

**ELIZABETH CITY STATE UNIVERSITY**  
**Policy under the Family Educational Rights and Privacy Act (FERPA)**

**1) Preamble**

This policy purports with the requirements of The Family Educational Rights and Privacy Act (FERPA). Under FERPA, student educational records are to be kept confidential unless a student consents to a release of the records or an exception applies. This policy applies to the records of current students and former students which arise during enrollment at ECSU. The confidentiality protection for education records under FERPA ends when a student or alumni dies.

**2) Students Right to Inspect Educational Records**

- a) A student has the right to inspect and review his or her own educational records;
- b) A student has the right to seek an amendment to his or her records if he or she believes that the records are either:
  - i) Inaccurate;
  - ii) Misleading; or
  - iii) Otherwise in violations of rights accorded under FERPA;
- c) A student has the right to consent to the disclosure of personally identifiable information contained in educational records unless an exception to FERPA applies as set forth in Section 6.b below; and
- d) A student has the right to file a complaint with the Office of Family Policy Compliance, U. S. Department of Education, if he or she believes and alleges that FERPA has been violated by ECSU officials.

**3) Records**

- a) Educational Records
  - i) Educational records include any recorded information of any kind that personally identifies a student, including but not limited to: the student's name; the name of a student's parent or family members; the student's address; the student's social security number or other personal identifier(s).
- b) Records Not Included Under FERPA Protection  
The following records are not protected under FERPA:
  - i) Records of Campus Police that are created for law enforcement purposes and maintained at the Office of Campus Police.
  - ii) Student employment records that are made and maintained in the normal course of business that relate only to a student as an ECSU employee.
  - iii) Medical, psychiatric or psychological records that are made or maintained by a medical, psychiatric or psychological professional or paraprofessional in a professional capacity and are created or maintained exclusively for treatment and are disclosed exclusively to individuals providing treatment.

- iv) Records about an individual occurring after enrollment at ECSU which are unrelated to matters that occurred during enrollment.
- 4) Steps for Review and Inspection of Educational Records**
- a) A student must make a written request to review and inspect his or her educational records;
  - b) ECSU shall provide a student with access to his or her educational records within a reasonable time not to exceed 45 days from receipt of the request for inspection and review;
  - c) ECSU officials shall explain and interpret a student's education records to the student if necessary;
  - d) ECSU shall provide a copy of requested educational records if it is not reasonable for a student to inspect the records or make other arrangements to provide a student's access to his or her educational records if necessary.
- 5) Students Right to Seek Correction or Amendment to Educational Records**
- a) **Student Request for an Amendment to Educational Records**  
A student who seeks an amendment to his or her educational record must submit a written request for an amendment to the Office of the Registrar. The written request must include an assertion that the record is inaccurate, misleading or in violation of the student's FERPA rights. This process does not cover student objections or grievances concerning a grade that a student receives for a course.
  - b) **ECSU Response to Student Request for an Amendment to Educational Records**  
Upon receipt of a request for an amendment to an educational record, ECSU shall endeavor to respond within 45 days of receipt of a request for an amendment.
    - i) **Granting of Amendment to Educational Records**  
If ECSU determines that a student's request for an amendment to his or her educational record should be granted, ECSU shall so notify the student in writing.
    - ii) **Denial of Amendment to Educational Records**  
If ECSU determines that a student's request for an amendment to his or her educational record should be denied, ECSU shall so notify the student in writing and inform the student of his or her right to a hearing to contest the decision.
  - c) **Hearing Process**
    - i) If a student elects to request a hearing to contest a decision denying a requested amendment to his or her educational record, the hearing process shall be initiated by the student filing a written request for a hearing including the grounds for the requested amendment;
    - ii) ECSU shall conduct a hearing within a reasonable time after receipt of the request and shall provide the student with advance notice of the date, time and place of the hearing;

- iii) The hearing will be conducted by an ECSU official or staff member who does not have a direct interest in the case. This individual shall be referred to as the hearing officer;
- iv) The student shall be given an opportunity to present relevant evidence and may at his or her own expense be assisted or represented by one or more other persons including an attorney;
- v) The hearing officer must make his or her recommendation in writing within a reasonable period of time following the hearing and must include a summary of the evidence presented at the hearing and the reasons for the recommendation.
  - (1) If the hearing officer determines that the record is inaccurate, misleading or in violation of the student's right to privacy, ECSU must amend the educational record and notify the student of the amendment in writing.
  - (2) If the hearing officer determines that the record is not inaccurate, misleading or in violation of the student's right to privacy, ECSU must notify the student in writing of the result and inform the student that he or she has a right to place a statement in the educational record which sets forth his or her disagreement with the decision.
- vi) If a student elects to place a statement of disagreement in his or her educational record following an unfavorable hearing decision, ECSU must maintain the statement with the contested documentation for as long as the record is kept and the statement must be disclosed

#### **6) Disclosure of Personally Identifiable Information from Student Education Records**

##### **a) Consent for Release**

- i) Unless an exception to FERPA applies, written student consent must be obtained before disclosing any student education record.
- ii) Written student consent must specify which education records are to be disclosed the purpose of the disclosure and to whom the records are to be disclosed.
- iii) Written student consent is not required for:
  - (1) ECSU record custodians;
  - (2) ECSU officials with legitimate educational interests; or
  - (3) Certain federal or state officials.

##### **b) Exceptions Where Student Consent Is Not Required**

Student consent shall not be required to disclose information to the following individuals or entities:

- i) ECSU officials with legitimate educational interests  
Under this policy, ECSU officials with legitimate educational interests refers to ECSU employees who are responsible for carrying out official duties involving student records including but not limited to instruction, advising and student disciplinary matters.
- ii) Officials from other institutions where a student is seeking admission or enrollment.

- iii) Federal or state officials
  - Records may be disclosed to certain federal or state officials when:
    - (1) The disclosures are connected with audits, evaluations or enforcement of federal or state supported programs
    - (2) The data collected will not be re-released in a way wherein students can be personally identified
    - (3) The data will be destroyed when no longer needed
- iv) Persons or entities seeking information concerning a student's application for financial aid provided:
  - (1) The information is needed to determine eligibility for financial aid;
  - (2) The information is needed to determine the amount of financial aid;
  - (3) The information is needed to determine the conditions for receiving financial aid or the enforcement of the terms and conditions of financial aid.
- v) State and local officials responsible for juvenile justice records and administration if the reporting requirement is required by state law.
- vi) Organizations conducting studies for or on behalf of educational agencies
- vii) Accrediting organizations carrying out accrediting functions
- viii) Parents of a "dependent" student as defined by the Internal Revenue Code
- ix) Persons seeking information pursuant to a judicial order or lawfully issued subpoena
- x) Court or judicial officials connected with a lawsuit that ECSU has initiated against a student or his or her parents
- xi) Court or judicial officials connected with a lawsuit that a student or his or her parents brings against ECSU
- xii) Appropriate health, safety and emergency officials in a health and/or safety emergency
- xiii) Officials, faculty and staff of other institutions who have been determined to have legitimate interests in the behavior of a student
- xiv) Directory information.
  - Unless a student submits a written objection to the release of directory information, ECSU may disclose directory information without student consent. Written objections to the release of directory information must be submitted to the Office of the Registrar. Directory information at ECSU includes a student's:
    - (1) name;
    - (2) local address and telephone number;
    - (3) campus e-mail address;
    - (4) dates of attendance;
    - (5) classification;
    - (6) enrollment status;
    - (8) participation in officially recognized activities and sports;
    - (9) weight and height of athletes; and
    - (10) degrees, honors and awards received.
- xv) The student himself or herself.
- xvi) Disciplinary Proceedings Involving an Alleged Sex Offense

The accused student and the accusing student shall both be notified of the outcome of a disciplinary proceeding involving an alleged sex offense.

**7) Limitation of Student Rights**

- a) **More than One Student Covered in Educational Record**  
If more than one student is covered in an educational record, a student may only review his or her specific information contained in the record.
- b) **Financial Records of Student's Parents**  
A student does not have the right to review the financial records of his or her parents.
- c) **Confidential Letters of Recommendation**  
Students who execute valid written waivers may not review confidential letters of recommendation relating to the student's admission, application for employment or receipt of an award or honorary recognition.
- d) **Medical Treatment Records**  
As set forth in Section 3.b. above, medical treatment records are excluded from FERPA protection.

**8) Re-disclosure**

- a) Prior to or at the time of any release of student education records, ECSU shall inform the recipient that the records may not be disclosed to others without the student's consent and that the information released may only be used for the purpose for which the records are being disclosed.

**9) Student's Educational Records at ECSU: Annual Notification of Rights**

- a) ECSU maintains personally identifiable educational records of its students and former students that are subject to the federal Family Educational Rights and Privacy Act of 1974, as amended, (FERPA).
- b) Under FERPA, a student may inspect his or her own educational records. If a student believes the records are inaccurate, misleading or otherwise in violation of the student's privacy rights, a student may request an amendment of the record. In accordance with FERPA, a student's personally identifiable information may not be released to others unless (1) a student consents to the disclosure or (2) provisions of FERPA or federal regulations issued pursuant to FERPA allow the information to be released without the student's consent. A student may file a complaint with the U. S. Department of Education concerning ECSU's failure to comply with FERPA.
- c) **Directory Information Notification**  
Unless a student submits a written objection to the release of directory information, ECSU may disclose directory information without student consent. Written objections to the release of directory information must be submitted to the Office of the Registrar. Directory information at ECSU includes a student's:
  - (1) name;
  - (2) local address and telephone number;

- (3) campus e-mail address;
- (4) dates of attendance;
- (5) classification;
- (6) enrollment status;
- (8) participation in officially recognized activities and sports;
- (9) weight and height of athletes; and
- (10) degrees, honors and awards received.

d) Procedures for inspection of education records and student consent rights are set forth in ECSU's FERPA Policy Section 4 and Section 5.