



Policy Title: FERPA Policy

Policy Number: REG.101

Policy Owner: VP for Academic Affairs

Responsible Office: Registrar's Office

Revision Date: 6/9/2016

1. Purpose and Scope

The purpose of the policy is to ensure the security of student files and data pertaining to students; to allow release of information to authorized parties; to allow release of such information under federally authorized exempt circumstances; and to provide students a sense of security and trust as it pertains to the sensitive information they provide the school.

2. Policy

In accordance with Family Educational Rights and Privacy Act (FERPA), NAU does not release personal information about students to third parties except under certain conditions or unless the student authorized the release of information. Students possess the right to view their records; the school is not permitted to withhold the information it has collected about them should they request it.

3. Procedures

Forms

All students should complete a Student Authorization to Release Information Form, also known as a FERPA Form at the time of enrollment. The form should indicate all persons who are granted permission to view the student's file and what information those persons may view. Forms may be rescinded at any time and new forms may be filled out at the Registrar's Office. No such forms will be accepted by the Registrar without the student's signature of authorization.

Releasing Information

NAU does not release information in a student's file to unauthorized parties except in the event of an emergency. If a person requests that the Registrar's Office provide information about a specific student, that person must be able to verify his or her identity. Once the person has verified his or her identity and the student's FERPA form authorized that person to access that information, they may have access. However, no other information shall be released.

1. *Confirming Identity over the Phone* – If someone is requesting information over the phone, he or she should provide the Social Security number (if applicable) and birthdate of the student. The student's NAU ID number will also suffice. The FERPA form in student's file should be reviewed to confirm the release of the information is granted to the individual. If the individual is authorized, then the requested information may be released.
2. *Confirming Identity in Person* – If someone requests information regarding a student in person at the Registrar's Office, he or she must present his/her picture ID. The FERPA form in student's file

should be reviewed to confirm the release of the information is granted to the individual. If the individual is authorized, then the requested information may be released.

Exceptions for Release

FERPA allows for information to be released to certain individuals, even if they are not listed on a student's FERPA form. They are listed below.

1. *Common Exceptions*
 - a. School officials may access a student's file and records as long as they have a "legitimate educational interest."
 - b. Basic student information such as name, e-mail address, etc. may be released in a directory. However, the student must be given ample opportunity to withhold their information from a public directory. NAU uses the census date for directory purposes, which is twenty (20) class days after classes have started.
 - c. School records may be released to another institution if the student is attempting to enroll at that institution. However, unless the student has initiated the release of information, attempts must be made to contact the student prior to releasing information.
 - d. Pertinent student information may be released to Financial Aid if the information will affect the student's eligibility.
2. *Other Exceptions*
 - a. *Dependent Student Exemption* - If a student is claimed on a parent's most recent federal tax return, they are viewed as a "dependent student." In this case, the school may non-consensually disclose the eligible student's education records to both parents. Regarding international students and the Dependent Student Exemption rule, quote from discussion with LeRoy Rooker (The Director of the United States Department of Education's Family Policy Compliance Office) reads: "The "dependent student" exception to FERPA's general consent rule applies only in domestic situations because that provision specifically references the IRS rules. There is no comparable provision for international students. Consent is required unless one of the other exceptions applies." Therefore, the Dependent Student Exemption cannot be applied for international students.
 - b. *Health and Safety Emergency* - Under this provision, colleges and universities may notify parents when there is a health or safety emergency involving their son or daughter, even if the parents do not claim the student as a dependent. For the purposes of this policy, "emergency" is defined as an immediate danger.
 - c. *Alcohol, Drugs and Criminal Acts* - FERPA also permits the non-consensual release of information to parents if the student has been charged with a crime by any local, state or federal law enforcement agencies in regards to the crime that the student has been charged with. If a student is in violation of school rules and faces disciplinary charges regarding alcohol and controlled substances AND they are under 21 at the time of disclosure, the parents may also be informed of the violations that have occurred.
 - d. *Legal Exceptions* - Release of information may occur in the following circumstances:
 - i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and State and local educational authorities for audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs;

- ii. To organizations conducting studies for or on behalf of the school making the disclosure for the purposes of administering predictive tests, administering student aid programs, or improving instruction;
- iii. To comply with a judicial order or a lawfully issued subpoena;
- iv. To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime; and
- v. To any third party the final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense if the student who is the alleged perpetrator is found to have violated the school's rules or policies. The disclosure of the final results only includes: the name of the alleged perpetrator, the violation committed, and any sanction imposed against the alleged perpetrator. The disclosure must not include the name of any other student, including a victim or witness, without the written consent of that other student.

4. Who Should Read This Policy

- Students
- Faculty and Staff

5. Related Documents and References

- Student Authorization to Release Information Form
- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)



Student Authorization to Release Information

| | |
|---------------|----------------------------|
| Student Name | Date of Birth (MM/DD/YYYY) |
| Email address | |

FERPA Notice

The Family Education Rights and Privacy Act of 1974 (FERPA) allows students at an institution of higher education to control outside access to their education records, including requests for information from their parents, guardians, or others as designated by the student. Without a student's written consent, North American University (NAU) may not disclose information from a student's education records to outside third parties with a few exceptions. However, a student may provide a standing release allowing NAU to disclose certain information to others. To do so, the following declaration must be completed:

I, the above-named student, hereby declare that North American University may release information to the following authorized party and for the following reasons:

| | |
|-------------------|----------------------------------|
| Authorized Party: | Authorized Party's Email Address |
|-------------------|----------------------------------|

Relationship of the Authorized Party: (select one) Parent Guardian Spouse Other

Please note: If you have more than one authorized party, please fill out an additional authorization form.

| Access Level Granted to Authorized Party | |
|---|---|
| <input type="checkbox"/> All access (no other selection required) | <input type="checkbox"/> View housing information |
| <input type="checkbox"/> View bills | <input type="checkbox"/> Order/pickup official transcript |
| <input type="checkbox"/> Pay bills | <input type="checkbox"/> Pick up the graduation diploma |
| <input type="checkbox"/> View class schedule | <input type="checkbox"/> Speak to University personnel about my educational records |
| <input type="checkbox"/> View admissions information | <input type="checkbox"/> Speak to academic department personnel about my academic performance |
| <input type="checkbox"/> View financial aid information | <input type="checkbox"/> Other |
| <input type="checkbox"/> View grades/unofficial transcripts | |

I understand that this release is in effect until revoked in writing by me. I further understand that some exceptions override this release as defined by Federal Government regulations.

Student's Signature: _____ Date: _____

With few exceptions, you are entitled on request to be informed about the information NAU collects about you. Under § 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review the information. Under § 559.004 of the Texas Government Code, you are entitled to have NAU correct information about you that is held by us and that is incorrect. The information that NAU collects will be retained and maintained as required by Texas records retention laws (§ 441.180 et seq. of the Texas Government Code) and rules. Different types of information are kept for different periods of time.