

ANNUAL NOTIFICATION TO STUDENTS

Family Educational Rights and Privacy Act of 1974 (FERPA)

Annually, Loyola University New Orleans informs students of the Family Educational Rights and Privacy Act of 1974, as amended. This Act, with which the institution intends to comply fully, was designated to protect the privacy of educational records. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their educational records.

What is FERPA?

Maintaining confidentiality of student records is everyone's responsibility whether you are faculty, staff or student.

The following is considered "Directory Information" at Loyola University New Orleans and will be made available to the general public **unless** the student notifies the Office of Student Records in person or in writing before the last day to add classes.

Student's name, telephone numbers, all addresses, e-mail address, place of birth, college, major, honors, awards, photo, classification, dates of enrollment, degrees conferred, enrollment status, dates of conferral, graduation distinctions and the institution attended immediately prior to admission

For additional information on Loyola's policy, please visit the FERPA web site - <http://www.loyno.edu/records/ferpa.html>

Penalties for Violating FERPA Regulations –

The Family Policy Compliance Office reviews and investigates complaints of violations of FERPA. If the Office finds that there has been a failure to comply with FERPA, it will notify the institution about the corrections that need to be made to bring the institution into compliance. The Office will establish a reasonable period of time for the institution to voluntarily accomplish the specified changes.

If the Secretary of Education finds, after this reasonable period of time, that an institution has failed to comply with FERPA and determines that compliance cannot be secured by any means, he can, among other options direct that no federal funds under his administrative control (financial aid, education grants, etc.) be made available to that institution.

Parental Access to Student's Educational Record

When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student. However, Loyola University New Orleans recognizes that many parents are concerned about their student's academic progress. If their son or daughter is claimed as a dependent on their income tax, we will provide educational information to either parent upon proof of identity of enrolled students. The parents are also given

access to Lora for Parents. Students who are not claimed as a dependent must continue to provide authorization to the parent(s) to access the records. Parents must obtain a signed consent from their child to receive non-directory information. The Office of Student Records keeps that consent on file and the authorization is flagged on screen 11 of the Student Records System. Should a parent contact you regarding their child, you must check for this authorization prior to releasing that information. If the authorization does not exist, you must not discuss the student with their parent and advise the parent that their child must give us written authorization before you are allowed to do so.

What is an Educational Record?

Any information provided by a student to the university for use in the educational process is considered a student educational record:

- personal information
- enrollment records
- grades
- schedules

Student educational records may be:

- a document in the student record's office
- a computer printout in an office
- a class list a computer display screen
- notes faculty have taken during an advisement session

Posting of Grades by Faculty

The public posting of grades either by the student's name or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class website and applies to any public posting of grades for students taking distance education courses.

Instructors and others who post grades should use a system that ensures that FERPA requirements are met. This can be accomplished either by obtaining the student's written permission or by using code words or randomly assigned numbers that only the instructor and individual student should know.

Notification of grades via a postcard violates a student's privacy rights.

Notification of grades via e-mail is not recommended. There is minimal guarantee of confidentiality on e-mail. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's educational record through any electronic transmission method.

Loyola provides a secure web application for students (LORA) to view their academic record. In addition to the social security number, a student must also supply a self-assigned PIN, which is a second level of security, to view these records.

Letters of Recommendation

Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.

If this letter is kept on file by the person writing the recommendation, it would be part of the student's education record and the student has the right to read it unless he or she has waived that right to access.

Sample letter of recommendation –

I give permission to Prof. Smith to write a letter of recommendation to:

Allstate Insurance
324 Wilkins Drive
Atlanta, GA 33011

Prof Smith has my permission to include my gpa and grades.

I waive (or do not waive) my right to review a copy of this letter at any time in the future.

Signature/Date

The Media

Nothing in FERPA allows an institution to discuss a student's educational record publicly – even if a lawsuit has made the information a matter of public record. 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 policy regarding the release of information to the media. The official spokesperson for the university is the Director of Public Affairs.

Legitimate Educational Interest

What is "legitimate educational interest"? In accordance with FERPA, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. This includes such purposes as:

- performing appropriate tasks that are specified in her/his position description or by a contract agreement
- performing a task related to a student's education;
- performing a task related to the discipline of a student;

- providing services for the student or the student's family, such as health care, counseling, job placement, or financial aid.

What is NOT "legitimate educational interest"? Legitimate educational interest does not convey inherent rights to any and all student information. The law discriminates between educational interest, and personal or private interest; determinations are made on a case-by-case basis. Educational interest does not constitute authority to disclose information to a third party without the student's written permission.

Resource: The AACRAO 2001 FERPA Guide