

# Family Educational Rights and Privacy Act (FERPA or Buckley Amendment)

Version 2

 Print

<b>Policy</b>	POL02.40.01
<b>Title</b>	Family Educational Rights and Privacy Act (FERPA or Buckley Amendment)
<b>Category</b>	Academic Affairs
<b>Sub-category</b>	Registration and Records
<b>Authority</b>	Board of Trustees
<b>History</b>	1974 Act passed into law; 2009 Act revised; Placed in University Policy Manual after EXPEDITED REVIEW, transitioned without substantive change from prior version, January 29, 2013; Revised February 16, 2018.
<b>Contact</b>	Office of the Registrar, 252-328-6747, <a href="mailto:regis@ecu.edu">regis@ecu.edu</a> ( <a href="mailto:regis@ecu.edu">mailto:regis@ecu.edu</a> )
<b>Related Policies</b>	UNC Policy Manual, 700.2 (R) ( <a href="https://www.northcarolina.edu/apps/policy/doc.php?id=792">https://www.northcarolina.edu/apps/policy/doc.php?id=792</a> )  REG08.10.02 ( <a href="https://policy.ecu.edu/08/10/02">https://policy.ecu.edu/08/10/02</a> ), Social Media Use  The Family Policy Compliance Office Department of Education, 20 United States Code 1232g; 34 Code of Federal Regulations Part 99 ( <a href="https://www2.ed.gov/policy/gen/reg/ferpa/index.html">https://www2.ed.gov/policy/gen/reg/ferpa/index.html</a> )
<b>Additional References</b>	Federal Law and Regulation, 20 United States Code 1232g; 34 Code of Federal Regulations Part 99 et seq. ( <a href="https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html">https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html</a> )  Faculty Manual , Part V. Section I.A. Access to Student Education Records ( <a href="https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/manual.pdf">https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/manual.pdf</a> )  ECU's University Catalogs ( <a href="https://registrar.ecu.edu/about-catalog/">https://registrar.ecu.edu/about-catalog/</a> )

## 1. Introduction.

The University administers student educational records in accordance with the provisions of the Family Educational Rights and Privacy Act, also known as the Buckley Amendment or FERPA. This policy provides that an eligible student has a right of access to student educational records maintained by the University or any department or unit within the University, subject to certain exceptions which are outlined in this policy. This policy also protects the confidentiality of personally identifiable information in student records. Except to the extent

allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this policy is maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this policy and comply with its provisions.

1.1. In compliance with the Family Educational Rights and Privacy Act of 1974, it is the policy of the University that eligible students have the following rights in regard to official educational records maintained by the University or any department or unit within the University. Subject to certain exceptions, the main rights of students are:

1.1.1. The right to inspect and review education records

1.1.2. The right to request to amend their education records if they believe it contains information that is inaccurate, misleading, or in violation of the student's rights of privacy, and

1.1.3. The right to limit the disclosure of their education records.

1.2. School officials are required by University policy to complete annual FERPA training, and to complete an acknowledgement that they treat all information to which they have access, other than directory information, as protected and confidential.

## 2. Definition of Terms

2.1. Eligible student (also herein referred to as "student" or "students") is any person who has reached 18 years of age or has been in attendance at the University at any age (as an undergraduate, graduate, professional, early college or visiting student) and regarding whom the University maintains education records. This policy does not apply to students under 18 years of age attending a laboratory school operated by the University. The Chancellor shall issue a regulation or similar University policy statement regarding the FERPA rights and obligations of laboratory school students.

2.2. Education records is any record (in handwriting, print, tapes, film, computer, or other medium) provided by a student to the University for use in the educational process and/or any record from which a student can be personally identified except: sole possession notes, law enforcement or campus security records solely used for law enforcement purposes, records relating to employees of the institution (unless employment is contingent upon school attendance), records made by a physician, psychiatrist, psychologist, or other recognized professional in his or her professional capacity, in connection with treatment that are disclosed in connection with that treatment, and records obtained after a person is no longer a student (e.g. alumni records).

2.3. Directory information at East Carolina University consists of a student's name, address (including e-mail address), telephone listing, date of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, weight and height of athletic team members, degrees and awards received and most recent previous educational agency or institution attended by the student. Photographs, videos, or other media containing a student's image or likeness (collectively, "student images") are designated by the University as "limited use directory information."

2.4. School official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position, including student workers, and volunteers as determined by the Office of the University Registrar.

2.5. Legitimate educational interest is a demonstrated "need to know" by those officials of an institution who act in the student's educational interest. They include: faculty, administration, clerical and professional employees, student workers, and other persons who need student record information for the effective functioning of their office or position. The following criteria shall be taken into account in determining the legitimacy of a University official's access to student's records:

2.5.1. The official must seek the information within the context of the responsibilities that he or she has been assigned; and

2.5.2. The information sought must be used within the context of official University business and not for purposes extraneous to the official's area of responsibility to the University.

### 3. Annual Notification.

3.1. East Carolina University shall send a written notice of FERPA rights to every enrolled student at the beginning of each fall semester. The Office of the University Registrar is responsible for preparing and delivering the Annual Notification.

3.1.1. This Annual Notification includes: the student's rights mentioned above in Section 1.1, the right and steps for a hearing if request to amend record is denied, as enumerated in Section 6, below, and the right to file a complaint with the Family Policy Compliance Office. It will also include the definition of a "school official" and an "educational interest" and conditions under which a record will be released.

3.1.2. The Annual Notification is sent to students via ECU e-mail (the official means of communication) after census day for any given fall semester.

### 4. Student Right to Inspect and Review Their Records.

4.1. Rights to inspect. Students have the right to inspect and review their official educational records, files, and data, maintained by the University and directly related to the student and not related to other students.

4.1.1. Documents that are not considered education records, and therefore are not subject to inspection include: sole possession notes, law enforcement or campus security records, employment records (unless employment is contingent upon student status), certain records relating to treatment by physician, psychiatrist, psychologist, etc.

4.2. Requesting inspection. Students should direct their request to inspect the records to the Office of the University Registrar. The custodian shall provide access to the records during regular business hours.

4.2.1. The university will comply with the request from a student to review his or her records within a reasonable time, but in any event not more than forty-five days after the request is made

4.2.2. Accommodations may be made for students to review their education records if circumstances make on-site inspection impractical due to geographic distance. In these instances, records may be sent to an institution near the student for an opportunity for the student to review the record.

4.2.3. If exceptional circumstances exist, or circumstances exist which effectively prevent a student from exercising their right to inspect and review the records as provided in Section 4.2.1 or 4.2.2, the University may provide copies of the records. The office providing the copies may charge a reasonable fee for each copy, but will not charge a fee to search for or retrieve the records in question.

### 5. Disclosure of Records.

#### 5.1. Directory Information.

5.1.1. ECU may disclose directory information without student consent.

5.1.2. Use and disclosure of limited use directory information will be restricted to publication in official University publications or on social media sites or websites hosted or maintained by, on behalf of, or for the benefit of the University.

5.1.3. Students may block disclosure of their directory information. To block disclosure of directory information, a student must file a Non-Disclosure Form with the Office of the University Registrar by the official census date listed on the academic calendar for the current term of enrollment. These blocks must be renewed each term.

#### 5.2. Written Consent Required.

5.2.1. ECU may not disclose the education records of a student to other persons unless that student has given consent in writing, unless otherwise permitted by the federal regulations.

5.2.2. The consent must specify the records or information to be released, the reasons for the release, and the identity of the recipient of the records.

5.3. Written Consent Not Required. ECU may disclose information from the student's record without the written consent of the student in the following situations:

5.3.1. In compliance with a court order or subpoena;

5.3.2. Requests from school officials who have a legitimate educational interest in the information;

5.3.3. Requests from other departments or educational agencies who have legitimate educational interest in the information, including persons or companies with whom the University has contracted (such as an attorney, auditor, collection agent, and the National Student Clearinghouse);

5.3.4. Requests from officials of other colleges or universities at which the student intends to enroll or has enrolled provided the student is furnished a copy, if he or she so requests, so that he or she may have an opportunity to challenge the contents of the record;

5.3.5. Requests in connection with a student's financial aid;

5.3.6. Requests from parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;

5.3.7. Requests from appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons; or

5.3.8. When additional circumstances exist that permit the release without student consent, consistent with applicable regulations.

5.4. Procedures for Protecting the Privacy of Student Information in Electronic and Social Media Enrolled in Distance or Correspondence Courses or Programs.

#### Courses or Programs

5.4.1. East Carolina University recognizes the importance of maintaining the privacy and security of student identity and student records in an environment of computer networked, digital records storage. ECU is diligent in protecting the security, confidentiality, integrity and availability of all student records including student identity. The University employs strict, standard security measures, policies, standards and guidelines in our ongoing effort to protect information resources, including student records. Student personal information is protected through a variety of measures, including the administration of policy and security practices that govern the PirateID and passphrase associated with accessing ECU's PiratePort Portal, and other services that support the educational process at ECU. Students are required to have a strong passphrase that is resistant to "hacking." Students must reset their passphrase every 90 days and not reuse the account's previous six passphrases. When students use their PirateID and passphrase to access information through PiratePort and the University's learning management systems, their login credentials are encrypted for additional security. All mission-critical University systems, including student records, are maintained on network servers in the University's enterprise data center. The enterprise data center employs state of the art layered security controls and physical access controls. Users of information systems are prohibited from accessing data or programs for which they are not authorized.

5.4.2. In addition, it is the policy of the University that faculty, staff and instructors only use electronic products that are compliant with privacy safeguards, and approved in accordance with the University's social media policy, Reg 08.10.02. section 3.

5.5. FERPA's protection of personally identifiable information in a student's education records ends at the time

of a student's death. As a courtesy to the families of recently deceased students who were enrolled at the time of death, the University generally will not release information from their education records for one year without the consent of the deceased student's next-of-kin.

## 6. Procedure to Correct Records.

6.1 Informal Resolution. If a student believes his/her education record is inaccurate or misleading, the first step is to discuss the concern with the University Registrar or designee. Contact that office at 252-328-6747. If the University Registrar or designee does not agree with the student, the University Registrar or designee will inform the student of the right to a formal hearing.

6.1.1 Note: This does not apply to grade disputes (although it may be used to correct a clerical error in grades).

6.2. Formal Hearing Request. Students may request a hearing to challenge the content of his or her education record on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

6.2.1 Students must request a formal hearing within 30 University business days from the date the student is informed by the University Registrar or designee of the decision not to revise the education records. The request must be in writing, and must be delivered to the Associate Provost for Enrollment Services, to whom the University Registrar ultimately reports.

6.3. Hearing Procedures. The Associate Provost for Enrollment Services, upon receipt of the written request, shall either hear the case personally or designate a hearing committee.

6.3.1 Committee Composition. The committee will include one representative from the University Registrar's Office or designee other than the one who has denied the request, two faculty members and two students.

6.3.2 Scheduling of Hearing. Within a reasonable period of time after the request for hearing, the student shall be informed of the date, place and time of the hearing.

6.3.3 Conduct of Hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of his/her choice.

6.3.4 Decision. The person or committee hearing the case shall decide it solely on the basis of the evidence presented at the hearing. The decision shall be in writing, delivered to all parties, and will summarize the evidence and state the reason(s) for the decision. If the decision is in favor of the student, the education records will be amended accordingly. If the decision is unsatisfactory to the student, he or she may place with the education record a statement commenting on the information in the records or setting forth any reasons for disagreement with the decision. Such statements will be maintained as part of the student's education record and released with the record anytime it is disclosed to third parties. The challenge to be considered in such a hearing may extend only to the material in the respective University file; it may extend to the correct recording of a grade but not to the appropriateness of the grade.

## 7. Procedure for Filing an Official Complaint with the Family Policy Compliance Office.

7.1. A student has the right to file a complaint at any time with the U.S. Department of Education. However, it is expected that the student normally would exhaust the available administrative remedies for relief according to the University grievance policy procedures before filing such a complaint.

7.2. Official complaints may be directed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5920.

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## East Carolina University

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