



Family Educational Rights and Privacy Act (FERPA) Policy

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Policy Contact: Michael Lewis, Registrar

I. Introduction and Purpose

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that protects the privacy of student education records. The law applies to all educational institutions that receive funds under an applicable program of the U.S. Department of Education. Marist is committed to protecting the privacy rights of its students and complying with FERPA regulations. This policy outlines the rights of students and the responsibilities of faculty, staff, and the institution regarding the access to and release of student education records.

II. Definitions

A. Education Records: Any records directly related to a student and maintained by Marist or by a party acting for the institution. These include, but are not limited to: grades, transcripts, class lists, student course schedules, student financial information, and student discipline files.

B. Directory Information: Information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed. At Marist, directory information includes:

- Student's name
- Address (local, permanent, and email)
- Telephone listing
- Date and place of birth
- Major field of study
- Dates of attendance
- Enrollment status, grade level, credits earned

- Degrees, honors, and awards received
- Most recent educational institution attended
- Participation in officially recognized activities and sports
- Job title and dates of employment when employed by the University in a position that requires student status
- Weight and height of members of athletic teams
- Photograph

C. School Official: A person employed by Marist in an administrative, supervisory, academic, research, or support staff position; a person or company with whom the University has contracted; a person serving on the Board of Trustees; or a student serving on an official committee or assisting another school official in performing their tasks. Marist has designated the National Student Clearinghouse as a school official.

D. Student: Any individual who is or has been in attendance at an educational institution and regarding whom the agency or institution maintains education records.

E. Legitimate Educational Interest: A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility, including but not limited to when:

- The information requested is necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement.
- The information is to be used within the context of official school business and not for purposes extraneous to the official's areas of responsibility or to the school.
- The information is relevant to the accomplishment of some task or to a determination about the student.
- The information is to be used consistently with the purposes for which the data are maintained.

III. Student Rights Under FERPA

Under FERPA, students at Marist have the following rights:

A. Right to Inspect and Review: Students have the right to inspect and review their education records within 45 days of the day the University receives a request for access. Students should submit written requests to the Office of the Registrar, identifying the records they wish to inspect.

B. Right to Request Amendment: Students have the right to request the amendment of their education records that they believe are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA. Students who wish to ask the University to amend a record should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it should be changed.

C. Right to Consent to Disclosure: Students have the right to provide written consent before the University discloses personally identifiable information from their education records, except to the extent that FERPA authorizes disclosure without consent as outlined in Section IV of this policy.

D. Right to File a Complaint: Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Marist to comply with the requirements of FERPA. Complaints can be submitted to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

E. Right to Restrict Directory Information: Students have the right to restrict the release of directory information by submitting a written request to the Office of the Registrar.

IV. Disclosure of Education Records

A. Disclosures Without Prior Consent

Marist may disclose education records without a student's prior written consent under the following circumstances:

1. To school officials with legitimate educational interests
2. To officials of another school in which a student seeks or intends to enroll
3. To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities
4. In connection with financial aid for which the student has applied or which the student has received
5. To organizations conducting studies for, or on behalf of, the University
6. To accrediting organizations
7. To comply with a judicial order or lawfully issued subpoena

8. To appropriate officials or other persons in cases of health and safety emergencies
9. To parents of a dependent student as defined by the Internal Revenue Code
10. To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary proceeding
11. To a parent of a student under the age of 21 concerning the student's violation of any law or University policy governing the use or possession of alcohol or a controlled substance
12. Directory information as defined in Section II.B of this policy, unless the student has requested a restriction on the release of this information

B. Disclosures With Prior Consent

The University will obtain written consent from students before disclosing any personally identifiable information from their education records not covered under Section IV.A. The written consent must:

1. Specify the records to be disclosed
2. State the purpose of the disclosure
3. Identify the party or class of parties to whom the disclosure is to be made
4. Identify the length of time the written consent applies for
5. Be authorized and dated by the student

V. Record of Disclosures

Marist will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional parties to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The student may inspect this record of disclosures.

VI. Annual Notification

Marist will notify students annually of their rights under FERPA. The notification will include information regarding a student's right to inspect and review their education records, the right to seek amendments to records, the right to consent to disclosures except where FERPA authorizes disclosure without consent, and the right to file a complaint with the Department of Education. The notification will also include the process for restricting directory information.

VII. FERPA Procedures for Faculty and Staff

A. Training

1. All faculty and staff with access to student records must complete FERPA training upon hire and annually thereafter.
2. Marist will provide training materials and maintain records of completed training.

B. Access to Education Records

1. Faculty and staff may access education records only for legitimate educational purposes related to their role at the University.
2. Faculty and staff must not disclose information from education records without confirming that such disclosure is permitted under this policy.
3. Faculty members should not:
 - Use the full student ID number in publicly posted grades or results
 - Leave graded tests or assignments in a public place for students to pick up
 - Circulate a printed class list with student names and any identifying information
 - Provide student information to third parties, including parents, without proper authorization
 - Share student education records with other faculty or staff members unless they have a legitimate educational interest

C. Electronic Records Security

1. All electronic systems containing education records must be password protected.
2. Transmitting confidential student information by email should be avoided when possible. When necessary, only University-issued email accounts should be used.
3. Faculty and staff should log out of systems containing student records when not actively using them.

VIII. Health and Safety Emergencies

If the University determines that there is an articulable and significant threat to the health or safety of a student or others, it may disclose information from education records to appropriate parties whose knowledge of the information is necessary to protect the health

and safety of the student or others. The University will record the following information when such a disclosure is made:

1. The articulable and significant threat that formed the basis for the disclosure
2. The parties to whom the information was disclosed
3. The date of the disclosure

IX. FERPA and Remote Learning

A. Virtual Classrooms

1. Recording of virtual class sessions that would include student information (e.g., name, image, voice) requires notification to students in advance.
2. Recordings of class sessions that contain personally identifiable student information are considered education records and must be stored securely.
3. Student privacy settings in virtual learning platforms should be configured to comply with FERPA.

B. Online Submissions and Assessments

1. Online systems used for student submissions must meet institutional security standards.
2. Grades and feedback should be provided through secure University-approved platforms.

X. Compliance and Oversight

A. FERPA Compliance Officer

Marist designates the University Registrar as the FERPA Compliance Officer responsible for:

1. Overseeing FERPA compliance university-wide
2. Reviewing and updating FERPA policies and procedures
3. Providing guidance to the University community on FERPA matters
4. Investigating alleged violations of FERPA

B. Violations

1. Violations of this policy may result in disciplinary action in accordance with applicable University policies and procedures.
2. Suspected violations should be reported to the FERPA Compliance Officer.

XI. Policy Review

This policy will be reviewed annually and updated as necessary to remain compliant with federal regulations and to address institutional needs.