



<b>Title of Policy:</b>	<b>Family Educational Rights and Privacy Act (FERPA)</b>
<b>Policy No.#</b>	<b>1.3024</b>
<b>Type of Policy:</b>	Administrative
<b>Effective Date:</b>	July 1, 2021
<b>Last Revised:</b>	New
<b>Policy Owner:</b>	Florida Memorial University
<b>Policy Contact:</b>	Office of the Provost

## **I. Reason for Policy**

The Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student Education Records. The purpose of this Policy is to educate the campus community as to what information is protected by FERPA, how students may access or request to amend their existing Education Records, and, if they wish, how to prevent their unauthorized disclosure to third parties.

FMU complies with FERPA through this policy and other school-specific practices.

## **II. Policy Statement**

Student Education Records should not be created or retained without a Legitimate Educational Interest for the information contained therein.

FMU will protect the confidentiality of a student's Education Record and share information only with members of the campus community who have a Legitimate Educational Interest, to another educational institution when the student is seeking or intending to enroll at that institution, is part of an authorized Federal, State, or local audit of such records in compliance with applicable law, in connection with the determination of financial aid eligibility or enforcement, pursuant to a lawfully issued court order, a properly prepared subpoena, to a contracted vendor of FMU performing an authorized service where there is a Legitimate Educational Interest for the vendor to have access to such records, or the information is designated directory information.

In response to a lawfully issued court order or a properly prepared subpoena, FMU will seek to notify the student or the student's representative counsel when education records are requested and before these records are released. Student records of a counseling or non-academic nature will not be made available to any outside person without written authorization from the Eligible Student unless those records are specifically requested in conjunction with federal or state laws or court orders.

**Directory Information:** FMU may release directory information which consists of the following:

- student's name
- address
- telephone number
- email address
- date and place of birth
- major field of study
- participation in officially recognized activities and sports
- weight and height of athletes
- dates of attendance

- degrees and awards received, and
- most recent previous educational institution attended.

If any current FMU student does not want such directory information to be disclosed they must notify the Registrar's Office in writing of the specific information not to be released.

### III. Scope

This Policy is intended for anyone who sees, uses, or requests information about current or former Students.

### IV. Definitions

Term	Definition
<b>Directory Information</b>	Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
<b>Education Record</b>	Records that are directly related to a student and that are maintained by FMU or by a party acting on its behalf.
<b>Eligible Student</b>	A student who has reached 18 years of age or is attending an institution of postsecondary education.
<b>Legitimate Educational Interest</b>	A need to access student education records for the purpose of performing an appropriate educational, research or administrative function for the institution.
<b>Parent</b>	A parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

### V. Responsibilities

The Office of the Provost is responsible for implementation and oversight of this Policy. Requests for information containing student records, from third parties, including but not limited to court orders, properly prepared subpoenas, authorized federal and state requests, etc., should be directed to the Office of General Counsel. Records will be released in compliance with federal and state laws and FMU policy governing student records.

### VI. Enforcement

Students and eligible Parents who believe there has been a violation of their rights regarding student records are encouraged to contact the Office of the Provost and Registrar. If a resolution is not reached, students and eligible Parents may grieve the alleged misconduct, or they may contact the United States Department of Education's Family Policy Compliance Office.

Students who improperly obtain student records may be subject to discipline in accordance with the Student Code of Conduct.

Staff and faculty who improperly obtain records and/or misuse their access to student records to disclose, share, or dominate information to unauthorized persons, employees, or outside parties will be subject to disciplinary action that may result in warning, probation, suspension or separation from the University.

**Approved:**

Signature	Title	Date
<i>Jaffus Hardrick</i> <small>Jaffus Hardrick (Feb 23, 2022 11:55 EST)</small>	President	2-23-22