

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

I. POLICY STATEMENT CONCERNING THE CONFIDENTIALITY OF STUDENT RECORDS

Students attending, or who have attended, Virginia State University are afforded certain rights concerning their education records under the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended (20 U.S.C. 1232g), and regulations of the United States Department of Education (34 C.F.R. Part 99).

It is the policy of Virginia State University not to release education records or personally identifiable information contained therein, other than directory information, without the student's written consent. Such prohibition against release generally does not extend to record requests from other school officials at the University with a legitimate educational or administrative interest, other schools to which a student is transferring, State and Federal education authorities, accrediting organizations, appropriate officials in cases involving health and safety, organizations conducting studies on behalf of the University, and education record requests pursuant to judicial orders or lawfully issued subpoenas, or as otherwise stated in § 99.36 of FERPA. Questions concerning this Policy may be referred to the Office of the University Registrar.

Directory information under this policy includes:

- student's name
- address(es)
- telephone number(s)
- electronic e-mail address(es)
- photographs
- date and place of birth
- major field of study
- whether a student is currently enrolled
- enrollment status (full-time, half-time, etc.)
- class
- academic level
- anticipated date of graduation
- certification that the student has applied for a degree
- dates of attendance
- degree(s) earned, including date and level of distinction
- honors and awards received
- participation in officially recognized activities and sports
- weight and height of members of athletic teams

The University may disclose personally identifiable information designated as directory information from a student's records without a student's prior written consent unless the

student informs University officials, including the University Registrar, that specified categories of directory information are not to be released. Requests to withhold directory information from campus directories and other University publications must be submitted to the Registrar's Office no later than 5 p.m. on Friday of the second week of classes for the fall semester.

II. NOTIFICATION OF RIGHTS UNDER FERPA FOR POSTSECONDARY INSTITUTIONS

FERPA affords students certain rights with respect to their education records. These rights include:

The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students must submit to the Office of the University Registrar written or electronic requests with their electronic signatures that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the University official to whom the request was submitted does not maintain the records, that official shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write or send an electronic message with their electronic signatures to the University official responsible for the record, clearly identify the part of the record they want changed, and specify what is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisor, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Visitors; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her 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 responsibility.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by Virginia State 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 20202-4605

III. PARENTAL ACCESS TO STUDENT EDUCATION RECORDS

Under FERPA, the word “student” refers to an individual who has reached the age of eighteen or is attending an institution of post-secondary education. The word “parent” means either parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. At the post-secondary or collegiate level, FERPA provides that parents have no inherent rights to inspect a student’s education records. Normally the right to inspect education records at the University is limited solely to the student. FERPA does, however, authorize the University to release education records and personally identifiable information to parents, as defined above, where one of the following conditions have been met: (1) the student has given written consent to the release of records to the parents; or (2) the parents produce sufficient documentary evidence that they (or either of them) declared the student as a dependent on their most recent federal income tax return as authorized by the federal income tax laws. *See* Section 152, Title 26 of the United States Code, for definition of “dependent” for income tax purposes.