FERPA (Family Educational Rights and Privacy Act of 1974)

One of the most significant changes a parent or guardian experiences in sending a student to college is the difference in privacy standards for educational records. Alcorn State University values the student’s right to privacy. The University adheres to a federal law called the Family Educational Rights and Privacy Act (also called FERPA) that sets privacy standards for student educational records and requires institutions to publish a compliance statement.

The law prohibits the release of personally identifiable information without the student’s permission unless Alcorn State University school officials have a legitimate educational interest to review an education record in order to fulfill his or her professional responsibility. Alcorn State University considers these school officials as those members of the institution who act in the student’s educational interest within the limitations of their “need to know”. These may include faculty, administration, clerical and professional employees and other persons who manage student education record information. Parental briefing of these University policies and procedures are offered yearly during orientation/registration.

Under the “Family Educational Rights and Privacy Act of 1974” University students have the right to inspect and review any and all records, files, and data directly related to them. The University will not release a student’s records to any outside agency without the written consent of the student. Alcorn State University may release “directory information” on students to any interested member of the public unless the student requests in writing that it be withheld.

**Directory Information:**

- Student’s Name
- Address
- Telephone Number
- Date/Place of Birth
- Major
- Dates of Attendance
- Classification
- Degree(s) Earned
- Previous Educational Institutions Attended
- Current Class Schedule
- Class Rank
Non-Directory Information

Institutions may disclose personally identifiable information from a student’s education records to a third party if the eligible student has signed and dated a written consent which is presented to a school official by the third party.

All request should be made in writing. If the student wishes the University to withhold his/her name form the directory and to withhold directory information from release to the general public, he/she completes the Privacy Form in the Office of the Registrar. The release of information is a very controlled procedure. Unless the student has experienced particular problems, it is not recommended that his/her directory information be withheld. Completion of this form eliminates a student from any publication concerning student enrollment.

FERPA FAQs

Are there any federal laws regarding student records?
Yes. The federal Family Educational Rights and Privacy Act ("FERPA") establishes rules and regulations regarding access to and disclosure of a student’s educational record.

What is a student’s educational record under FERPA?
FERPA defines a student educational record to include all records maintained by the institution that directly relate to a current or former student. FERPA’s broad definition includes any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

What documents would not be considered part of a student’s educational record?
There are several types of documents that are not considered student records, such as an administrator’s or faculty member’s own notes that are used only by that individual and are not shared with anyone else except a substitute; records maintained by the institution’s law enforcement unit that were created by that unit for the purpose of law enforcement; records that relate exclusively to the individual’s capacity as an employee; medical, psychiatric, or psychological records that relate to a student’s treatment and are generally not available to anyone other than persons providing such treatment; and records containing only information about a student after he or she is no longer a student at the institution (e.g., alumni records).

When is a student’s consent not necessary to disclose his or her educational record to a third party?
Prior consent is not required to disclose information to other school officials within the institution with a legitimate educational interest; officials of another school where the student seeks or intends to enroll; organizations conducting studies on behalf of the institution (if certain criteria are satisfied); accrediting organizations; the parents of a dependent student (as defined by the Internal Revenue Code); a person who obtains a judicial order or subpoena directing release of the information; appropriate individuals during a health or safety emergency; a person
requesting directory information; an alleged victim of a crime of violence or non-forcible sex offense committed by a student regarding the results of any disciplinary action; and the parents of a student disciplined for certain drug or alcohol offenses if at the time of the disclosure the student is under 21 years of age.

How may a student give his consent to the release of his educational record to a third party?
Students may consent through an online form in their account under "Access for Relative/Guardians". By completing and submitting this form, a student gives permission for educational records and information to be disclosed to a parent, guardian, or other designated individual(s). Designated individuals who wish to obtain information about a student’s current academic progress should contact the office of the academic dean. Staff members in the dean's office will assist them in obtaining the information they request. Other requests for information should be directed to the relevant department, such as the Registrar's Office, the Bursar's Office or the Office of Financial Aid.

May a faculty member discuss a student’s grades and academic progress with a student’s parent?
A parent is not automatically enabled to see his child’s college grades. The rights that a parent had in the elementary and secondary school context are automatically transferred to a student once a student turns eighteen years of age or is attending a postsecondary education institution. An educational institution may exercise its own discretion and provide access to a parent of a college student if his child is a “dependent” under the Internal Revenue Code; however, an institution is not required to disclose information from the student’s educational record to the parents of a dependent student. To avoid determining dependency, it is usually easier for the student to complete a consent form authorizing the release of this information to his parent.

What should a faculty member do if a student asks for a reference to be provided to an employer or to another institution?
The faculty member will need a release from the student if the faculty member is going to give an oral or written reference on behalf of a student that includes information derived from education records protected by FERPA. Material that is often addressed in letters of recommendations (e.g., GPA, courses, class performance) are considered part of a student’s educational records. In such cases, written consent from the student should be obtained before providing a reference. If the faculty member provides a generic written reference directly to the student for the student to disseminate, no release is required.

What is the process for disclosing a student’s own education records to the student?
You should review the student’s files to identify information that the student is not entitled to receive and remove that information prior to releasing the records to the student.

What is the process for disclosing education records to others?
Initially, you should determine if the requesting party may access the records either because the requester has given his written consent or because consent is not necessary due to one of the limited circumstances described above. Upon a determination that release is appropriate, you should review the file for information which the requester is not entitled to receive and remove
that information from the file. You should disclose the education records on the condition that
the requester may not re-disclose the information to someone else without the written consent of
the student. Finally, you should comply with all recordkeeping requirements for requests and
disclosures.

What is the process for disclosing education records pursuant to a subpoena or court
order?
You should review the subpoena or order to ensure it is legitimate and enforceable. Upon
obtaining the materials that are responsive to the subpoena, review the materials and remove
information that the requester is not entitled to receive. Prior to release, you must notify the
student of the subpoena unless the subpoena directs otherwise and give the student sufficient
time to go to court and contest the subpoena. Your response should be coordinated with the
University Attorney’s office, and should comply with all recordkeeping requirements concerning
requests and disclosures.

What recordkeeping requirements exist for requests and disclosures under FERPA?
FERPA requires that an educational institution maintain a record of each request for access to
and each disclosure of personally identifiable information from the educational record of each
student. The record, which should be maintained with the education records of the student,
should include the parties who requested or received personally identifiable information from the
education records and the legitimate interests the parties had in requesting or obtaining the
information. These recordkeeping requirements do not apply when the request was from or the
disclosure was to the following individuals: the student, a school official with a legitimate
educational interest, a third party with written consent from the student, or a party seeking
directory information.

Does FERPA protect the education records of former students?
Yes. FERPA protects the education records of former students.

Does FERPA protect the education records of deceased students?
No. You may, however, require that the person requesting the deceased student’s records provide
documentary proof that the student is, in fact, deceased.

What is the time frame for responding to a request for education records under FERPA?
FERPA does not provide a specific time period for responding to a request; however, you should
promptly respond to the request. However, if the information is sought through a subpoena, the
University must provide the subject of the record sought sufficient time to contest the subpoena
prior to releasing any information.

May the University of Mississippi charge a fee for providing copies of education records?
The University of Mississippi may charge a fee for copies but not for employee time to search
for or to retrieve the education records.

May students give valid consent using an electronic signature?
The Department of Education has now recognized that educational institutions have moved into
the digital age by amending its regulation implementing FERPA. Effective on May 21, 2004,
institutions may accept an electronic signature as consent to disclose educational records. No specific form of electronic signature is required. The new law states that a signed and dated consent under FERPA now may include a record and signature in electronic form that (1) identifies and authenticates a particular person as the source of the consent; and (2) indicates the person's approval of the information contained in the electronic consent.

**What is directory information that may be released without consent?**
Directory information may include the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Each institution making public this information is required to give annual notice to its current students of the categories of information which it has designated as directory information.

**What is directory information for a student who has left the college?**
FERPA allows an institution to disclose directory information (as it is defined when the request for the information is made) about former students without going through the notification process for those former students.

**May a student request that directory information not be disclosed?**
Yes. A student may request that a school withhold his information by completing the appropriate form. The form is available in the registrar's office.

**May the University of Mississippi release records relating to work study students?**
Records relating to work study students are considered educational records protected by FERPA.

**Other than access, do students have other rights regarding their education records?**
Students have a right to challenge the content of their records and seek amendment of these records if they feel the records are inaccurate, misleading, or otherwise in violation of the student's privacy rights. If they are dissatisfied with the results of their challenge, a student may request a hearing. After a hearing, if the educational institution decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information in the record and stating why he disagrees with the decision. Students may not use this process to challenge a grade (except for clerical errors). Students also have the right to file a complaint with the U.S. Department of Education if they believe their rights under FERPA have been violated.