

University of Arkansas – Fort Smith

FERPA

Family Educational Rights and Privacy Act

(Also known as the Buckley Amendment)

For Faculty, Staff, and Students

1. Education records are defined as records that are directly related to a student and maintained by the University, except for law enforcement records, employment records (unless employment is contingent upon being a student), medical records, or post-attendance records. FERPA affords students certain rights with respect to their educational records. They are: The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.
4. The right to provide written consent before the University discloses personally identifiable information from the student's education record, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior consent under the FERPA exception noted above to school officials with a legitimate educational interest. A school official is a person employed by UAFS in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom UAFS has contracted as its agent to provide a service instead of using UAFS employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Upon request, UAFS also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

FERPA permits disclosure of directory information, defined by the U.S. Department of Education as information contained within an education records that would not generally be considered harmful or an invasion of privacy if disclosed. The University reserves the right not to disclose directory information to third parties not associated with the University unless, in the judgment of appropriate University official(s) that it is appropriate to do so. Students who do not desire their directory information to be disclosed must notify the Record's Office in writing. Forms for this purpose are available in the Record's Office in the second floor of Smith-Pendergraft Campus Center.

The following has been designated as directory information by the University: name, address, major field of study, degrees and awards received, participation in officially recognized activities and sports, weight and height of members of athletic teams, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status (i.e., undergraduate or graduate; full- or part-time), honors received and most recent educational agency or institution attended.

Legitimate educational interest does not convey inherent rights to any and all student information. The University must provide annual notification of what it considers directory information and give the student the option of requesting that no directory information be released.

The Solomon Amendment requires the University to provide directory information to military recruiters except in those instances when the student has requested that directory information not be released.

FERPA allows disclosure of educational records without consent in connection with, but not limited to:

- Compliance with a court order or lawfully issued subpoena
- To appropriate parties in a health or safety emergency
- To officials of another school, upon request, in which the student seeks to enroll
- In connection with a student's request to receive financial aid, as necessary to determine eligibility, or to enforce the terms and conditions of aid
- To officials of the U.S. Department of Education, the Comptroller General, and state and local authorities in connection with state and federal education programs
- To accrediting organizations carrying out their functions
- To certain organizations carrying on their studies on behalf of the University
- The results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence to the alleged victim of that crime with respect to that crime

Student Educational Records May Be:

- A file/ document
- A computer printout in your office
- A class list
- A computer display screen
- Notes taken during an advisement session
- E-mails

Posting of Grades:

University of Arkansas – Fort Smith provides a secure portal, the BLACKBOARD for Student product, for students to view their academic record, and a secure web for Faculty product for submitting grades.

Any public posting of grades or distribution of grades by any means other than a secure means is in violation of FERPA. This includes posting of grades using student I.D. numbers, social security numbers, or name. The posting of grades to a class website and the public posting of grades for students taking distance education courses is in violation of FERPA. The recommendation is that no grades be posted.

Notification of grades by postcard is a violation of FERPA. Grades must be in a sealed envelope with security precautions. Note: UAFS does not issue paper grade reports.

All communication to students from faculty and staff should be through UAFS email accounts. Notification of grades by e-mail is not recommended. The institution would be responsible if any third party gained access, in any manner, to a student's educational record through any electronic transmission method.

Special "DO NOTS" for Faculty:

To avoid violation of FERPA rules:

- DO NOT at any time use the student's social security number or part of SSN or BANNER I.D. number in any public posting, including the classroom. (Example: Do not pass around your class roster for students to sign, initial, etc. that includes SSN or ID.)
- DO NOT link the name of a student with that student's social security or BANNER I.D. number in any public manner.
- DO NOT leave graded tests in a stack for students to pick up by sorting through the papers of all students. Place each one in a separate envelope.
- DO NOT circulate a printed class list with SSN, BANNER I.D., or any other non-directory information or grades as an attendance roster.
- DO NOT discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.

- DO NOT provide anyone with lists of students enrolled in your classes for any commercial or other purpose.
- DO NOT provide anyone with student schedules or assist anyone other than University employees in finding a student on campus. Refer individuals to the University Security Desk.

Letters of Recommendation and Verbal Commendations: Statements made by a person making a recommendation do not require a written release from the student. However, if personally identifiable information obtained from a student's record is included in the letter of recommendation, the writer is required to obtain a signed release from the student.

Parental Access: When a student reaches the age of 18 or begins attending a post-secondary institution, regardless of age, FERPA rights transfer from the parent to the student. The University will obtain an observed signed consent form from the student that authorizes the parent to receive non-directory information and/or attend a meeting regarding the student's academic record. The consent form will be kept on file in the Records Office and noted in Banner. Should a parent contact you regarding their child, you must check for this authorization prior to releasing any information. If the authorization does not exist, do not discuss the student with the parent and advise the parent that the child must give written observed authorization before you are allowed to do so.

The Media: FERPA does not allow an institution to discuss a student's educational record publicly, even if the information has become a matter of public record through a lawsuit or other means. A school official may not assume that a student's public discussion of a matter constitutes implied consent for the school official to disclose anything other than directory information in reply. Additionally, University employees should follow University policies regarding the release of information to the media.

Best Practice: Best practice is to limit disclosure from and access to personally identifiable student information to those at the University who have an articulable and legitimate need to know in order to perform the duties of their job. Do not disclose or provide access to personally identifiable student information to anyone outside of the University without either the student's signed and specific written consent..

All FERPA questions should be directed to the University Registrar.

The Federal Office that Administers FERPA:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605