records?**

With certain exceptions, an education record is any record from which a student can be personally identified and which is maintained by the College. A student has the right of access to these records.

Education records include any records in whatever medium (handwritten, print, magnetic tape, film, diskette, etc.) which are in the possession of any school official. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation.

## **5 What is not included in an education record?**

*☞ Sole possession records or private notes held by educational personnel which are not accessible or released to other personnel.*

*☞ Law enforcement or campus security records which are solely for law-enforcement purpose.*

*☞ Records relating to individuals who are employed by the institution (unless contingent upon attendance).*

*☞ Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.*

*☞ Records of an institution, which contain only information about an individual obtained after that person is no longer, a student at that institution (i.e., alumni records).*

## **6 What is directory information?**

Institutions may disclose information on a student without violating FERPA if it has designated that information as "directory information." At Oakwood University this includes a student's name, major field of study, dates of attendance, current enrollment status, and receipt or non-receipt of a degree.

Students may, if they desire, request that directory information not be released. Such a request must be submitted in writing to the Records Office where it will be maintained on file. However, when directory information is restricted, students

must come to the Records Office, to pick up their grade reports and other University mailings.

## 7 How does a student authorize release of his/her education record in the form of an academic transcript?

Students must authorize the release of their transcript by written request with signature or by completing and signing a transcript request form, available in the Records Office. There is a \$2.00 fee for an official copy and \$1.00 for an unofficial. Faxes are honored after receipt of payment. Telephone and e-mail requests will not be honored.

The University reserves the right to withhold all information concerning the record of any student who has unpaid accounts or other charges, or who is in delinquent or default status in payment of student loans.

## 8 Who may have access to student information?

- ☞ The student and any outside party who has the student's written consent
- ☞ School officials (as defined by the College) who have "legitimate educational interest," as defined in FERPA
- ☞ Parents of a dependent student as defined by the Internal Revenue Code
- ☞ A person in response to a lawfully issued subpoena or court order, as long as the University makes a reasonable attempt to notify the student first. Normally, the University will comply with a subpoena after two weeks have elapsed since the receipt of the subpoena and notification of the student unless the student's attorney notifies the University that there is a motion to quash the subpoena.

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

The exceptions are:

- ☞ To school officials (defined in policy)
- ☞ To federal, state and local authorities involving an audit or evaluation of compliance with education programs
- ☞ In connection with financial aid
- ☞ To state and local authorities pursuant to a state law adopted before November 1974 requiring the disclosure

- ☞ To organizations conducting studies for or on behalf of educational institutions
- ☞ To accrediting organizations
- ☞ To parents of a dependent student
- ☞ To comply with judicial order or subpoena
- ☞ Health or safety emergency
- ☞ Directory information
- ☞ Results of disciplinary hearing to an alleged victim or a crime of violence

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

## 10 How does increasing technology impact FERPA on our campus?

The use of computerized record-keeping systems is increasing at a tremendous rate. 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/her legal responsibilities under FERPA. The same principles of confidentiality that apply to paper records also apply to electronic data.

### Oakwood University Records Office Personnel

Shirley P. Scott, Director of Records  
Henrietta Lathon, Assistant Director/Senior Coordinator  
Lillian Green, Customer Relations/Asst VA Coordinator  
Chaltu Nephtalem, Customer Service Specialist  
Yvonne Donatto, Computer Statistical Analyst-ACE  
John Hill, Records Management Analyst/ VA Coordinator  
Evangeline Rivers, Computer Statistical Analyst/Technician

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Guidelines for  
Oakwood University  
Huntsville, Alabama  
[www.oakwood.edu](http://www.oakwood.edu)