

FERPA FAQs

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, commonly known as FERPA, is a federal law governing the privacy of educational records. It applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education.

FERPA requires that schools obtain written permission from students before releasing educational records. In certain well-defined circumstances, some information may be released without written permission from the student.

FERPA gives students the right to:

- Control the disclosure of their education records to others;
- Inspect and review their educational records; and
- Seek amendment of their educational records.

What are educational records?

Education records are defined as records, files, documents, and other materials that contain information directly related to a student and are maintained by the University of North Alabama or by a person acting for the University. Education records take many forms, including paper and electronic. Education records include:

- Grades
- Class lists
- Student course schedules
- Disciplinary records
- Student financial records
- Payroll records for employees who are employed as a direct result of their status as students (e.g. work study, assistantships, resident assistants)

Are there any records that are not considered education records?

The following records are excluded from the definition of education records:

- "Sole possession" records made by faculty and staff for their own use as reference or memory aids and not shared with others
- Personal observations
- University law enforcement records
- Medical and mental health records used only for the treatment of the student
- Alumni records
- Peer graded papers and exams prior to the grade being recorded in the instructor's grade book

What is considered directory information?

Directory Information is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory Information may be released without prior consent. UNA defines directory information as the following:

- Name
- Permanent and Local Addresses
- Telephone Listing
- Email Addresses
- Degree Program(s)/Major(s)

- Dates of Attendance
- Enrollment Status
- Degree(s)/Honor(s)/Award(s) Received and Date(s)
- High School(s) and Other Colleges and Universities Attended
- Date and Place of Birth
- Participation in Officially Recognized Organizations, Activities and Sports
- Weight/Height of Members of Athletic Teams
- Photographs and Digital Imaging

Is the University required to release a student's directory information?

No. The only required disclosure of education records is to the student. All other disclosures, including those with the student consent and disclosures of directory information are at the discretion of UNA.

Can a student prevent the release of their directory information?

Yes. FERPA requires each institution to allow students to block disclosure of their directory information. At UNA, students who wish to restrict the release of directory information about themselves must complete a "Non-Disclosure of Directory Information" form, available on the Registrar's website. The completed form can be submitted in person or via your UNA email account to the Registrar's office at **registrar@una.edu**

Students who wish to restrict directory information should realize that their names will not appear in the commencement program and other university publications. Also, employers, loan agencies, scholarship committees and the like will be denied any of the student's directory at the University of North Alabama.

Requests for confidentiality are permanent until removed in writing by the student.

Are there any conditions under which student education records may be disclosed without the student's consent?

Yes, **FERPA** does contain some exceptions to the written consent rule. Those exceptions allow disclosure without consent:

- To University officials (including third parties under contract) with legitimate educational interests
- To comply with a judicial order or lawfully issued subpoena
- To appropriate parties in a health or safety emergency in order to protect the student or others
- To parents in cases of drug or alcohol violation when the student is under the age of 21
- To the provider or creator of a record to verify the validity of that record (e.g. in cases of suspected fraud)
- To organizations conducting research studies on behalf of the University, provided there is a written agreement between the University and the research organization
- To officials at an institution in which the student seeks or intends to enroll or is currently enrolled

Who are "University officials"?

"University officials" are University employees with general or specific responsibility for promoting the educational objectives of the University or third parties under contract with the University to provide professional, business and similar administrative services related to the University's educational mission.

Individuals whose responsibilities place them within this category include instructors; faculty advisers; admissions counselors; academic advisers; counselors; employment placement personnel; deans, department chairpersons, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; University Police personnel; health staff; development officers; staff in Alumni Relations; administrative and faculty sponsors of officially recognized clubs, organizations, etc.; members, including students and alumni, of official college (or University) committees; staff personnel employed to assist University officials in discharging professional responsibilities; and persons or entities under contract to the University to provide a specific task or service related to the University's educational mission.

What constitutes "legitimate educational interest"?

FERPA permits university employees to have access to student education records in which they have "legitimate educational interest." Such access does not require prior written consent of the student.

But what constitutes "legitimate educational interest"?

"Legitimate educational interests" include performing a task or engaging in an activity related to (i) one's regular duties or professional responsibilities, (ii) a student's education, (iii) the discipline of a student, (iv) a service to or benefit for a student, (v) measures to support student success, and (vi) the safety and security of the campus.

It is important to understand several points related to "legitimate educational interest:"

- Curiosity is not a legitimate educational interest. Just because you have access to Banner and are able to view the record of your neighbor's son, does not mean that you have a legitimate educational interest in his grades and cumulative GPA.
- Simply the fact that you are a university employee does not constitute legitimate educational interest. Your need to know must be related to your job responsibilities in support of the university's educational mission. In other words, records should be used only in the context of official business in conjunction with the educational success of the student.
- Your legitimate educational interest is limited. While you may have a need to access education records for students in your college, you do not necessarily have a similar need to view records of students outside your college. In other words, access to information does not authorize unrestricted use.

When do student's FERPA rights begin?

According to the law, a person becomes a student for purposes of FERPA when they are "in attendance" at an institution. This includes attendance in person or remotely by videoconference, satellite, Internet, or other electronic and telecommunications technologies. At UNA, we define a student as any individual who is currently enrolled, or was enrolled the previous term. Enrollment occurs when a student registers for classes. Any individual who meets this definition is afforded all the rights to privacy as defined by FERPA. Individuals attending UNA through a cooperative program with another University and/or who are in continuing education or similar programs are excluded.

Do University employees have to obtain the student's permission before reviewing a student's education record?

"University officials" are permitted access to student education records without student consent as long as those officials have a "legitimate educational interest" in that student's record. The student's permission is not required.

What does the law mean when it says that students have the right to control disclosure of their education records?

It means that a student's education records may be disclosed **only with** the student's prior written consent. The prior written consent must:

- Specify the records to be released
- State the purpose of the disclosure
- Identify the party(ies) to whom disclosure may be made
- Be signed and dated by the student

Does "written consent" have to be collected on paper?

No. In recent years, the U.S. Department of Education has clarified that an electronic signature may substitute for a written one. In order to qualify as an electronic signature, appropriate authentication must occur. Since students must log in to UNA's email system using their UNA credentials, an email note from a student's @una.edu email address satisfies FERPA's written consent requirement. However because security measures for other email systems are not as strict, an email received from a Gmail, Yahoo mail, or AOL mail account for example would NOT qualify as written consent.

Where can I find a consent form/FERPA release?

Students complete a FERPA release by logging into their [UNA portal](#). Select **ACADEMICS**, look on the left side of the screen all the way to the bottom and you will find **FERPA, Records Release**. Click on Records Release and follow the prompt to add your parents, parent or guardian. Once submitted, your request will be sent to the Office of the Registrar for processing.

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What does a FERPA release include?

Non-directory information will only be released to the parent or guardian listed on the release form submitted by the student via their UNA portal. Only the person/persons authorized by the student may access the information being released. If only one parent is authorized on the form, the other parent is not automatically granted access as both should be listed by the student.

How do I remove my Non-Disclosure of Directory Information hold?

Students should submit a statement to the Registrar's email, registrar@una.edu, requesting that the hold be removed. Once received we will remove the hold and release your information appropriately as requested with your signed release.

How long does an educational agency or institution have to comply with a request to view records?

FERPA requires that educational agencies and institutions comply with a request by a parent or eligible student for access to education records within a reasonable period of time, but not more than **45 days after receipt of a request**.

FERPA FOR PARENTS:

Do Parents have any rights under FERPA?

In primary and secondary educational institutions (i.e. K-12), all FERPA rights belong to the parent. However, when the student reaches the age of 18 or begins to attend a post-secondary institution regardless of age, all FERPA rights transfer to the student. For UNA students, the FERPA rights belong to the students, not the parents. Educational records should never be shared with any third party (including parents) if a FERPA release is not in place.

Can I contact University officials to find out how my newly enrolled child is doing?

Under FERPA, students assume the responsibility for keeping parents informed regarding progress while attending the University of North Alabama. Student ownership of progress and the ability to share this kind of information with parents promotes the student's growth and independence. University officials are not able to discuss aspects of a student's educational progress unless the student submits a **FERPA record release** form via their UNA portal.

Whom do I contact if I have questions?

Parents can contact the Office of the Registrar if you have any questions. You can contact us via email, registrar@una.edu or phone, 265-765-4319. Please be advised that if the student has not submitted a FERPA release listing you as a person to discuss their "educational record", we will not be able to discuss anything concerning those records with you.