



# Understanding Access to Your Student Records

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

### What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. As an educational institution that receives federal Department of Education funds, Marymount University must comply with FERPA.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students." "In attendance" at Marymount University is defined as the first day of classes in the semester to which the student has been admitted.

For Marymount students, there must either be a FERPA Waiver Form on file in the Office of the Registrar authorizing parents/third parties to access students' education records or an applicable FERPA exception (see below) before any information can be released. The form can be found online at:

<https://www.marymount.edu/getattachment/Academics/Services-Resources/Registrar-s-Office/Resources/Forms/FERPA-Waiver.pdf.aspx>.

### What are Education Records?

Any record containing information that is directly related to a student and is maintained by the institution is an education record and protected by FERPA. This includes enrollment information, grades, advising files, admission information and any other record related to the student. Education records can be in many forms including paper, e-mails, web pages, assignments that have been collected and recorded, and electronic databases and files.

Education records do not include alumni records, records made for full-time (not student) employment, or records made and used for medical or counseling purposes. Brief "memory jogger" notes held by a school official that are not accessible or shared with anyone else, are also excluded.

### What protections does FERPA give to students concerning their records?

- Right to inspect and review educational records
- Right to request to amend educational records
- Right to have some control over the disclosure of information from educational records ("Personally Identifiable Information" or information that would directly identify the student or make the person's identity easily traceable)

### What rights do parents have under FERPA?

- Once a student enrolls at a post-secondary institution like Marymount or turns 18, all FERPA rights transfer from the parent to the student.
- Parents must have written student consent to access education records of their children. FERPA does allow certain exceptions; including allowing institutions to share information when the student is claimed as a dependent on the parent's tax return. Also, in cases of health and safety emergency, information can be shared with parents. FERPA also allows schools to share with parents if students under the age of 21 are found to have violated the school's alcohol or drug policies. Note that FERPA does not require that Marymount release information under these exceptions and the institution will exercise discretion before releasing any information without written student consent.

### What is Directory Information?

Directory information may be disclosed by the University without the student's prior consent, pursuant to provisions of FERPA. However the University is not required to disclose directory information and, therefore, carefully evaluates requests for information. Marymount University has designated the following information as directory information:

- Student's name, address and telephone number and email address
- Student's date and place of birth

- Student's major field of study
- Student's dates of attendance
- Student's grade level and enrollment status (undergraduate or graduate and full or part-time)
- Student's participation in officially recognized activities or sports
- Student's height and weight if they are a student-athlete
- Student's degrees, honors (including Dean's List) and awards received
- Student's most recent education agency or institution attended

Currently enrolled students may withhold disclosure of directory information under FERPA. To withhold disclosure, students are required to meet with the University Registrar. Marymount University assumes that failure on the part of student to specifically restrict the disclosure of directory information indicates individual approval for disclosure. Former students may not place a new request to restrict disclosure of directory information on their education records, but they may request removal of a previous request for nondisclosure.

Virginia law precludes Marymount from disclosing the address, telephone number, or email address of a currently enrolled student, pursuant to 34 C.F.R. § 99.31(a)(11), unless the student has affirmatively consented in writing to such disclosure.

### **When can information be released without student consent?**

The law allows disclosure without consent to:

- School employees who have a legitimate educational interest
- Other schools, upon request, in which a student is seeking or intending to enroll
- Accrediting organizations
- Organizations doing certain studies for or on behalf of the University
- Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid
- Appropriate persons if it is necessary to protect the health or safety of the student or other individuals in an imminent or ongoing emergency situation (includes law-enforcement officers, public-health officials, medical personnel, and parents of eligible students)
- Comply with a lawfully issued subpoena or court order (if allowed under the relevant statute, an effort should be made to notify the student within a reasonable amount of time for the student to respond to the subpoena)

### **What is "Legitimate Educational Interest"?**

A school official has a legitimate educational interest when the school official needs to review an education record in order to fulfill his or her responsibility on behalf of the University.

### **Who is a "School Official"?**

A "school official" is a person employed by the University in an administrative, supervisory, academic research or support staff position. This includes Campus Safety staff; staff from the Campus Health office; companies, organizations, and people that the University has contracted with (attorney's, auditors, The National Student Clearinghouse, etc); individuals serving on the Board of Trustees and any students serving on an official committee, or assisting another school official in performing his or her tasks.

### **Where do I go to find out more information for FERPA? Of if I believe there has been a failure to comply with these regulations?**

For more information or if you believe that Marymount University has failed to comply with the requirements of FERPA, please contact the Office of the Registrar at 703-284-1520 or [registrar@marymount.edu](mailto:registrar@marymount.edu). The Office of the Registrar is located in Rowley Hall Room 1009.

Under FERPA a student has the right to contact the Family Policy Compliance Office. This is the Federal Government Office tasked with investigating FERPA violations. They can be reached at: Family Compliance Policy Office, US Department of Education, 400 Maryland Avenue, SW Washington DC 20202-4605.