

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 AS AMENDED FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal statute, that took effect on November 19, 1974. Specifically, this statute governs:

- student access to records maintained by educational institutions
- release of such records

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

1. The right to inspect and review the student's education records within 45 days after the day Aurora University receives a request for access. Under the first heading, student access to records, the law requires all educational institutions to allow attending students and former students access to their personal records. A student is considered "in attendance" at Aurora University as of the official first day of the term in which the student is first enrolled.
    - a. At Aurora University the records of attending students include the general file in graduate program office, the permanent academic record in the Office of the Registrar, financial records in the Student Accounts Office, the financial aid files in the Office of Financial Aid, and where appropriate, the files in the School of Education.
    - b. The files of former students are found in the Office of Alumni Relations, Office of the Registrar and, where appropriate, in the School of Education.
    - c. Specifically exempted from viewing by the student are the financial records of students' parents and the confidential recommendations and statements written for and placed in the file prior to January 1, 1975. A student may or may not sign a waiver of his/her right to access to recommendations and statements written for and about him/her after January 1, 1975.
    - d. Copies of student records will be furnished upon written request of the student. Official transcripts of a student's college academic record are available. Student records for which copies are requested will be issued at a charge of \$.25 per page with a minimum charge of \$2.00.
  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. The law requires educational institutions to provide hearings for students to challenge any record that they consider inaccurate or misleading. Aurora University, in complying with this law, has established the following procedures for implementing it.
    - a. A student must present a written request to see the contents of his/her files to the appropriate office. An appointment will then be made for him/her to read his/her file in the presence of a member of the university staff. Identification will be required at the time of the appointment. A student may read the contents of these files, but may not remove or destroy any of the contents.
    - b. A University Judicial Board hearing may be requested by a student for the purpose of challenging any record he/she considers inaccurate or misleading, under the terms of General
- Campus Regulation Number 16. The decision of the University Judicial Board will be appropriately implemented in all such cases. If the decision is not to amend the record, the student will be allowed to place a written comment or explanation in his/her file. If the contested portion of the file is disclosed to anybody, the student's statement will also be disclosed.
3. The right to provide written consent before Aurora University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. Under the second heading, the release of student records, the law requires prior written consent of the student before releasing personally identifiable data about him/her from the records to other than a specified list of exceptions that includes school officials, whom the university has determined to have legitimate educational interests, officials of other schools in which a student seeks to enroll, parents of "income tax dependent" students, appropriate government officials, accrediting organizations, in response to a legal subpoena and to certain others if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
    - a. Excepted from this requirement is "directory information," including the student's name, address, telephone number, email address, photograph/electronic image, date and place of birth, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, enrollment status, degrees, honors, and awards received, and the most recent previous educational institution attended by the student.
    - b. Such information may be made public once the institution gives notice of the categories of information that it has designated as such "directory information" and allows a reasonable period of time after such notice has been given for a student to inform the institution in writing that all of the information designated should not be released without his/her prior written consent. New requests or cancellations must be submitted by the end of the first week of classes for the given term. After that date, the university cannot guarantee that the student's directory information will not appear in a printed publication. This announcement constitutes such public notice.
    - c. "School officials" include
      - i. persons employed by Aurora University in an administrative, supervisory, academic, research, or support staff position (including but not limited to law enforcement unit personnel, attorneys, counselors, and health staff);
      - ii. persons serving on the board of trustees; or
      - iii. persons (including students) serving on an official university committee, such as a disciplinary or grievance committee.
      - iv. A school official also may include a volunteer, contractor, consultant or other party outside of Aurora University
        - who performs an institutional service or function for which the university would otherwise use its own employees,
        - who is under the direct control of the university with respect to the use and maintenance of education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another university official in performing his or her tasks, and

- who is subject to the obligation not to disclose PII from any education record without the prior written consent of the student.
- d. "Legitimate educational interests" include performing a task or engaging in an activity related to
- i. one's regular duties or professional responsibilities,
  - ii. a student's education,
  - iii. the discipline of a student,
  - iv. a service to or benefit for a student,
  - v. measures to support student success, and
  - vi. the safety and security of the campus.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Aurora University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

Questions may also be directed to the University Registrar in the Office of the Registrar at [registrar@aurora.edu](mailto:registrar@aurora.edu).