

FERPA Policy

The Family Educational Rights and Privacy Act (FERPA) is also known as the "*Buckley Amendment*." FERPA is a federal law enacted in 1974, which enables certain rights of students with respect to their education records. Specifically, it enables students the right to:

1. The right to inspect and review their education records within 45 days of the request
2. The right to request an amendment of education records if the student believes they are inaccurate
3. The right to require FXUA to obtain written consent to disclose personally identifiable information from the student's education records unless an exception applies
4. The right to file a complaint concerning alleged FERPA violations with the Family Policy Compliance Office within the U.S. Department of Education:

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Disclosing Educational Records

In general, FXUA does not disclose non-directory information to third parties unless the student has provided consent, the release is to the parent of a dependent student, as required by §23.1-1303.B5 of the Code of Virginia, or the disclosure meets a qualified exception under FERPA.

One such exception is when disclosure is made to a **FXUA School Official with a Legitimate Educational Interest**. *FXUA School Officials* as individuals who engage in the instructional, supervisory, advisory, administrative, governance, public safety, research, and support functions of the University. In addition to any other person or entity conducting institutional services or doing work on behalf of the University. They need not necessarily be paid employees of the University. School officials include (but are not limited to):

- Faculty
- Staff
- Contractors/Consultants
- Volunteers
- Board Members
- Trustees
- Administrators
- Academic partners
- Student workers
- Students functioning in an official University capacity

FXUA defines a Legitimate Educational Interest as the need of a school official to access a student's education records in the course of performing his or her duties for the University.

Student may give a written consent to release their protected educational records to a third party by completing a Consent to Release Student Information Form and submitting it to the Registrar's Office. Student can rescind their consent at any time, which will prevent the release of that information from that point going forward.

The institution will not permit access to or release of confidential information from a student's records to any individual or agency without the written consent of the student, except for the following situations:

1. Information may be provided to organizations conducting studies for educational and governmental agencies.
2. Information may be provided to US government agencies as listed in Public Law 93-380 who request information for specific purposes.
3. Information may be provided at the request of any accrediting agencies.
4. Information may be provided to appropriate legal authorities in connection with an emergency.

5. Information may be provided for the purposes of awarding financial aid.
6. Information may be provided in response to legal court orders.

Directory Information:

FERPA authorizes the release of Directory Information without a student's consent. FXUA has defined its Directory Information in accordance with what is allowable under FERPA, and it includes:

- Student Name
- Major Field of Study
- Dates of Attendance/Date of Graduation
- Enrollment Status
- Class Level
- Previous Institutions
- Degrees and Awards Received
- Photographs
- Participation in Officially Recognized Activities

Limited Directory Information:

Limited directory should only be used for verification purposes, such as to confirm a student's identity over the phone, and in conjunction with a legitimate educational interest.

- Student ID Number
- Date of Birth

FXUA assumes that students who do not request to withhold disclosure of their directory information consent to the release of this information.

Withholding Disclosure of Student Information

Currently enrolled students may withhold disclosure of their student information by completing a [Prevent Disclosure of Student Information Form](#) and submitting it to the Registrar's Office. Former students may not place a new request for nondisclosure on their education records, however, they may request its removal.

Confidential Hold: Prevents disclosure of all student information. Students who elect this hold must conduct all university business in person with a photo ID or via their official FXUA email address. No student information will be released over the phone. The student's name will not appear in any commencement program.

Confidential status does not convey a right to be anonymous in the classroom or to impede routine classroom communication and interactions. Students with confidential status expect to be identified in the class by name and to have their FXUA email address used for class purposes.

Request to Inspect an Educational Record:

Eligible students are afforded the right to inspect all education records maintained by the University. The following procedures should be followed to allow a student to inspect their record.

- (1) Students must provide a written request indicating what type of education records they want to inspect.
- (2) Student should submit the written request to the Registrar's Office. The Registrar will oversee the inspection process.
- (3) Students will be able to review the requested education records within 45 days of submitting their request.
- (4) The Registrar will contact the student to arrange a day and time for the inspection to take place and supervise the inspection.
- (5) The student will be able to make notes during the inspection but is not permitted to remove any records or documents at the time of the inspection.

- (6) Following the inspection, both Registrar and student will sign a copy of the request to note the date, time and location the inspection took place. A copy should be retained by the Registrar's Office.

Exclusions to FERPA Requests:

The following records are not available for inspection:

- (1) Parents Financial Records
- (2) Records containing information on other students
- (3) Records connected to a denied application
- (4) Confidential letters and/or recommendations to which access has already been waived
- (5) Any other records FERPA excludes from the definition of an educational record

Request to Amend an Education Record:

After inspecting their education record, a student may believe a portion of that record contains information that is inaccurate or misleading. Students may request to have that education record amended. The following procedures should be followed to allow a student to request their educational record to be amended:

- (1) Students must provide a written request and indicate what record they are requesting to be amended and why they believe the record is inaccurate or misleading. A separate request must be made for each amendment requested.
- (2) Students must submit the request to the Registrar's Office.
- (3) The review and the decision will take place within 30 days and the student will be informed in writing no later than the 30th day of the decision.
- (4) If the Registrar has concluded that no amendment will occur, the student may then request a hearing or to place a document in the record which explains why they believe the educational record to be wrong or misleading. Requests should be directed to the Registrar's Office.
- (5) If the student requests a hearing, the student will be informed in writing of the date and time of the hearing.

Contact the Registrar's Office at registrar@fxua.edu if you have additional questions.