

Family Educational Rights and Privacy Act (FERPA) Policy

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. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

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."

Eligible students have the right to inspect and review their education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for eligible students to review the records. Schools may charge a fee for copies.

Additionally, eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading or otherwise in violation of the student's privacy rights. If the school decides not to amend the record, the eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information. Requests regarding any of the activities described above must be made in writing to the Financial Services Office. University of Fairfax makes the following forms available from Financial Services for these purposes - "Student Request to Review, Change or Receive a Copy of Education Records," and "Student Request for Formal Hearing to Change Education Records."

Generally, schools must have written permission from an eligible student in order to release personally identifiable information from that student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34CFR 99.31) and it is the policy of University of Fairfax to do so:

- University of Fairfax school officials with legitimate educational interest;
- Other educational institutions that have requested the information and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to specific State Law;

- To persons or agencies requesting “directory information;”

University of Fairfax faculty, staff, and certain agencies to which the University outsources institutional services may require information from a student’s education record in order to carry out their official duties. They are considered school officials with legitimate educational interest in those cases.

Students wishing to provide consent of release of their information to a party other than those listed above should complete form “Identity Authentication Process and Student Consent to Disclose Records,” available from Financial Services.

Schools may disclose, without consent, “directory” information, defined by University of Fairfax as a student’s name, address, telephone listing, electronic mail address, photograph, date of birth, place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time) dates of attendance, participation in officially recognized activities, degrees, honors, awards received, and the most recent institution attended. However, schools must tell eligible students about directory information and allow them a reasonable amount of time from the date of the notification to request that the school not disclose their directory information. University of Fairfax makes such notification annually, or more frequently in the event of any change to the designation of directory information, allowing students 10 business days from the date of the notification to request that the school not disclose directory information. Additionally, students may make a request related to the release of their directory information at any time by submitting a written request to the Financial Services Office. The “Directory Information” form, available from Financial Services, may be used for this purpose.

Eligible students who believe that the school has failed to comply with the requirements of FERPA may file a complaint with the Department of Education at the following address: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 202202-4605.