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Owner Emily Dabney:
Registrar
Area Student Affairs
Applicability Shared
Documents

Notification of Rights Under FERPA for Postsecondary Institutions

POLICY STATEMENT

Delta State University establishes policy in compliance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), which affords students certain rights with respect to their education records.

DEFINITIONS

Directory Information: Student's name, affirmation of whether currently enrolled, school, college, department and major, dates of enrollment, full or part-time status, classification, degrees received, dates of graduation, honors received, permanent address and phone number, institutional email address, participation in officially recognized activities and sports

Education Records: "Education records" of a student that are covered by this privacy rights law are defined by FERPA to include any records, files, documents, or other materials that contain personally identifiable information directly related to the student and that are maintained by Delta State University or by officials acting for the University.

The definition of "personally identifiable information" is any information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Personally identifiable information includes the student's name, family member's names, address of student or family, social security number, and indirect identifiers such as date of birth, Mother's maiden name, biometric records, etc.

The term "biometric record" is defined, as a record of one or more measurable biological or behavioral

characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting. By definition, the University is prohibited from disclosing information, even in redacted form, that is requested by a party if the school reasonably believes the party knows the identity of the student to whom the record relates.

Education records do not include: (1) personal notes not accessible or revealed to others; (2) records maintained by law enforcement personnel solely for law enforcement purposes; (3) employment records (except those of student employees); (4) medical, psychological, and psychiatric records (these are accessible by the student's physician); or, (5) records created or received after an individual is no longer a student in attendance that are not directly related to the individual's attendance as a student.

FERPA: Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, is a federal law that protects the privacy and confidentiality of personally identifiable information contained within student education records.

Record Custodian: The DSU employee (e.g. faculty, chair, dean, provost, registrar) who created and houses the specific education record.

PROCEDURES and RESPONSIBILITIES

The Family Education Rights and Privacy Act (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.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes 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 records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

FERPA does not guarantee a student the right to a copy of his/her education record. Copies are authorized at the discretion of the record custodian. Students will be charged \$1.00 per page if authorized.

- The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's 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 provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; 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. Individuals whose responsibilities place them within this category include, but are not limited to, teachers; faculty advisers; admissions counselors; academic advisers; counselors; career services personnel; deans, department chairs, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; university police personnel; health services staff; development officers; staff in the Alumni Association; administrative and faculty sponsors of officially recognized clubs, organizations, etc.; members, including students and alumni, of official university committees, staff personnel (including student employees) 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.

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 responsibilities for the University. Legitimate educational interests include, but are not limited to, teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, safety, raising endowment in support of student scholarships and academic programs, and academic assistance activities. In addition, the University officially recognizes appropriate co-curricular activities that are generally supportive of overall goals of the institution and contribute generally to the well-being of the entire student body and specifically to many individuals who participate in these activities. These activities include, but are not limited to, varsity and intramural sports, social fraternities and sororities, official specific interest clubs, and student government.

Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the 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 20202-5901

- A student may request that directory information not be released to anyone other than those persons defined as school officials. Students should contact the Registrar's Office to request a Confidential Holds form or visit the Registrar's Office web page.
- A student can consent to the release of his/her education records. The consent needs to be in writing, signed and dated, specify the education records to be disclosed, state the purpose of the disclosure and identify the party or class of parties to whom the disclosure may be made. Students should contact the Registrar's Office to request an Academic Information Release form or visit the Registrar's Office web page.
- FERPA allows schools to disclose education records, without consent, to the following parties or under the following conditions (34 CFR § 99.31) to a school official with a legitimate educational interest, transfer institutions on student's behalf, audits, financial aid, accrediting organizations, subpoena, and health/safety emergencies.

Responsible Office:

Registrar's Office

RELATED DOCUMENTS

- Federal Regulations Title 34, Part 99

COPY

Approval Signatures

Step Description

Approver

Date