

# ASU System Policy

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**Effective Date:** September 2, 2022

**Subject:** Family Educational Rights and Privacy Act

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## 1. Purpose

The Arkansas State University System will comply with the Family Educational Rights and Privacy Act (FERPA).

## 2. Definitions

**Arkansas State University System.** “The Arkansas State University System” (ASU System) includes all member institutions, as of now and in the future.

**Student.** “Student” means an individual who attends or has attended classes at an ASU System institution. This policy does not apply to the records of applicants for admission who are not accepted to an ASU System institution and does not apply to applicants who are accepted but choose not to attend.

**Education Record.** “Education Records” are those records, files, documents, and other materials, which contain information directly related to a student and which are maintained by the ASU System or a person acting for the ASU System.

**Directory Information.** “Directory Information” is designated to be the student’s name; local and permanent physical addresses; electronic mail addresses; telephone listings; photographs and electronic images; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; and the most recent previous educational agency or institution attended by the student.

## 3. Arkansas State University System Family Educational Rights and Privacy Act Policy

The Family Educational Rights and Privacy Act requires that institutions of higher education strictly protect the privacy rights of all students who are or who have been in attendance. Information contained in the student’s education records can be shared only with those persons or entities specified within the Act. The law also provides that students have the right to review their education records for the purpose of making any necessary corrections. The Office of the Registrar at each member institution maintains a copy of the full text of FERPA, posts

electronic information on FERPA, and processes all FERPA requests and challenges. The ASU System will utilize the following process to implement the provisions of the Family Educational Rights and Privacy Act.

#### **4. Process**

##### **A. Disclosure of Education Records**

- I. **Disclosure with Student Consent.** A student may consent, in writing, to the disclosure of education records. The student's written consent must be signed, dated, and specify which records are to be disclosed, to whom, and for what purpose. The consent must be delivered to the Office of the Registrar at the ASU System institution where the student is or was enrolled. The student may retract the consent, in writing, at any time. Proper proof of identity may be required by the Registrar's Office before consent is retracted.
  
- II. **Disclosure without Student Consent.** An ASU System member institution may disclose education records, without the student's written consent, to any school official with a legitimate educational interest. School officials include administrators, supervisors, faculty members, instructors, support staff, members of the Board of Trustees, persons or companies with whom the ASU System or the relevant member institution has contracted or appointed for special tasks (e.g. National Student Clearinghouse), and University committee members. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, an ASU System institution may disclose education records, without consent, to officials of another college or school in which a student seeks or intends to enroll.

Disclosure, without student consent, may also be given to other persons and entities, as allowed by FERPA and its implementing regulations.

Faculty sponsors of registered honor societies may have access to student education records for the sole purpose of determining eligibility for membership, on the basis that they are acting in an official University capacity that is integral to the educational function of the ASU System institution.

The parents of students may exercise rights under FERPA if the student is claimed as a dependent by the parents for income tax purposes. Dependency must be proven by submission of a copy of income tax returns.

## **B. Disclosure of Directory Information**

Directory information may be disclosed to any person or entity, without student consent, unless the student submits a completed request form for non-disclosure of directory information to the Office of the Registrar at the ASU System institution where the student is enrolled. The written request for non-disclosure of directory information may be submitted to the Registrar at any time. If a student elects not to allow disclosure of directory information, the ASU System cannot share information regarding the student with any person or entity, including prospective employers, licensing agencies, government agencies, the media, and others, except as otherwise allowed by FERPA and its implementing regulations. The student may retract the directory information non-disclosure, in writing, at any time. Proper proof of identity may be required by the Registrar's Office before the directory information non-disclosure is retracted.

## **C. Inspection, Review, and Correction of Education Records**

Students have the right to inspect and review their education records, except for specific exclusions contained within the Family Educational Rights and Privacy Act. A student should contact the Office of the Registrar to arrange for inspection, review, and correction of an education record. The Registrar may charge a fee for copies of any education records.

## **D. Ownership of Education Records**

Education records are the property of the relevant ASU System institution. Education records, including transcripts and diplomas, will not be released to any student who has a delinquent financial obligation to an ASU System institution.

(Adopted by the Arkansas State University System Board of Trustees on December 11, 2009, Resolution 09-94; revised September 20, 2019, Resolution 19-34; revised September 2, 2022, Resolution 22-37)