



## **Family Educational Rights and Privacy Act (FERPA) Policy**

### **Policy Purpose and Statement**

It is Fort Valley State University's (FVSU) policy to comply with the Family Educational Rights and Privacy Act (FERPA) which governs students' rights with respect to their educational records. This policy outlines a students' right to review, modify, and control the disclosure of their education records, Directory Information as it pertains to FERPA, as well as the procedures to review, inspect, amend, and authorize or prevent authorization of education records to third parties. The policy ensures compliance with FERPA while balancing the need for transparency and the protection of student privacy.

#### **I. Policy Application and Effective Date**

This policy applies to all faculty, staff, students, and community members. It is effective as of December 31, 2024.

#### **II. Definitions**

- A. Directory Information:** information that would not generally be considered harmful or an invasion of privacy if disclosed.
- B. Education Records:** records which contain information directly related to a student and are maintained by an educational agency or institution, like FVSU, or a party acting for such agency or institution.<sup>1</sup>
- C. Family Educational Rights and Privacy Act (FERPA):** a federal law that protects the confidentiality of student education records. FERPA is applicable to students who are eighteen (18) years of age or older or who attend a postsecondary institution, like FVSU, at any age.
- D. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act):** a consumer protection law that aims to provide transparency around campus crime policy and statistics. While personally

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<sup>1</sup> Records include, but are not limited to paper, documents, audio recordings, video, electronic files, etc. A record is protected by FERPA even if it does not contain a student's name, campus identification number, etc. if it has sufficient information to make a student's identity easily traceable.

identifiable educational records are protected under FERPA, the Clery Act requires statistical reporting that includes non-personally identifiable information.

- E. Legitimate Educational Interest:** a university official has a “legitimate educational interest” if the official needs to review an education record to fulfill his or her professional responsibilities for FVSU.
- F. Personal Identifiable Information:** any information that can be used to identify a student, either directly or indirectly.<sup>2</sup>
- G. The Solomon Amendment:** a federal law that allows military recruiters to access some address, biographical and academic program information on students aged 17 and older who have not filed any FERPA restrictions.<sup>3</sup>
- H. School Officials:** a person employed by FVSU 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 FVSU or the University System of Georgia (USG) has contracted as its agent to provide a service instead of USG employees or officials; a person serving on the Board of Regents (BOR); or a student serving on an official committee, such as a student conduct board, or assisting another university official in performing his or her tasks.

### III. Policy

- A. General.** FVSU complies with FERPA, which affords students with the following rights with respect to their education records: **(1)** the right to inspect and review their records; **(2)** the right to request an amendment of their education records; **(3)** the right to provide written consent before disclosures of personally identifiable information (PII) and/or education records; **(4)** the right to opt-out of directory information disclosure; and **(5)** the right to file a complaint with the United States Department of Education (U.S. Dept. of Education).

#### 1. Student Rights Under FERPA

- i. Right to Inspect and Review Education Records.** Students have the right to inspect and review their education records within forty-five (45) days of submitting a written request to FVSU’s Office of the Registrar. FVSU will arrange access and notify the student of the time and place where the records may be inspected.

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<sup>2</sup> Such includes, but is not limited to a student’s name, social security number, campus identification number, date of birth, place of birth, etc.

<sup>3</sup> *See*, 10 U.S.C. §983. The Solomon Amendment and Student Recruitment Information is commonly used interchangeably. However, it is important to note that the Solomon Amendment is the overall arching federal law, and Student Recruitment Information is the student records/information that may be released under the Solomon Amendment.

- ii. **Right to Request Amendment of Records.** If a student believes their education record(s) contain inaccurate or misleading information, they have the right to request an amendment. The request must be submitted in writing, clearly identifying the part of the record to be amended and explaining why it is inaccurate or misleading.
- iii. **Right to Provide Written Consent Before Disclosure.** FVSU will not permit access to or disclosure of any information from a student's education records to anyone outside FVSU without the written consent of the student. Students have the right to provide written consent before FVSU discloses any personally identifiable information (PII) from their education records, except as authorized under FERPA, federal, or Georgia law.
- iv. **Right to Opt-Out of Directory Information Disclosure.** Directory Information may be disclosed without prior consent unless the student has opted out. Students may choose to opt out of the disclosure of Directory Information by submitting a written request to the FERPA Privacy Officer. Once the request is submitted, the institution will withhold Directory Information from public disclosure.

Opting out does not prevent the institution from disclosing Directory Information to school officials with legitimate educational interests, including certain institution administrators, faculty, and contracted service providers.

- v. **Right to File a Complaint with the U.S. Department of Education.** Students who believe FVSU has failed to comply with FERPA, may file a complaint with the U.S. Department of Education at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

## **B. Disclosure Without Consent.**

- 1. **FERPA and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.** FVSU will disclose, to the alleged victim of any crime of violence or non-forcible sex offense, the results of any student disciplinary hearing or faculty/staff disciplinary hearing conducted against the 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 FVSU rules or policies. FVSU may disclose, to the parent of any student under the age of 21, any violation by the student of FVSU policy or local, state or federal law concerning the use of alcohol or drugs. The decision on whether or not to notify the parent will belong to the Vice President of Student Affairs and Enrollment Management (VPSAEM), and/or his or her designee.

2. FVSU may disclose education records without a student's prior written consent to certain parties under certain conditions, as allowed by FERPA, including:
  - i. School officials with legitimate educational interests.
  - ii. Other schools to which a student is transferring.
  - iii. Specified officials for audit or evaluation purposes.
  - iv. Appropriate parties in connection with financial aid.
  - v. Organizations conducting certain types of studies for or on behalf of the school.
  - vi. Accrediting organizations.
  - vii. Compliance with a judicial order or lawfully issued subpoena.
  - viii. Appropriate officials in cases of health and safety emergencies.

**C. FERPA Records Excluded from FERPA Protection.** FERPA protections apply to all education records in any media maintained by FVSU, except for the following:

1. Sole possession records (i.e. private notes that a professor keeps about class participation)
2. Peer grades (grades on peer graded papers before collected and recorded by the professor)
3. Law enforcement records (those records created by FVSU's law enforcement/campus police excluding those copies that end up with other FVSU employees who school officials with a legitimate educational interest in those records)
4. Employment records (provided that the student is not employes as a result of his/her status as a student worker)
5. Treatment records<sup>4</sup>
6. Alumni records (as long as the records are not directly related to the individual's attendance as a student)

#### **IV. Directory Information**

- A. General.** Under FERPA, Directory Information refers to student information that is not generally considered harmful or an invasion of privacy if disclosed. Directory information may be disclosed without a student's prior written consent unless the student has opted out of such disclosure.

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<sup>4</sup> Please note: FVSU will not release information related to medical treatment or condition of a student without the student's consent.

**1. Designated Directory Information:** FVSU and the University System of Georgia (USG) has designated the following categories of information as Directory Information:

- i.** Student's name
- ii.** Major field of study
- iii.** Enrollment status (e.g. full-time, part-time)
- iv.** Participation in officially recognized activities and sports
- v.** Dates of attendance
- vi.** Degrees, honors, and awards received
- vii.** The most recent educational institution attended
- viii.** Height and weight of athletes
- ix.** Class level
- x.** Hometown
- xi.** Institution-assigned email address (under this category, an institution-assigned email address may be disclosed without consent only to other, current students. In addition, students may not request email listings of the entire student body or segments thereof, except for academic purposes)
- xii.** Thesis/Dissertation title

**B. The Solomon Amendment.** The Solomon Amendment, 10 USC § 983, is a federal law that allows military recruiters to access some address, biographical, and academic program information about students aged 17 and older. The U.S. Dept. of Education has determined that the Solomon Amendment supersedes most elements of FERPA.

FVSU is obligated to release education records pursuant to the Solomon Amendment, which may or may not match FVSU's Directory Information list, as long as the student has not submitted a request to opt-out of the information disclosure. Records under the Solomon Amendment that may be released is known as Student Recruitment Information.

**1. Student Recruitment Information.** FVSU has designated the following as Student Recruitment Information under the Solomon Amendment:

- i.** Student's name
- ii.** Address (permanent)
- iii.** Telephone
- iv.** Age or date of birth (17 years of age or older)
- v.** Place of birth
- vi.** Education level
- vii.** Academic major
- viii.** Degrees received
- ix.** Educational institution in which the student was most recently enrolled

**V. Student Access to Personal Records.** FVSU reserves the right to deny a student the right to inspect parents' financial records, confidential letters of recommendation requested by the student for which the student has waived access (students may request the names of those who have submitted confidential recommendations), and documents revealing non-directory information about other students (such as class rosters).

**VI. Physical and Mental Health Information.** FVSU is required by federal and Georgia laws and regulations to protect the privacy of the Protected Health Information (PHI) of students and their medical treatment records. PHI includes information that identifies the student and relates to a student's past, present, or future physical or mental health information. FVSU will not release information related to the medical treatment or condition of a student to a third party without written consent of the student.

## **VII. Procedures**

**A. Review and Inspection of Education Records.** A student may review and/or inspect their own education record. The student should submit a written request, by way of the [FERPA Request Form](#), to the FVSU Office of the Registrar, dean, academic department head, or other appropriate official who is the custodian of the record that the student wishes to review and inspect.

The FVSU official will make arrangements for access to the student's education record(s) within forty-five (45) days after receiving the request. The FVSU official will notify the student of the time and place the records may be reviewed and inspected. If the FVSU official to whom the request is submitted, does not maintain the records, that official shall advise the student of the person to whom the request should be addressed.

**B. Amending Education Records.** A student may request an amendment of their education record if it is their belief that the record is inaccurate or misleading. The student should write to the FVSU custodian for the record, clearly identify the portion of the record the student wants changed and specify why it should be changed. If the university official decides not to amend the record as requested by the student, the official will notify the student of the decision and the student's right to a hearing regarding the request for amendment.

**C. Releasing Information to Military Recruiters Under the Solomon Amendment.** Under the Solomon Amendment, Student Recruitment Information will be release for military recruitment purposes only. The military recruiters may request recruitment information once each term or semester for each of the six (6) branches of service: Army, Army Reserve, Army National Guard, Navy, Navy Reserve, Air Force, Air Force Reserve, Air Force National Guard, Marine Corps, Marine Corps Reserve, Coast Guard, Coast Guard Reserve, and Space Force.

The request should be submitted in writing identifying the unit of service requesting the Student Recruitment Information. The request should also specify whether the information needed is for the current or previous semester.

**D. Consenting to Disclosure of Education Records.** A student may make their education records accessible to third parties by consenting to disclosure of their education records. Students desiring to authorize the release of information from their education records must complete a [FERPA Release Authorization for Education Records Form](#), by selecting the link or by navigating to the Legal and Government Affairs MyForms/Portal in Dynamic Forms. Dynamic Forms may be found under FVSU MyApps.

**i. Responding to Requests for Disclosure of Education Records.** Once a student has submitted the [FERPA Release Authorization for Education Records Form](#), the FVSU FERPA Privacy Officer will process the form and include the necessary information in the student's record. A third party may then request the information as listed on the FERPA Release Authorization for Education Records Form. The third party must be able to provide the student's name and six (6) digit pin, as listed on the FERPA Release Authorization for Education Records Form before any requested information may be released. The student's name and pin will be verified by the custodian of the requested information and the only information that may be released is the information the student has authorized.

A student may withdraw the FERPA Release Authorization for Education Records Form by sending an email to the FERPA Privacy Officer at [legalaffairs@fvsu.edu](mailto:legalaffairs@fvsu.edu). Such information will be included in the student's records.

**E. Opting Out of the Disclosure of Directory Information.** Students have the right to prohibit the release of their directory information without their consent. Students desiring to opt-out of having their directory information released to a third party should complete the [FERPA Directory Information Opt-Out Form](#), by selecting the link or by navigating to the Legal and Government Affairs MyForms/Portal in Dynamic Forms. Dynamic Forms may be found under FVSU MyApps.

**i. Responding to Requests for Opting Out of Directory Information.** Once a student has submitted the [FERPA Directory Information Opt-Out Form](#), the FVSU FERPA Privacy Officer will process the form and include the necessary information in the student's record. Once the FERPA Directory Information Opt-Out Form has been processed, a student's directory information may not be released to a third party.

A student may withdraw the FERPA Directory Information Opt-Out Form by sending an email to the FERPA Privacy Officer at [legalaffairs@fvsu.edu](mailto:legalaffairs@fvsu.edu). Such information will be included in the student's records.

**F. Filing a Complaint with FVSU and/or the United States Department of Education Regarding FVSU's Failure to Comply with FERPA.** A student may file a complaint regarding FVSU's failure to comply with FERPA with the FVSU Privacy Officer by email at [legaffairs@fvsu.edu](mailto:legaffairs@fvsu.edu).

A student may file a complaint with the U.S. Department of Education by submitting to the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

Additionally, a student may file a complaint with the U.S. Department of Education by completing a FERPA Complaint Form and submitting it to [ferpa.complaints@ed.gov](mailto:ferpa.complaints@ed.gov). The U.S. Department of Education's FERPA Complaint Form may be found at <https://studentprivacy.ed.gov/>.

**VIII. Annual Notification.** FVSU is committed to informing students of their rights under FERPA annually. This policy will be made available through each college or university official communications channels, including student handbooks, institution websites, and registrar's offices.

**IX. Contact Information.** Anyone who has questions concerning FERPA, this Policy, or FVSU's procedures concerning the release of educational information under FERPA or Georgia laws and regulations, are encouraged to contact FVSU's Office of Legal and Government Affairs or FVSU's FERPA Privacy Officer by email at [legaffairs@fvsu.edu](mailto:legaffairs@fvsu.edu) or by phone at 478-825-4321.

**X. Forms and Related Resources**

**A. Federal Policies**

The United States Department of Education, Protecting Student Privacy, FERPA 34 CRF Part 99 – Family Educational Rights and Privacy

Family Educational Rights and Privacy Act (FERPA): 20 U.S.C. § 1232g

The Solomon Amendment: 10 U.S.C. §983

**B. The University System of Georgia (USG) Policies**

University System of Georgia Academic & Student Affairs Handbook: 3.2 Student Privacy, 3.2.1 USG FERPA Notification and Directory Information Policy



### **C. FVSU Policies and Forms**

FERPA Website: [www.fvsu.edu/about-fvsu/ferpa](http://www.fvsu.edu/about-fvsu/ferpa)

Request to Review and Inspect Education Records: [Ferpa Request Form](#)

[FERPA Release Authorization for Education Records Form.](#)

[FERPA Directory Information Opt-Out Form.](#)