

### What is directory information?

Institutions may disclose information about a student without violating FERPA if it has designated that information as “directory information”. Directory information are those data items that are generally not considered harmful or an invasion of privacy if publicly available. At EVMS this includes a student’s:

- Name
- Telephone number
- Email address
- Degrees or certificates sought and/or conferred
- Program/class year
- Dates of attendance
- Awards and honors received
- Photograph
- Name of the most recent previous educational institution attended

### Who may have access to student information?

- The student and any outside party who has the student’s written request.
- EVMS school officials (as defined by the school) determined to have a legitimate educational interest.
- Parents of a dependent student as defined by the Internal Revenue Code. Please refer all parental requests to the Registrar’s Office.
- Persons in an emergency, if the knowledge of information is necessary to protect the health or safety of the student or others.

### Student Safety and FERPA

While FERPA provides protection to a student’s privacy and educational records, it does not bar EVMS officials from sharing critical information about troubled students with appropriate parties. Instructors and course directors are often the first to observe serious personal problems or troubling behavior. EVMS officials, including faculty and staff, are permitted and encouraged to share information about a student who is or might be considered a risk to him or herself or others.

Should you become concerned about the welfare or behavior of a student, please contact: Assistant Dean of Student Affairs (757) 446-5244

### When is the student’s consent not required to disclose information?

- To EVMS officials (defined in policy) who have a legitimate educational interest.
- To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs
- To organizations conducting studies for or on behalf of educational institutions
- To accrediting organizations
- To parents of a dependent student (as defined by the Internal Revenue Code)
- A person in response to a lawfully issued subpoena or court order, as long as EVMS makes a reasonable attempt to notify the student first. Please send all lawfully issued subpoenas or court orders requesting educational records to the Registrar’s Office.
- Releasing directory information
- Releasing the results of a disciplinary hearing to an alleged victim of a crime of violence
- In a health or safety emergency

### To avoid violations of FERPA:

- Access student records only if you have a legitimate educational interest.
- Maintain the privacy of all student academic work.
- Please never allow students to pick up their work by sorting through stacks of graded materials that include classmates’ work.
- Do not use personal information, including a student’s name, ID, or SSN, for the public posting of grades or for any other use.
- Letters of recommendation do not require consent from the student if statements are based on your personal observation or knowledge. If the letter is based on non-directory information (e.g. grades), written consent must be obtained from the student prior to producing the letter.

# FERPA

FAMILY EDUCATIONAL RIGHTS AND PRIVACY

ACT OF 1974



For more information please contact:

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Faculty and Staff Guidelines to the Family Educational Rights and Privacy Act and the Confidentiality of EVMS Student Education Records

EVMS

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## What is FERPA?

The Family Educational Rights and Privacy Act of 1974 helps protect the privacy of student education records. The Act provides students the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

## Why should you care?

- As an EVMS employee, you are required to comply with FERPA.
- You are building a trust relationship with students. As a member of the EVMS community, you are given access to private information about students. Students trust that you are using that information in appropriate ways. It is important that you honor that trust.
- Maintaining the confidentiality of education records is the responsibility of all faculty, staff, and student employees with access to student-related data.
- Knowledge of FERPA is important to ensure student educational information is maintained and released in compliance with FERPA guidelines.
- The U.S. Department of Education's Family Policy Compliance Office reviews and investigates unresolved complaints of FERPA violations. Penalties for non-compliance can include the withdrawal of Department of Education funds from EVMS.

## What rights does FERPA afford students with respect to their education records?

- The right to inspect and review their education records within 45 days of the day the school receives a request for access. Students should submit to the Registrar a written request that identifies the records(s) the student wishes to inspect. The form to request access to inspect and review student academic records is maintained on the Registrar's website. The Registrar will make arrangements for access and notify the student of the time and place the records may be inspected. Students do not have the right to inspect and review information about other students, financial records of parents, or confidential letters of recommendation if they waived their right to access.

- The right to request an amendment to the student's education records that the student believes are inaccurate or misleading. Students who wish to ask EVMS to amend a record should contact the Office of the Registrar, in writing, clearly identify the part of the record the student wants amended, and specify why it should be changed. The form to request an amendment to a student record is maintained on the Registrar's website. If EVMS decides not to amend the record as requested, EVMS will notify the student, in writing, of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. This right cannot be used to challenge a grade. Students must follow the grade appeal policy outlined in the student handbook.

- The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent the FERPA authorizes disclosure without consent. EVMS will not release information from a student's educational record without the student's written consent except as indicated below. FERPA permits disclosure, without prior written consent, to school officials with legitimate educational interests. A "school official" is a person employed by EVMS in an administrative, supervisory, academic or research, or support staff position (including EVMS law enforcement personnel and health staff); faculty sponsoring an honor society; contractors, consultants, volunteers or other outside parties providing services instead of using EVMS employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Visitors; or a student serving on an official EVMS committee, such as a disciplinary, student progress or grievance committee, or assisting another school official in performing his or her tasks. Inter-institutional disclosure may be made between EVMS and entities that administer or participate in joint or affiliated programs or activities and that further a legitimate educational interest because such disclosures are considered made to "school officials".

A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibilities to EVMS. EVMS may also disclose information to officials of another school in which a student seeks or intends to enroll so long as the disclosure is related to the enrollment or transfer.

EVMS may also disclose education records to appropriate parties, including a student's parent(s), if it is determined that there is a significant threat to the health or safety of a student or other individuals, but only to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

- Students have the right to request EVMS to restrict access to their directory information. EVMS must comply with this request. The Directory Information Hold Form is available on the Registrar's Office website. A directory information hold notation will be placed within the official student records database. The non-disclosure request does not prevent the release of directory information under any of the FERPA exceptions. School officials, deemed to possess a legitimate educational interest still may access directory information in order to perform his or her job responsibilities in support of EVMS's educational mission.

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by EVMS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Office., SW  
Washington DC 20202-5901

## Who is protected under FERPA?

FERPA protects the education records of students who are currently enrolled or formerly enrolled regardless of their age or status with regard to parental dependency. The education records of students who have applied to but have not attended EVMS are not subject to FERPA guidelines.

## What are educational records?

- An educational record is any record in any medium maintained by EVMS that is directly related to a student.
- Examples include, but are not limited to, documents with a student's name or ID number, class rosters, grade lists, transcripts, class schedules, emails, financial aid records, and student information displayed on a computer screen.
- An education record is any information about a student that is shared or stored in an area accessible by others.
- Education records are not only those records maintained in the Registrar's Office; any record that is related to the student is an educational record.

