

# Family Educational Rights and Privacy Act

## Notice of FERPA Student's Rights

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the university receives a request for access. A student should submit to the registrar, or academic department chair a written request that identifies the record(s) the student wishes to inspect. North American University (the school) 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 school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

If the school decides not to amend the record as requested, the school 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.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school 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 typically includes a person employed by the school in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically 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 school.

Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. FERPA requires a school to make a reasonable attempt to notify each student of these disclosures unless the institution states in its annual notification that it intends to forward records on request or the disclosure is initiated by the student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education 400  
Maryland Avenue, SW Washington,  
DC 20202

### **Directory Information**

The school may provide its directory information to the general public without student consent as required by § 99.37 of the regulations, with its annual notification of rights under FERPA as follows: Full Name, Major Field of Study, Dates of attendance, Address, University assigned E-mail address, Telephone listing, Major field of study, Date and place of birth, Dates of attendance, Degrees, awards, and honors received, Most recent previous education institution attended, Classification, Participation in officially recognized sports and activities, Height/weight (athletes), Enrollment status (undergraduate or graduate, full-time or part-time).

### **Academic Records and Release of Information**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights are as follows:

1. Students have the right to inspect and review their education records within 30 days of the day the University receives the request.
2. Students have the right to request amendment of their education records that they believe are inaccurate or misleading. If the University denies a student requested amendment, the student has the right to a hearing regarding the requested amendment to his/her education record.
3. Students have the right to consent to disclosures of personally identifiable information in their education records, except to the extent that FERPA authorizes disclosure without consent.
4. Students have 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. Such complaints may be sent to the Family Policy Compliance Office of the Department of Education or the Accrediting Commission of Career Schools and

Colleges, NAU's national accreditor.  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202- 5920.  
Accrediting Commission of Career Schools and Colleges (ACCSC)  
2101 Wilson Boulevard, Suite 302  
Arlington, Virginia 22201  
<http://www.accsc.org/>  
Phone: 703.247.4212  
Fax: 703.247.4533

## **Review and Amendment of Academic Records**

Students may inspect and review their educational records based on written request. Access is given to students within 30 days after the request has been made. An appropriate administrative official or member of the faculty obtains the record for the student and remains present while the student reviews the records.

Students have the right to inspect information in their education records. Students wishing to review their education records must make written requests to the appropriate campus official listing the item or items of interest. Students who believe that their records contain misleading information may challenge the contents of their education records and request a hearing if the outcome of their appeal is unsatisfactory. Student education records are handled by the Registrar's Office; financial aid and billing related matters are coordinated by the Financial Aid Office and the Bursar's Office.

Students may not inspect the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations regarding admissions, employment or job placement information; and education records that include information about another student.

If the decisions of the campus official from the related office are in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended. If the student chooses to seek a hearing procedure, he/she must submit a request in writing to the Vice President for Academic Affairs. The student will be informed of the date, place, and time of the hearing. Students may present evidence relevant to the issues. The hearing panels to adjudicate such challenges will be the Vice President for Academic Affairs, representatives of the Student Affairs Office and the corresponding Department Chair. Decisions of the hearing panels are final; necessary corrections will follow, if necessary.

## **Release of Information**

North American University, in accordance with FERPA (Family Educational Rights and Privacy Act), does not release personal information about students to third parties except under certain conditions or unless the student authorized the release. The exceptional conditions are:

## 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, email 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. The census date is published in the Academic Calendar.
- c) School records may be released to another institution if the student is attempting to enroll in 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.

## 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. 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.
- 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 regard to the crime that the student has been charged. 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) Other 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.

### **Public Information**

North American University provides information about the University in accordance with the provisions of the Act and publishes this information in the University directory, website and advertisement materials. According to FERPA, the following is considered as directory information and the university may release or publish this information without the student's consent: full name; date and place of birth; major field of study; dates of attendance; degrees, honors and awards received; most recent educational institution attended; campus address and telephone number and student assigned e-mail; home address and telephone number; participation in officially recognized academic programs, student activities and sports.

Students can choose to restrict the release of directory information by submitting a formal request to the University to limit disclosure before the census date. The census date is published in the Academic Calendar.