



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student education records. The Act provides for the right to inspect and review educational records, the right to seek or amend those records, and the right to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

Who is protected under FERPA?

Students who are currently or formerly enrolled, regardless of their age or status in regard to parental dependency, are protected. Students who have applied to, but have not attended University of the Ozarks and deceased students are not protected under FERPA.

What are education records?

With certain exceptions, an education record is any record that is:

1. A record from which a student can be personally identified, and
2. Maintained by the college

Education records include any record in whatever medium (Handwriting, computer media, printed pages, e-mail, magnetic tape, film, diskette, microfilm and microfiche, video or audio tape, etc.) in the possession of any school official.

What is considered directory information?

Directory information is information that is generally not considered harmful or an invasion of privacy if disclosed. Under the terms of FERPA, University of the Ozarks has established the following as directory information:

- Students' names
- Local address, telephone number and university e-mail address
- High school attended
- College level and major field of study
- Faculty mentor and/or academic adviser
- Dates of attendance
- Anticipated date of graduation
- Degrees, awards or honors received
- Earned number of hours in which a student is enrolled
- Past/present participation in varsity sports and other extracurricular activities
- For athletic team members: Height, weight and position played

The previous information may be released for any purpose at the discretion of the university. However, FERPA states that each student has the right to withhold directory information, and that request will be honored by University of the Ozarks. Once restricted, that information cannot be released without the written consent of the student. A student may make such a request through the registrar's office.

Parental access to children's education records

At the post-secondary school (high school) level, parents have no inherent right to inspect a student's education records. The right to inspect is limited solely to the student. Records may be released to parents ONLY under the following circumstances:

1. Through the written consent of the student
2. In compliance with a subpoena
3. By producing a copy of the most recent Federal Income Tax form showing that the student was claimed as a dependent (The tax form verification must be determined each academic year through the Office of Financial Aid and will be considered valid for only that academic year).

Posting of grades by faculty

The public posting of grades either by a student's name, student identification number or social security number without the student's written permission is a violation of FERPA. Even with names obscured, student identifier numbers are considered personal identification information. Therefore, the practice of posting grades by social security number or student identification number violates FERPA. The returning of papers via an "open" distribution system, e.g. stacking them on an open table, is a violation of a student's right to privacy, unless the student submits a signed waiver to the instructor for such purpose. The instructor must keep the waiver on file in order to avoid institutional or personal liability.

Faculty sending grades via e-mail

There is no guarantee of confidentiality in transmitting information electronically via campus e-mail or through the Internet. Faculty who wish to send grades to students via e-mail need to understand that if there is an unauthorized release of grades to someone who is not a school official, the institution is in violation of FERPA if the student whose grades are disclosed filed a complaint with the Family Policy Compliance Office. Moodle and the CAMS Student Portals, however, are secure sites where students can access their grades electronically. Submission of grades through CAMS is also considered to be a secure transmission.

Can you include grade information when writing a letter of recommendation?

Written permission of the student is required if any information included in the recommendation is an "education record" (Grades, GPA, and other non-directory information). Personal observations about the student are acceptable comments that can be included in the recommendations without the student's written permission.