

FERPA

1. Compliance with FERPA Rights

The Family Educational Rights and Privacy Act (also referred to as FERPA or the Buckley Amendment) 20 U.S.C. section 1232g gives students certain rights to privacy of their education records and rights of access to their education records.

The United States Department of Education has issued regulations to implement the law; see 34 CFR part 99. The law, the regulations, and other information can be accessed through the East Carolina University Registrar's website (<http://www.ecu.edu/cs-acad/registrar/FERPA.cfm>).

The federal law may also be accessed at:

<http://www4.law.cornell.edu/uscode/20/1232g.html>

The federal regulations may be accessed at:

<http://www4.law.cornell.edu/cfr/34p99.htm#start>

Employees and agents of the University are expected to comply fully with this law.

2. Annual Notice of FERPA Rights:

East Carolina University shall send a written notice of FERPA rights to every enrolled student at the beginning of each fall semester.

3. Student Right to Inspect and Copy Their Records

Access to a student's official academic record, disciplinary record and financial aid record is guaranteed to him or her subject only to reasonable regulation as to time, place and supervision (1970, III, A) with the following exceptions:

1. Any and all documents written or solicited prior to Jan. 1, 1975, on the presumption that they were intended to remain confidential and privileged.
2. Any and all documents to which access has been waived by the student.
3. Any and all records which are excluded from the FERPA definition of educational records.
4. Any and all financial data and income tax forms submitted in confidence by the student's parents in connection with an application for, or receipt of, financial aid.
5. Any and all records connected with an application to attend East Carolina University or a component unit of East Carolina University if that application was denied or accepted and the applicant never enrolled. FERPA rights are provided only to applicants upon actual acceptance and subsequent enrollment.
6. Those records which contain information on more than one student. The requesting student has the right to view only those portions of the record which pertain to his or her own educational records. Since documents written or solicited

after Jan. 1, 1975, may be kept confidential only if the student has waived access thereto in writing, a form of waiver shall be provided for the voluntary use of applicants in their request for recommendations. Any recommendation submitted under condition of confidentiality but without written waiver of access by the applicant shall be returned to the sender. The placement records maintained by the Office of Career Services may be inspected by the subject of the file, with the exception of recommendations or evaluations which have been received with the student's written waiver of access.

Student inspection of records is granted only upon written request, presented in person with appropriate identification, and must be made in the presence of designated personnel of the office maintaining the records.

Students may generally obtain copies of their education records IF circumstances make on-site inspection impractical and the student is in good standing. By way of example, a request for copies may be denied if the student lives within commuting distance of East Carolina University, or there is a "hold" on the student's records, or there is an unresolved disciplinary action against the student, or the requested records include exam or test questions.

4. Privacy of Records/Directory Information

East Carolina University may not disclose the education records of a student to other persons unless that student has given consent in writing. Federal law provides certain exceptions to this student privacy right. See 34 CFR 99.31. For example, school officials with a legitimate educational interest may inspect a student's records regardless of consent.

Another exception to records privacy is that the University may disclose "directory information" without student consent. Directory information consists of a student's name, email address on file with the Registrar, mailing address on file with the Registrar, telephone number, date and place of birth, major field of study, participation in officially recognized student activities and sports, weight and height of members of athletic team members, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

Students may block disclosure of directory information. To block disclosure of directory information, a student must file a request with the Office of the Registrar (Whichard Building) within seven days of the beginning of each semester. Even if a student blocks directory information, it may still be inspected by those persons authorized by law to inspect education records without consent. See 34 CFR 99.31 and 99.37.

6. Procedure to Correct Records

If a student believes his/her education record is inaccurate or misleading, the first step is to discuss the concern with the University Registrar or designee. This does not apply to

grade disputes (although it may be used to correct a clerical error in grades). If the record keeper does not agree with the student, the record keeper will inform the student of the right to a formal hearing.

A student must request a formal hearing within 30 University business days from the date the student is informed by the record keeper of the right to a hearing. The request must be in writing, and must be delivered to the Senior Executive Director of Enrollment Management, to whom the record keeper ultimately reports.

The University official who receives the formal hearing request shall either hear the case personally or designate a hearing committee. The committee will include one representative from the University Registrar's Office or designee other than the one who has denied the request, two faculty members and two students. Within a reasonable period of time after the request for hearing, the student shall be informed of the date, place, and time of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of his/her choice. The person or committee hearing the case shall decide it solely on the basis of the evidence presented at the hearing. The decision shall be in writing, delivered to all parties, and will summarize the evidence and state the reason(s) for the decision. If the decision is in favor of the student, the education records will be amended accordingly. If the decision is unsatisfactory to the student, he or she may place with the education record a statement commenting on the information in the records or setting forth any reasons for disagreement with the decision. Such statements will be maintained as part of the student's education record and released with the record anytime it is disclosed to third parties. The challenge to be considered in such a hearing may extend only to the material in the respective university file; it may extend to the correct recording of a grade but not to the appropriateness of the grade.