



Policy Number: II.03
Policy Level: Operating Policy
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Policy Owner: Provost/VP of Academic Affairs and Student Services
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SACSCOC Standard: 12.5

Privacy of Student Records – Family Educational Rights and Privacy Act (FERPA)

I. Notification of Rights under FERPA

Athens State University complies with the provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974 as amended. FERPA sets forth the requirements pertaining to the privacy of student records. The law governs the release of education records and access to the records.

Responsibility for the protection of the privacy of education records rests primarily with the University Registrar and the Office of Records. FERPA defines education records to include records, files, documents, and other materials that contain information directly related to students and those that are maintained by an educational agency or institution, subject to certain restrictions under the Act.

A student's permanent education (academic) record consists of the Athens State University transcript, and **may** also include the following: admissions application, official transcripts sent to the University from other colleges and universities attended, graduation application, degree audit forms, transcript release/request forms, documentation affecting the release of a student's records, and documentation of any disciplinary action that would directly affect the student's enrollment at the University. Financial records are not considered to be part of a student's permanent academic record.

FERPA affords eligible students certain rights with respect to their education records. An "eligible student" is a student who is 18 years or older or who is attending a postsecondary institution.

These rights include:

1. The right to inspect and review the student's education records, subject to any limitations under the Act, within 45 days after the day the University receives a request for access. Students should submit to the University Registrar/Office of Records an Education Record Review Request Form. The Registrar will make arrangements for access and will notify the student of the time and place where the records may be inspected. The Registrar or designee shall be present during the inspection. If the requested records are not maintained by the Registrar, the Registrar shall advise the student of the correct University official to whom the request should be addressed. Copies of a student's education records may be obtained for a prepaid fee.



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2. The right to request the amendment of the portions of the student's education records that the student believes are inaccurate or misleading. A student who wishes to request that the University amend a record should submit to the University Registrar/Office of Records (or other appropriate official) a written statement which clearly identifies the part(s) of the record they want changed, why it should be changed, and any documentation that supports the request. The student will be notified in writing of the University's decision to amend or not amend. If the University's decision is not to amend, the student will be notified of a hearing process that they may initiate regarding the request for amendment. Additional information regarding the hearing process and procedures will be provided to the student when notified of the right to a hearing.

Note: FERPA was not intended to provide a process to be used to question substantive judgments which are correctly recorded. The FERPA right to request the amendment of records is not intended to allow a student to contest, for example, a grade in a course because the student feels a higher grade should have been assigned.

3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA allows disclosure of information **without consent** under the following provisions:

- Disclosures to school officials with legitimate educational interests. A "school official" is 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 board of trustees; a student serving on an official committee, such as a disciplinary or grievance committee; a person or company that the University has contracted as its agent to provide a service (such as an attorney, auditor, or collection agency); or a person assisting school officials in performing their 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 responsibilities.
- Disclosures of directory information. "Directory information" is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.



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If a student does not want directory information disclosed, the student must submit to the University Registrar/Office of Records a Directory Information Opt-Out Form within the first 15 days of the semester.

Completing this form and notifying the Registrar/Office of Records covers only the disclosure of directory information from centralized records. Students who are members of individual organizations such as fraternities, sororities, clubs, etc. must also notify those organizations to restrict the disclosure of directory information.

Athens State University has defined directory information as the following:

- Student name and hometown
- College/School and major/minor fields of study
- Dates of attendance, class level, and enrollment status
- Degrees, honors, or awards received
- Participation in officially recognized organizations, activities, and sports

Disclosures allowed under other exceptions of the Act. The University may disclose information without prior consent:

- To officials of another school, upon request, where the student seeks or intends to enroll.
- 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 the 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 requirements of the Act, 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 personally identifiable information 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.
- 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.



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- 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.
 - To accrediting organizations to carry out their accrediting functions.
 - To comply with a judicial order or lawfully issued subpoena.
 - To appropriate officials in connection with a health or safety emergency, subject to the requirements of the Act.
 - To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of the Act. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
 - To the general public, the final results of a disciplinary proceeding, subject to the requirements of the Act, 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.
 - 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.
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:
- Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW,
Washington, DC 20202.
5. The right to review records of requests for disclosure of personally identifiable information from the student's education records.

II. Third Party Requests for Student Information

The Family Educational Rights and Privacy Act (FERPA) generally preclude an institution from disclosing or sharing personally identifiable information from a student's record. Exceptions apply, including, for example:



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If the institutional has obtained prior consent of the student, or in response to requests for directory information provided the student has not withheld release of his/her directory information.

FERPA rights cease upon death. However, it is the policy of Athens State University that no records of deceased students be released to third parties after the date of death, unless specifically authorized by the executor of the deceased's estate or by the next of kin.

Limitations on Information Requests

A third party may only request the directory information as defined in section one of this policy. Information released is limited to the current or preceding semester. If the request is received between semesters, the request must indicate previous or upcoming semester.

Fees for Information Requests

Fees may be assessed depending on the format of the record being requested. Fees may include search fees (electronic or hardcopy), copy fees (accessed per page), and shipping fees (if hardcopy).

Requests for digital data will be e-mailed as an excel spreadsheet to an account verified for the requestor and organization.

Current fees will be published on the University website.

NOTE: Payment is required before the record request will be processed. Checks should be made payable to Athens State University.

Procedures for Student Record Requests

- Student Record requests must be in writing. All requests **must include requestor's name, company or business name, postal mailing address, telephone number, fax number (if applicable), and e-mail address.** **Athens State University reserves the right to confirm the identity of any requestors by contacting the organization or business listed.**
- Mailed requests should be marked "Student Record Request", must include signature and should be mailed to: Office of the Registrar/Student Records, Athens State University, 300 N. Beaty Street, Athens, AL 35611.
- Email requests should use the subject "Student Record Request" and must be sent to registrar@athens.edu. Athens State University will confirm the identity of any requestors **by contacting the organization or business.**



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- Requests must describe the specific information requested and the format and layout desired if the request is granted. **By law, we may only provide you with directory information.**
- Requests must include one of the following in the request (whichever is applicable):
 - A statement that the requestor representative of the news media affiliated with a newspaper, magazine, television station, etc., and this request is made as part of newsgathering, or
 - A statement that the requestor is affiliated with an educational or noncommercial scientific institution and this request is made for a scholarly or scientific purpose, or
 - A statement that the requestor is affiliated with a private business and is seeking information for use in the company's business, and how the business intends to use this information.
- Requests should indicate the date by which the requestor would like to receive the data. **Please note:** due to other priorities, resource availability, campus holidays, etc., a request may take from two to three weeks to fulfill from date of receipt.
- Requests must acknowledge that the requestor has reviewed the applicable fees for the request, and that the requestor agrees to pay for applicable costs incurred in processing the request.

III. Solomon Amendment and FERPA

The Solomon Amendment is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 and older.

The Department of Education has determined the Solomon Amendment supersedes most elements of FERPA. An institution is therefore obligated to release data included in the list of "student recruiting information," which may or may not match Athens State's FERPA directory information list. However, if the student has submitted a **Directory Information Opt-Out Form** to the Registrar/Office of Records to restrict the release of Directory Information, then no information from the student's education record will be released under the Solomon Amendment.

Information Designated by the Solomon Amendment as Student Recruitment Information:

- Student name
- Address (permanent and mailing) (not directory info at Athens State)
- Telephone Number(s) (not directory info at Athens State)
- Age (not directory info at Athens State)
- College/School and major/minor fields of study



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- Dates of attendance, class level, and enrollment status
- Degrees, honors, or awards received
- Participation in officially recognized organizations, activities, and sports

Under the Solomon amendment, Student Recruitment Information will be released for military recruitment purposes only and cannot be released to additional parties. Information released is limited to the current or preceding semester. If the request is received between semesters, the request must indicate previous or upcoming semester.

The request should be submitted in writing on letterhead clearly identifying the unit of service requesting the student recruitment information. Military recruiters may request Student Recruitment Information once each term or semester for each of the 12 eligible units within the five branches of the service:

- Army: *Army, Army Reserve, Army National Guard*
- Navy: *Navy, Navy Reserve*
- Marine Corps: *Marine Corps, Marine Corps Reserve*
- Air Force: *Air Force, Air Force Reserve, Air Force National Guard*
- Coast Guard: *Coast Guard, Coast Guard Reserve*