

**ANNUAL NOTIFICATION TO STUDENTS UNDER FERPA FOR POST-SECONDARY INSTITUTIONS
AND DIRECTORY INFORMATION DISCLOSURE NOTICE**

2022-2023

The Family Educational Rights and Privacy Act or FERPA, (sometimes called the Buckley Amendment) was passed by Congress in 1974 to afford eligible students certain rights with respect to their own education records. Consistent with federal regulations, ASU-Newport is providing this annual notice of student rights. ASU-Newport is also taking this opportunity to provide students with a Directory Information Disclosure Notice. For purposes of the Annual Notice of Student Rights and the Directory Information Disclosure Notice, the following definitions apply:

Student: "Student" means an individual who attends or has attended classes at ASU-Newport. "Student" does not include applicants for admission who are not accepted to ASU-Newport or applications who are accepted but choose not to attend ASU-Newport.

Education Record: "Education Records" are those records, files, documents, and other materials which contain information directly related to a student and are maintained by ASU-Newport or a person acting for ASU-Newport.

ANNUAL NOTICE OF STUDENT RIGHTS

An ASU-Newport Student's rights under FERPA include:

1. The student's right to inspect and review their own education records.
 - a. Students should submit written requests to the [Registrar](#) that identify the record(s) they wish to inspect. Arkansas State University-Newport (ASU-Newport) is not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records. A fee may be charged for copies.
2. The right to seek amendment of education records the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
 - a. Students should write to the [Registrar](#) to clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
3. The right to have some control over the disclosure of information from their educational records. FERPA grants students the right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA and its implementing regulations authorize disclosure without consent.
 - a. A student may consent in writing to disclosure of education records. The student's written consent must be signed, dated, and specify which records are to be disclosed, to whom, and for what purpose. The consent must be delivered to the office of the [Registrar](#). The student may retract the consent in writing at any time. Proper proof of identity may be required by the Registrar's office before consent is retracted.

- b. ASU-Newport may disclose “directory information” related to individual students without their consent unless the student has opted out of such disclosure by submitting a request for non-disclosure of directory information form to the [Registrar](#). Please see the “Directory Information Disclosure Notice” section below for additional information, including the applicable definition of the term “directory information.”
 - c. ASU-Newport may disclose education records without consent to a “school official” with a “legitimate educational interest.”
 - i. A “school official” is a person employed by the university in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the university has contracted for special tasks (e.g., National Student Clearinghouse); a person serving on the Board of Trustees; or a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another college official in performing his or her tasks.
 - ii. A school official has a legitimate educational interest if access is reasonably necessary in order to perform their instructional, research, administrative or other duties and responsibilities.
 - d. Upon request, ASU-Newport may disclose education records without consent to officials of another college or school in which a student seeks or intends to enroll.
 - e. In connection with an emergency, if such information is necessary to protect the health or safety of the student or another person, ASU-Newport may disclose education records without consent.
 - f. ASU-Newport may disclose education records without consent in accordance with a lawful subpoena or court order.
 - g. The parent of students may exercise inspection rights under FERPA if the student is claimed as a dependent by the parents for income tax purposes. Dependency must be proven by submission of a copy of income tax returns.
 - h. ASU-Newport may otherwise disclose education records without consent as permitted under FERPA and its implementing regulations, including but not limited to 34 CFR § 99.31.
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 and its implementing regulations. The name and address of the Office that administers FERPA are:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Avenue, SW
Washington, D.C. 20202-8520
See: <https://studentprivacy.ed.gov/file-a-complaint>

The Office of the Registrar maintains a copy of the full text of FERPA, posts electronic information on FERPA, and processes all FERPA requests and challenges.

The ASU System policy on FERPA can be found on the ASU System website using this link <https://www.asusystem.edu/dotAsset/82cff770-a4aa-4e69-ae60-1cf4f4eca9f5>

DIRECTORY INFORMATION DISCLOSURE NOTICE

Directory information may be disclosed to any person or entity without student consent unless the student submits a completed request for non-disclosure of directory information form to the [Registrar](#). The written request for non-disclosure of directory information may be submitted to the Registrar at any time. If a student elects not to allow disclosure of directory information, ASU-Newport cannot share information regarding the student with any person or entity including prospective employers, licensing agencies, government agencies, the media, and others, except as otherwise allowed by FERPA and its implementing regulations. The student may retract the directory information non-disclosure in writing at any time. Proper proof of identity may be required by the Registrar's office before the directory information non-disclosure is retracted.

"Directory information" is designated to include the student's name; local and permanent physical addresses; electronic mail addresses; telephone listings; photographs and electronic images; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; and most recent previous educational agency or institution attended by the student.

Please contact the Registrar's office if you have questions about FERPA.

Allen Mooneyhan, Registrar
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