



FERPA Basics for NSU Staff

The Essence

- Federal law designed to protect the privacy of education records. It also provides guidelines for appropriately using and releasing student education records.
- It is intended that students' rights be broadly defined and applied. Therefore, consider the student as the "owner" of the information in his or her education record, and the institution as the "custodian" of that record.

Key Terms/Definitions

"EDUCATION RECORDS" include any record maintained by the institution that contains information that is personally identifiable to a student (in whatever format or medium) with some narrowly defined exceptions:

- Records in the "sole possession of the maker" (*e.g.*, private advising notes).
- Law enforcement records created and maintained by a law enforcement agency for a law enforcement purpose.
- Employment records (unless the employment is based on student status). The employment records of student employees (*e.g.*, work-study, wages, graduate teaching associates) are part of their education records.
- Medical/psychological treatment records (*e.g.*, from a health or counseling center).
- Alumni records (*i.e.*, those created after the student graduated or left the institution).

"DIRECTORY INFORMATION:" Those data items that are generally not considered harmful or an invasion of privacy if publicly available. Cannot be released if student has a "no release" on his or her record. Each institution establishes what it considers to be directory information. At NSU, this information includes: name, address (local, home, and email), telephone (local and home), academic program of study, dates of attendance, place of birth, year in school, enrollment status, anticipated graduation date, participation in sports, and degrees and awards received.

- Directory Information *cannot* include: race, gender, SSN (or part of an SSN), grades, GPA, country of citizenship, or religion. Except in very specific circumstances, a student id number (SIN) also cannot be considered directory information.
- Every student must be given the opportunity to have directory information suppressed from public release. At NSU, a student's Banner records are marked as "Confidential" when non-disclosure is requested. Everyone within the institution must abide by a student's request that no information be released about the student.
- It is important to understand, that a "Confidential" does *not* mean that a school official within the institution who has a demonstrated legitimate educational interest (*e.g.*, faculty member teaching the student in class) is precluded from using the information to perform that official's job duties.

"PARENT:" With reference to FERPA, the term "parent" refers to either parent (including custodial and non-custodial, if divorced).

When do FERPA rights begin?

A FERPA-related college education record begins for a student when he or she enrolls in a higher education institution. At a postsecondary institution, rights belong to the student in attendance, regardless of the student's age.

Basic Rights of Students under the Act:

- Be notified of their FERPA rights at least annually
- Inspect and review their records
- Amend an incorrect record
- Consent to disclosure (with exceptions)



Authorization for Release of Information

in accordance with Family Educational Rights and Privacy Act (FERPA)

Student Name: _____ NSU ID: N _____
Last name, first name, middle initial

1. Authorization

I authorize Nova Southeastern University (NSU) to release information as indicated below.

Name of Person

Relationship to Student

- | | |
|--|--------------|
| 1. _____
<i>Last name, first name</i> | _____ |
| _____ | _____ |
| <i>Telephone number</i> | <i>email</i> |
| 2. _____
<i>Last name, first name</i> | _____ |
| _____ | _____ |
| <i>Telephone number</i> | <i>email</i> |

List two individuals on this form ONLY if you intend to grant them the same type of information access. Otherwise, please complete a separate form for each individual.

Type of information access

Dates of permitted access (if any)

- ☐ Academic: (incl. but not limited to) grades, grade point average, enrollment level, course selection
- ☐ Financial aid: (incl. but not limited to) satisfactory academic progress, Free Application for Federal Student Aid information, award amounts
- ☐ Student account: (incl. but not limited to) account balances, account charges, billing, payment

from: _____ to: _____

from: _____ to: _____

from: _____ to: _____

PLEASE NOTE: NSU eBill allows students to authorize others to view their account and pay their bills. For more information on NSU eBill, visit www.nova.edu/bursar.

- ☐ Disability-related: (incl. but not limited to) type of disability, accommodation needs, auxiliary aids
- ☐ Disciplinary-related: (incl. but not limited to) academic disciplinary processes, sanctions

from: _____ to: _____

from: _____ to: _____

It is the student's responsibility to indicate dates of permitted access. Failure to indicate dates of restriction means the student is granting permanent access. Please note that NSU will not release information past the date of permitted access.

2. Certification

I understand that this authorization may be withdrawn by me at any time through submission of a new Authorization for Release of Information Form (alter dates of permitted access accordingly.)

Student Signature: _____ Date: _____

Mailing Address: _____
Street, City, State, Zip Code

Instructions and General Information

Please complete the front of this form and submit the completed form

by mail: NSU, Office of the University Registrar, 3301 College Avenue, Fort Lauderdale, FL 33314-7796
OR

in person: One-Stop Shop, Horvitz and Terry Administration Buildings on the main Fort Lauderdale campus

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. With limited exception, Nova Southeastern University (NSU) is required to receive written consent from students before personal identifiable information can be discussed or released to any third party (e.g., spouse, parent, employer, etc.) This Authorization for Release of Information form allows students to grant others access to their records.

FERPA affords students rights as follows:

- **The right to inspect and review their education record maintained by NSU.**

Students who wish to inspect and review their education record(s) should submit a written request to the Office of the University Registrar that identifies the record(s) they wish to inspect. NSU is not required to provide copies of records, unless, for reasons such as great distance, it is impossible for the student to review the record. The Office of the University Registrar will respond to requests within 45 days and notify the student of the time and place where the record(s) may be inspected.

- **The right to request an amendment to an education record.**

Students may request an amendment to their education record which they believe to be inaccurate or misleading. Concerns may be informally discussed with the University Registrar. If the University Registrar agrees with the student's concerns, the appropriate records will be amended. If the University Registrar finds the student's concerns to be unfounded, she will notify the student within a reasonable period of time that the student's records will not be amended. The University Registrar will then inform the student of his or her right to a formal hearing. After the hearing, if NSU still decides not to amend the record, the student has the right to place a statement with the record setting forth his or her view about the contested information. Students who wish to request an amendment to their education record(s) should contact the Office of the University Registrar.

- **Generally, NSU must have written permission from the student in order to release any information from a student's education record.** However, FERPA allows schools to disclose those records, without consent, to the following parties, or under the following conditions:

- NSU officials with legitimate educational interest;
- other schools to which a student is transferring;
- specified officials for audit or evaluation purposes;
- appropriate parties in connection with financial aid to students;
- organizations conducting certain studies for or on behalf of the school;
- accrediting organizations;
- to comply with a judicial order of lawfully issued subpoena;
- appropriate officials in cases of health and safety emergencies; or
- state and local authorities, within a juvenile justice system, pursuant to specific state law.

- **The right to file a complaint,** concerning alleged failures by NSU to comply with the requirements of FERPA, with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605

- **NSU may disclose, without consent, "directory" information.** NSU designates the following student information as public or "directory information." Such information may be disclosed by NSU at the university's discretion.

- | | |
|---------------------------|--|
| ○ Student name | ○ Dates of attendance |
| ○ Local and home address | ○ Degrees, honors, and awards received |
| ○ Telephone numbers | ○ Enrollment status |
| ○ Major field of study | ○ Year in school |
| ○ Participation in sports | ○ Anticipated graduation date |
| ○ Place of birth | ○ Email address |

Students may request that NSU withhold directory information by completing a Request to Prevent Disclosure of Directory Information Form (located on the Registrar's Web site at www.nova.edu/registrar). The form should be submitted to: NSU, Office of the University Registrar, 3301 College Avenue, Fort Lauderdale, FL 33314-7796. Please note: Once a student has filed a Request to Prevent Disclosure of Directory Information Form, the Office of the University Registrar will not release the student's directory information to anyone, including for such purposes as publication on the Dean's List, listings in commencement bulletins, and requests from prospective employers.

- **The right to be notified of students' rights under FERPA annually.**

The University Registrar's Office sends a FERPA notification via email to all students each fall.



NOVA SOUTHEASTERN UNIVERSITY

Enrollment and Student Services

Office of the University Registrar

3301 College Avenue • Fort Lauderdale, Florida 33314-7796

(954) 262-7200 • 800-541-6682 • Fax (954) 262-2915

Request to Prevent Disclosure of Directory Information

Pursuant to the Family Educational Rights and Privacy Act of 1974 and amendments thereto, you have the right to prevent the disclosure of "Directory Information," which otherwise may be released for any purpose at the discretion of Nova Southeastern University (NSU). The items listed below are presently designated by NSU as Directory Information:

Student name

Local and home address

Telephone numbers

Major field of study

Participation in sports

Place of birth

Dates of attendance

Degrees, honors and awards received

Enrollment status

Year in school

Anticipated graduation date

Email address

NSU reserves the right to change the categories of Directory Information at any time.

Please Note: Consider very carefully the consequences of your request to not disclose Directory Information to persons or organizations outside NSU. NSU shall comply with your request, except as otherwise required by law. NSU shall not be liable or responsible for honoring your request.

Student I.D. _____ Student's Name: _____
Last First MI

_____ Phone Number
Permanent Address (Mailing Address, City, State Zip)

Student's Signature: _____ Date: _____

Sign and submit to the One-Stop Shop on the main campus (Horvitz and Terry Administration Buildings) or mail to NSU, Office of the University Registrar, 3301 College Avenue, Fort Lauderdale, FL 33314.

FOR OFFICE USE ONLY

Entered by: _____ Date: _____

Annual Notification

NSU notifies students of their FERPA rights each Fall semester via their SharkLink email account.

Inspection and Review

Students have the *right* to see everything in their “education record,” except:

- Information about other students.
- Financial records of parents.
- Confidential letters of recommendation if they waived their right of access.

FERPA does not prescribe what records are created or how long they are to be kept; however, you cannot destroy a record once there is a request to inspect and review. It is important to know and understand NSU’s records retention policy.

Right to Consent to Disclosure

Start with the premise that the student has the right to control to whom his or her education record is released. Then, there are several exceptions when that permission is not required.

WHEN IS PRIOR CONSENT NOT REQUIRED?

Generally speaking, an institution may disclose records without consent if certain requirements are met, but it is not required to do so. Some examples of the exceptions to the release requirement include:

- “School officials” with a “legitimate educational interest.” Employees and legal agents have access to education records in order to perform their official, educationally-related duties
- Disclosure to another institution where the student seeks to enroll or is enrolled
- Disclosure to ED, state/local education authorities
- Disclosure in connection with the receipt of financial aid
- Disclosure to state/local officials in conjunction with legislative requirements
- Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations
- Disclosure to parents of *dependent students* (IRS definition). NSU considers *all* students as independents and as such, education records are not shared with parents without the written consent of the student
- To comply with a judicial order or lawfully issued subpoena
- Disclosure for a health/safety emergency (must document what the emergency was and to whom the information was released)
- Disclosure of directory information provided the student has not requested confidentiality
- Disciplinary information:
 - Disclosure to the alleged victim of a crime of violence, such as information from disciplinary proceedings
 - *Only* when found in violation, and *only* for crimes of violence—release of name, sanction and outcome can be made to anyone
 - Disclosure to parents of any student under the age of 21, a violation of federal, state, local or institutional laws/regulations related to substance abuse (provided that other laws governing the institution, such as state law, do not preclude such disclosures)

FERPA rights at a postsecondary institution end with a student’s death. However, NSU will make records of deceased students available to the parent(s), spouse, executor/executrix, or other authorized parties upon written request. This request must include the need for the records, identify the requestor’s relationship to the deceased student, and be accompanied with an official record certifying authorization to receive the student records (i.e., assignment as executor/executrix).

Key Resources for Additional Information:

- Your campus registrar, Elaine Poff (poff@nova.edu)
- AACRAO (Compliance)—www.aacrao.org/resources/compliance/ferpa/
- Family Compliance Office of the Department of Education (administers FERPA compliance)—www2.ed.gov/policy/gen/guid/fpco/