

# Northern Arizona University FERPA Policy

## Definitions

**Student** means any individual for whom Northern Arizona University, an institution of post-secondary education, maintains education records, but does not include an individual who has never been in attendance at Northern Arizona University.

**Directory information** means a student's name, address, e-mail address, telephone number, 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.

**Education record** mean those records which are directly related to a student and are maintained by Northern Arizona University or by a person acting for Northern Arizona University and means information or data recorded in any medium, including, but not limited to photos, handwriting, print, tapes, film, microfilm, and microfiche. The term does not include:

- Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute;
- The records and documents of the Northern Arizona University Police Department which are maintained apart from the above-defined education records and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction;
- Records made and maintained in the normal course of business which relate exclusively to an individual employed by Northern Arizona University in that individual's capacity as an employee and are not available for any other purpose;
- Records relating to a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not disclosed to anyone other than individuals providing such treatment, provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice; and
- Records of Northern Arizona University which contain only information relating to a person after that person is no longer a student at Northern Arizona University, e.g., information pertaining to the accomplishments of Northern Arizona University alumni.

**Disclosure** means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

**Personally identifiable** means that the data or information includes: the name of a student, the student's parent or other family member; the address of the student, a personal identifier, such as the student's social security number or student number; a list of personal characteristics which would make the student's identity easily traceable, or other information which would make the student's identity easily traceable.

**Office of the Registrar** means the administrative office bearing such title and its designee.

## Policy

**1. Right to Inspect and Review-Limitation.** Northern Arizona University shall permit students, upon application to the Office of the Registrar to inspect and review their own education records with the following limitations:

- Financial records and statements of their parents' or any information contained therein;
- Confidential letters and confidential statements of recommendation, which were placed in the education records of a student prior to January 1, 1975, provided that the letters and statements were solicited with a written assurance of confidentiality, or sent and retained with a documented understanding of confidentiality, and are used only for the purpose for which they were specifically intended.
- Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975, respecting admission to an educational institution, an application for employment, or the receipt of an honor or honorary recognition, provided that the student has waived his or her right to inspect and review those letters and statements of recommendation.

**2. Waivers-limitations.** A student or a person applying for admission may waive, in writing only, his or her right to inspect and review confidential letters and confidential statements of recommendation described above, except that the waiver may apply to confidential letters and statements only if the applicant or student is, upon request, notified of the names of all individuals providing the letters or statements, and such are used solely for the purpose for which they were originally intended. Such waivers are not required as a condition of admission to or receipt of any other service or benefit from Northern Arizona University. A waiver under this section may be revoked, in writing only, with respect to any actions occurring after the revocation.

**3. Notification of Right to Inspect and Review-Procedures.** Students are hereby notified of the types of education records which are maintained by Northern Arizona University and are directly related to students. (See Above)

Applications to inspect and review a student's records shall be made on the appropriate form provided for that purpose and shall be filed with the Office of the Registrar.

The Office of the Registrar shall, in no more than forty-five days from receipt of the application, arrange for the appropriate inspection and review of the student record.

A student shall have the right to:

- inspect and review the content of those records;
- obtain copies of those records at his or her own expense, not to exceed actual cost to the University of reproducing such copies.
- a response from the University to reasonable requests for explanations and interpretations of those records; and
- an opportunity for a hearing to challenge the content of those records, procedures for which are outlined in No. 4, below.

**4. Challenges to the Content of Records-Hearing-Informal Proceedings.** Students shall have an opportunity to a hearing to challenge the content of the student record, to insure that the record is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the student respecting the content of such records. Any explanation placed in the education record of the student shall be maintained by Northern Arizona University.

Northern Arizona University shall attempt to settle any dispute with a student regarding the content of the student's education record through informal meetings and discussions with the student.

Upon the request of either the student or the University official responsible for a particular portion of the student record in question, a hearing shall be conducted by the Registrar.

1. Such hearing and decisions shall be made by a panel of University faculty and professional staff who do not have a direct interest in the outcome of the hearing.
2. The hearing shall be conducted within twenty days following the request for hearing.
3. The student shall be afforded notice of the date, place, and time at least five days in advance of the hearing, and shall be afforded a full and fair opportunity to present evidence relevant to the issue pertinent to his or her challenge. The student may be assisted or represented by individuals of his or her choice at his or her expense, including an attorney.
4. The decision shall be rendered in writing within twenty days following the conclusion of the hearing, and shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

**5. Disclosure of Personally Identifiable Information from Education Records.** Northern Arizona University shall not permit the disclosure of information from education records or personally identifiable information contained therein other than directory information of students without the written consent of the student to any individual, agency or organization other than the following:

- To other school officials, including teachers with the university who have been determined by the University to have legitimate education interest.;

- To officials of other schools or school systems in which the student seeks or intends to enroll or where the student is enrolled in or receives services from the other institution;
- To authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education and Welfare, the U.S. Commissioner of Education, the Director of the National Institute of Education, The Assistant Secretary for Education, or Arizona State educational authorities;
- In connection with a student's application for, or receipt of, financial aid, provided that such disclosure is necessary to determine eligibility, amount, conditions or enforcement of terms or conditions of the financial aid;
- To state and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.
- To organizations conducting studies for, or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student financial aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;
- To accrediting organizations in order to carry out their accrediting functions;
- To parents of a dependent student of such parents, as defined in Section 152 of the Internal Revenue Code of 1954, provided that such dependent status is required to be affirmed in affidavit form submitted by said parents; or
- To comply with a judicial order, or lawfully issued subpoena, upon condition that the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance therewith.
- To authorized agents, vendors, or contractors of the University who have agreed to abide by the provisions of FERPA regarding covered student data.

### **FERPA Annual Notice to Reflect Possible Federal and State Data Collection and Use**

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records — including your Social Security Number, grades, or other private information — may be accessed without your consent.

- First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.
- Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities

must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

**6. Content of Consent– Copy.** Where the consent of a student is required under this policy for the release of education records, it shall be in writing, be signed and dated by the person giving such consent, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom such records will be released. A copy of such released records shall be provided, upon request, to the student at his or her own expense.

**7. Release of Information for Health or Safety Emergencies.** Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other individuals. The factors which will be taken into account in determining whether records may be disclosed under this section include the following:

- The seriousness of the threat to the health or safety of the student or other individuals;
- The need for the information to meet the emergency;
- Whether the persons to whom the information is disclosed are in a position to deal with the emergency; and
- The extent to which time is of the essence in dealing with the emergency.

**8. Record of Disclosures.** Northern Arizona University shall maintain a record, kept with the education record of each student, which will indicate all parties other than those specified in number 5, above, which have requested or obtained disclosure of information from a student's education record maintained by the university and which will indicate specifically the legitimate educational interest that each party has in obtaining this information. Such record shall be available only to the eligible student, to the school official and his or her assistants who are responsible for the custody of such records, and to persons or organizations authorized in and under the conditions of number 5, above, and as means of auditing the operation of the system.

**9. Transfer of Information by Third Parties.** Northern Arizona University will not release personally identifiable information on a student except on the condition that the party to which the information is being transferred will not permit any other party to have access to such information without the written consent of the student concerned. Northern Arizona University will include, with any information released to a party under this section, a written statement which informs such party of the requirement set forth in this section. This last section is reprinted here just because the University has the requirement that the authorized third parties agree to abide by FERPA.

**10. Directory Information.** Students are hereby notified that the definition, “directory information,” above, contains the categories of information which Northern Arizona University makes public with respect to each student attending the University. Students not desiring such information to be released concerning themselves can make the appropriate changes within the on-line LOUIE system. To change this type of information, please follow the following links in LOUIE: Home – Self Service> Student Center> FERPA Restrictions.

**11. Annual Notification of Rights.** Northern Arizona University shall give students notice of their rights pursuant to the Family Educational Rights and Privacy Act by annual publication in the Student Handbook. Additional copies of the policy are available in the Office of Student Life, the Office of the Registrar, and the Cline Library.

**12. Complaints and Violations.** Students are hereby notified that the department of Health, Education and Welfare has established an office and review board to investigate and adjudicate violations and complaints concerning the Family Educational Rights and Privacy Act of 1974, its amendments and the rules of the Department. This office may be contacted at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605  
[FERPA Web Site](#)