

Family Educational Rights and Privacy Act

The following is a brief description of FERPA as provided by the Federal government:

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of students' education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. A student should submit to the registrar, director, director of education, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. Miami Regional University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask Miami Regional University to amend a record should write the school official responsible for the record, clearly identify the part of the record the student would like changed and specify why it should be changed. If Miami Regional University decides not to amend the record as requested, the school 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.

(3) The right to provide written consent before Miami Regional University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The School discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Miami Regional University in an administrative, supervisory, academic or research, or support staff position, a person or company with whom Miami Regional University has contracted as its agent to provide a service instead of using Miami Regional University 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.

Furthermore the school only discloses personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. 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 for Miami Regional University. Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) 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. The name and address of the Office that administers FERPA is the Family Policy Compliance Office. FPCO is available to respond to questions regarding this guidance. You may e-mail questions to FERPA@ed.gov or call FPCO at 202-260-3887. You also may write to FPCO at the following address: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-8520 Additional information and guidance on FERPA is available on FPCO's Web site at: www.ed.gov/fpc .

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a bulletin, student handbook, or newspaper article) is left to the discretion of each school.

Miami Regional University considers the following information regarding every student to be directory information:

- name
- address (including email address)
- telephone number
- honors and awards
- major
- dates of attendance.

The University uses the definition of "education record" used in FERPA. That is, "Education records are currently defined as records that are related to a student and maintained by an educational agency or institution. This includes academic records and student conduct files.

The following are excerpts copied from publications from the Department of Education which clearly define what is and what is not permissible under FERPA:

Health or Safety Emergency

In an emergency, FERPA permits school officials to disclose without student consent, education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel. See 34 CFR § 99.31(a)(10) and § 99.36. This exception to FERPA's general consent rule is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records. In addition, the Department interprets FERPA to permit institutions to disclose information from education records to parents if a health or safety emergency involves their child.

Disciplinary Records

While disciplinary records are protected as education records under FERPA, there are certain circumstances in which disciplinary records may be disclosed without the student's consent. A postsecondary institution may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed. An institution may disclose to anyone—not just the victim—the final results of a disciplinary proceeding, if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. See 34CFR§§99.31(a)(13) and (14).

In addition to the actions described above, The Clery Act requires, and FERPA permits, postsecondary institutions to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant. See 20 U.S.C. §1092(f) and 20 U.S.C. §1232g(b)(6)(A).