

## Family Education Rights and Privacy Act (FERPA)

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The Family Educational Rights and Privacy Act of 1974, most often referred to as FERPA, deals specifically with the education records of students, affording them certain rights with respect to those records. For purposes of definition, education records are those records which are:

- 1) Directly related to a student, and
- 2) Maintained by an institution or a party acting for the institution.

FERPA gives students who reach the age of 18 or who attend a post-secondary institution the right to inspect and review their own education records. Furthermore, students have other rights, including the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records.

FERPA applies to the education records of persons who are or have been in attendance in post-secondary institutions, including students in cooperative and correspondence study programs. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend an institution. Furthermore, rights are not given by FERPA to students enrolled in one component of an institution who seek to be admitted in another component of an institution.

### *The Policy*

Florida Agricultural and Mechanical University (FAMU) shall comply with the Family Educational Rights and Privacy Act (FERPA, also known as the Buckley Amendment) – 20 U.S.C. ~ 1232g – of 1974, which gives enrolled students the right to:

- i. Review and inspect their education records;
- ii. Challenge and seek to amend education records that the student believes are inaccurate or misleading;
- iii. Consent to disclosures of personally identifiable information contained in their educational records, except to the extent that FERPA allows disclosures without consent; and
- iv. Complain to the U.S. Department of Education concerning alleged violations by FAMU of any such rights.

Pursuant to FERPA requirements, some personally identifiable student information, designated by law as “directory information,” may be released to third parties by FAMU without prior consent of a student unless the student files a written request with the FAMU Office of the

Registrar to restrict directory information access.

FAMU has designated the following as directory information:

- The name of a student who is in attendance or who has been in attendance
- The local, home address of a present or former student)
- The telephone number of a present or former student
- Date and Place of Birth of a present or former student
- The major field of study of a present or former student
- Dates of attendance
- Enrollment Status
- Classification
- Participation in Officially Recognized collegiate sports
- Weight and height of athletes
- Degrees and academic honor awards received and pertinent dates
- Most recent educational institutions attended prior to FAMU

The following information is not considered directory information and may not be released or disclosed in any way (except to a school official with a legitimate interest, or to a third party with signed and dated consent from the student or former student):

- Student Identification Number
- Social Security Number
- Ethnicity/Nationality
- Gender

An enrolled student may select Privacy (refuse to permit disclosure of “directory information”). To do so, the student must notify the Office of the Registrar in writing if he/she refuses to permit the University to disclose such information. The University will not release any further disclosures of directory information about the student without the student’s prior written consent except to the extent authorized by FERPA or other State or Federal laws.

All custodians of a student’s education records and all University employees/agents shall comply with FERPA and follow strict practice that information contained in a student’s education record is confidential and shall not be disclosed without the prior written consent of the student except as otherwise provided by FERPA. FERPA exceptions are outlined in the policy and procedures herein.

Regarding the disposition of records held pertaining to a deceased student, in accordance with FERPA, it is the policy of FAMU that the privacy interests of an individual expire with that individual’s death.

FAMU publishes annually a notice of primary rights for enrolled students.

All University employees who manage or have direct or indirect access to student education

records are held responsible for reading and understanding the policy. Furthermore, all employees who manage or have direct or indirect access to student education records are responsible for following security practices established by the University, Colleges, or departments.

The University Registrar has been designated as the FERPA Compliance Officer for the University. Further information about FAMU's policy and procedures with respect to privacy of student records may be obtained from the Office of the Registrar.

### *Location of Education Records*

All information provided by a student to the University for the use in the educational process is considered part of the student's education record. Information may fall into one of the following categories:

- Admission records are located in the Office of Admissions and Recruitment, Foote-Hilyer Administration Center, and the custodian of such records is the Director of Admissions and Recruitment, Florida Agricultural and Mechanical University, Foote-Hilyer Administration Center, Suite G-9, Tallahassee, FL 32307.
- Cumulative academic records are located in the Office of the Registrar, Foote-Hilyer Administration Center, and the custodian of such records is the University Registrar, Florida Agricultural and Mechanical University, Foote-Hilyer Administration Center, Room 112, Tallahassee, FL 32307.
- Financial aid records are located in the Office of Financial Aid, Foote-Hilyer Administration Center, and the custodian of such records is the Director of Financial Aid, Florida Agricultural and Mechanical University, Foote-Hilyer Administration Center, Suite 101, Tallahassee, FL 32307.
- Student financial records are located in the Office of Student Financial Services, Foote-Hilyer Administration Center, and the custodian of such records is the Director of Student Financial Services, Florida Agricultural and Mechanical University, Suite G-7, Tallahassee, FL 32307.
- Student placement records are located in the Career Center, Student Union Plaza and the custodian of such records is the Director, Career Center, Florida Agricultural and Mechanical University, Student Union Plaza Suite 118, Tallahassee, FL 32307.
- College-based testing records are located in the Counseling and Assessment Center, and the custodian of such records is the Director, Counseling and Assessment, Florida Agricultural and Mechanical University, University Counseling Center, Tallahassee, FL 32307.
- College records are located in the college dean's office and/or departmental offices of each college and in faculty offices at each college or department and the custodian of such records is the appropriate dean, department chairperson, professor, instructor or advisor.

- Disciplinary records are located in the Office of Judicial Affairs, Student Union Plaza, and the custodian of such records is the Associate Vice President for Student Affairs, Florida Agricultural and Mechanical University, 308 FHAC, Tallahassee, FL 32307.
- Disability records are located in the Learning Development Evaluation Center, and the custodian of such records is the Director, LDEC, Florida Agricultural and Mechanical, Orr Drive, Suite 555, Tallahassee, FL 32307.
- International student records are located in the Office of International Services, HFFM, and the custodian of such records is the Provost, Florida Agricultural and Mechanical University, 301 Foote-Hilyer Administration Center, Tallahassee, FL 32307.

### ***Excluded Records***

While most student records maintained by the University are considered to be education records, those listed below are specifically excluded:

- Sole possession records or memory aids created and maintained for private use with limited access to anyone other than the creator;
- University Police records maintained solely for law enforcement purposes;
- University employment records for employment not dependent on student status and does not result in academic credit or a grade;
- Records created by a medical or mental health professional to be used only for providing treatment to a student;
- Alumni records if they contain only information related to an individual after the individual is no longer a student.

### ***Legitimate Educational Interest***

University officials shall have access to student education records for legitimate educational purposes when a need to know has been demonstrated by those officials who act in the student's educational interest. This includes faculty, administration, student employees, clerical and professional employees and other persons who manage student records information. Any school official who needs information about a student in the course of performing instructional, supervisory, advisory or administrative duties has a legitimate educational interest.

### ***Exceptions to Student Consent for Release of Records***

All custodians of a student's education records and other University employees/agents may not disclose student information to third parties without the student's prior written consent except as provided in this section:

- Under the following circumstances, University officials may make disclosures of personally identifiable information contained in the student's education records without the consent of the student:

- (a) To officials of another college or university where the student seeks or intends to enroll on the condition that the institution makes a reasonable effort to inform the student of the disclosure unless the student initiates the transfer.
  - (b) To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the University supported by federal or state funds.
  - (c) To parties who provide or may provide financial aid to the student.
  - (d) To an individual or organization under written contract with the University or FLDOE for the purpose of conducting a study on the University's behalf for the development of tests, the administration of student aid, or the improvement of instruction.
  - (e) To an outside contractor who is a "party acting on behalf of the University and is performing a service which the University would otherwise have to perform for itself."
  - (f) To accrediting organizations to carry out their accrediting functions.
  - (g) To parents of an enrolled student if the parents claim the student as a dependent under the Internal Revenue code of 1954. The University will exercise this option only on the condition that the evidence of such dependency is furnished to the University Registrar
  - (h) To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. The University will make reasonable effort to notify the student before the disclosure – unless otherwise noted by the judicial document.
  - (i) The result of a disciplinary proceeding may be released to the victim on the student's crime of violence.
  - (j) To comply with an ex parte order from the Office of the Attorney General (or designee)
  - (k) To state or local officials in compliance with state laws adapted prior to November 19, 1974.
- University officials are authorized to make necessary disclosures from student education records without the prior consent of the student in a health or safety emergency if the University official deems:
    - a. The disclosure to be warranted by the seriousness of the threat to the safety or health of the student or other persons; or
    - b. The information disclosed is necessary and needed to meet the emergency;

- c. Time is an important and limiting factor in dealing with the emergency.

All requests for disclosure under the above circumstances, where the University may disclose personally identifiable information without the student's prior consent to third parties other than its own officials, will be referred to the University Registrar or the appropriate records custodian.

### ***Parental Access***

At the post-secondary level, parents have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student. Records may be released to parents only under the following circumstances:

- a) Through the written consent of the student
- b) In compliance with a subpoena,
- c) By submission of evidence that the parent declares the student as a dependent on their most recent Federal Income Tax form (IRS Code of 1954).

### ***Written Consent***

- University officials may not disclose personally identifiable information contained in a student's education record except directory information or under the circumstances listed above, except with the student's prior written consent. Written consent must include the following:
  - a. A specification of the information the student consents to be disclosed
  - b. The person or organization or the class of persons or organizations to whom the disclosure may be made;
  - c. The purpose of the disclosure
  - d. The student's signature and date (within the last calendar year) of the consent.
- The student may obtain a copy of any records the University disclosed pursuant to the student's prior written consent.

The University will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those third parties agree in writing that they will not re-disclose the information without the student's prior written consent.

### ***Additional Guidelines for Faculty***

- The posting of grades by the student's name, institutional student identification number or social security number is not allowed. Grades cannot be posted via paper source or

electronic source unless the instructors and others who post grades use a system that ensures FERPA requirements are met.

- Prohibition on disclosure of personally identifiable information from an education record of a student applies to any kind of non-directory information. Examples include performance in class, grades, attitude, motivation, abilities and background that are conveyed in writing, in person or over the phone to third parties.

### *Challenge of Contents of Education Records*

Florida A&M University provides any student with an opportunity to challenge and amend the contents of his/her education records which the student considers to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. Challenge requests must be submitted to the University Registrar.

### *Protocol for Records Storage and Disposal*

Once University officials who are designated custodians of student records have established the following protocol for ensuring that student records being collected, accessed, stored, printed, destroyed or otherwise used are physically secure from unauthorized access;

- Each person using electronic systems to access records must have a unique account with a password assigned for his/her own use. The account name and passwords used to access these systems must not be written down, told to others, or made available in any way for use by other persons. Account holders must change their passwords frequently
- Computers used to access electronic records systems must not be left unattended. Computers located in public areas must be positioned so that visitors cannot view.
- Printers must not be publicly accessible and must be attended so that printed materials cannot be seen or taken by unauthorized persons. To reduce this risk, printed materials must be retrieved from the printer promptly.  
Printed or copies of records stored on electronic media must be kept in locked drawers or cabinets when not being used. Records being used must be returned to locked storage areas overnight. Central filing systems must be secured behind locked doors when they are not attended.
- Printed records must be shredded prior to recycling. Copies of records stored on electronic media, such as computer hard drives, CD-ROM, or diskette must be permanently deleted from these media before the media is disposed of. If this is not possible, the media itself should be destroyed and made unusable prior to its disposal.

### *Definition on Terms*

Student – An individual for whom the educational institution maintains records. The term refers to a person who is or in the past has received academic credit from the

University. "Student" does not include an individual who is or has been enrolled in non-credit, Continual Learning programs.

Enrolled Student – For the purpose of this document, this term refers to a student who has satisfied all the institution's requirements for attendance in course offered for academic credit at the institution and is statistically represented in federal, state and/or local reports maintained by the educational institution.

Education Records (Academic Records) – Any records maintained by the University and employees/agents of the University which contain personally identifiable information directly related to a student record, and used herein, includes any information or data recorded in any medium, including but not limited to handwriting, print, magnetic tapes and disks, film, microfilm and microfiche.

Student Records – Any information or data collected, recorded, or maintained in any medium (e.g., handwriting, print, tapes, films, files, microfilm, microfiche, and any other form of electronic data storage).

Directory Information – Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed. Items that can never be identified as directory information are a student's social security number, citizenship, gender, religious preference, grades and GPA.

### ***Personally Identifiable Information***

Data or information which includes:

- The name of the student, the student's parents, or other family members;
- The student's addresses;
- A personal identifier such as a social security number or any generated student number; or
- A list of personal characteristics or other information that would allow the student's identity to be traced.

### ***School Officials (University Officials)***

Those members of an institution who act in the student's educational interest within the limitations of their "need to know." Officials may include faculty, administration, clerical, and professional employees and other persons, including student employees or agents, who manage student education record information.

The University has also defined a school official to be any person currently serving as:

- A member of the Florida Board of Governors (FBOG);

- As a temporary substitute for a staff member or faculty member at FAMU for the period of his/her performance as a substitute member; and
- A member of the FBOG or under contract to the University to perform a special administrative task. Such persons shall be considered to be school officials for the period of their performance as an employee or contractor.