



Family Educational Rights and Privacy Act Policy

I. Introduction

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. Under FERPA, the University may identify certain student information that may be released to a third party without a student's consent unless the student restricts disclosure of such information.

In the event that any information contained within this policy conflicts with any Board of Regents (BOR) policy, the BOR policy controls.

II. Purpose

Generally, Albany State University (ASU) must have written permission from a student in order to release any information from the student's education record. However, FERPA establishes an exception which allows university officials, in the absence of written consent, to release certain information identified as directory information to a third party requestor.

III. Definitions

Student – Any person who is or has been in attendance at Albany State University and regarding whom the institution maintains an educational record. Individuals who participate in distance learning courses are considered students. For purposes of this policy, Albany State University considers that a student attends or has attended when the admitted student has enrolled in or registered for class.

Education records:

- 1) The term means those records that are:
 - a) Directly related to a student; and
 - b) Maintained by an educational agency or institution or by a party acting for the agency or institution.
- 2) The term does not include:
 - a) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
 - b) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of 34 CFR §99.8;
 - c) Records relating to an individual who is employed by an educational agency or institution, that:
 - i) Are made and maintained in the normal course of business;

- ii) Relate exclusively to the individual in that individual's capacity as an employee; and
- iii) Are not available for use for any other purpose.
- d) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (2)(c) of this definition;
- e) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - ii) Made, maintained, or used only in connection with treatment of the student; and
 - iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution;
- f) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and
- g) Grades on peer-graded papers before they are collected and recorded by a teacher.

IV. Policy

This policy applies to education records of students who are or have been in attendance at Albany State University. This policy does not apply to former students who are now deceased. Further, this policy does not apply to information that was updated or changed post-graduation.

Any student, regardless of age, who is or has been in attendance at ASU has the right to inspect and review his or her "Education Record" within a reasonable period of time after requesting to do so (not to exceed 45 days). However, the student shall not have access to:

- 1) Financial records of parents.
- 2) Confidential letters or recommendation concerning admissions placed in the record prior to January 1, 1975.
- 3) Letters of recommendation concerning admission, application for employment or honors for which the student has signed a waiver.
- 4) Transcripts received from other institutions. Students may inspect transcripts from other institutions but may not obtain copies of these records. Students may request personal copies of these records from the institutions that issued them.

Any student desiring to inspect his "Education Record" should consult the registrar, dean, head of the academic department, or other appropriate official designated as responsible for that part of his record to be inspected. Under this Act, a student has the following rights:

- 1) The right to inspect and review education records maintained by this institution that pertain to the student;
- 2) The right to challenge the content of records on the grounds that they are inaccurate, misleading or a violation of privacy or other rights; and
- 3) The right to control disclosures from the education records with certain exceptions. <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

ASU may disclose to a third party, without consent, information defined by the university as directory information. Directory information is that which is included in a student's educational record that would not generally be considered harmful or an invasion of privacy if disclosed. At ASU, directory information includes the following:

- 1) Student's name
- 2) Permanent mailing address
- 3) University e-mail address
- 4) Major/Minor
- 5) Enrollment status (full-time, part-time)
- 6) Attendance dates
- 7) Degrees or awards received
- 8) Participation in recognized sports or activities
- 9) Previous institutions attended
- 10) Photographs and other recorded images
- 11) Student identification numbers if;
 - a) A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and
 - b) A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

ASU will disclose information from a student's education records only with the written consent of the student. However, education records may be disclosed without consent in certain instances including, but not limited to:

- 1) To school officials who have a legitimate educational interest in the records.
 - a) A school official is:
 - i) A person employed by the University (which, for purposes of this guidance includes persons employed by ASU) in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
 - ii) A person or entity employed by or under contract to the University to perform a special task, such as a University affiliated organization, attorney, auditor, or outside vendor.
 - iii) A person who is employed by the ASU law enforcement unit.
 - iv) A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released.

- 2) Officials of other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- 3) Representatives of Federal Agencies authorized by law to have access to education records, and state education authorities.
- 4) Appropriate persons in connection with a student's application for receipt of financial aid.
- 5) State and local officials to whom information must be released pursuant to a state statute adopted prior to November 19, 1974.
- 6) Organizations conducting studies for the institution.
- 7) Accrediting organizations.
- 8) Parents of a dependent student, as determined by the Internal Revenue Code of 1954, as amended.
- 9) Necessary persons in emergency situations to protect health and safety.
- 10) Persons designated in subpoenas or court orders. (Records will be released in compliance with a judicial order or lawfully issued subpoena. However, every reasonable effort will be made to notify the student in advance of the compliance).

A Student may restrict disclosure of his/her own directory information by providing to the Office of the Registrar written notice of his/her intent to deny third parties (external entities) access to such information.

University officials' use of directory information will not be restricted so long as it is used for legitimate educational interest.

The Office of the Registrar will notify students annually of their rights under FERPA.

Accountability

Albany State University Office of the Registrar
Albany State University Office of Legal Affairs

Contacts

Albany State University Registrar

References

34 CFR §99
34 CFR §99.37

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