



Title: Family Educational Rights and Privacy Act (FERPA) Policy
Effective Date: April 5, 2024
Issuing Authority: Provost
Policy Contact: University Registrar
registrar@mercer.edu, 478-301-2680

Purpose

The Family Educational Rights and Privacy Act (FERPA) affords students at Mercer University certain rights with respect to their education records. Education records are those records that are directly related to a student and maintained by Mercer University or an agency acting on behalf of Mercer University.

Scope

This policy applies to all Mercer University students.

Exclusions

None

Policy Statement

A. Students' Rights

Under FERPA, students' rights include:

1. The right to inspect and review a student's education records.
 - The student will submit a written request to the Registrar.
 - The Registrar has 45 days to respond from the date the request is received.
 - If the Registrar does not maintain the record, the student shall be advised of the correct official at the University 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.
 - The student will submit a written request to the Registrar, identifying the incorrect information and specifying why it is inaccurate.
 - If the University decides not to amend the record as requested, the student will be notified of the decision and advised of the right to a hearing regarding the request.

3. The right to consent to disclosures of personally identifiable information contained in the student's education record, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A "school official" is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the University has contracted (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.

FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:

- School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
4. The right of a currently enrolled student to request that "directory information" not be released by Mercer University.

The University, at its discretion and without the written consent of the student may release "directory information" which includes the following items: student name, academic program, dates of attendance, degrees, and honors received, most recent previous institution attended, participation in officially recognized activities and sports, and photographs or video images.

B. Health or Safety Exception

FERPA has always had an exception for non-consensual disclosure of education records in health or safety emergencies. New regulations issued by the Department of Education (ED) in December 2008, created three new provisions concerning this exception.

- First, a student's parents may always be notified in an emergency involving a student where disclosure of otherwise protected information is necessary to protect the student or others. Even if parents are not immediately able to act on the information, the regulations make clear that they may, nevertheless, be informed.
- Second, the rules clarify that in the event of a health or safety emergency, a university may release information to any person whose knowledge of the information, in the institution's reasonable judgment, is necessary to protect the health or safety of the student or other individuals.
- Third, a university is explicitly required, when it utilizes this exception, to create a record of what it considered the health or safety emergency to consist of and to whom information was disclosed in response to the emergency.

C. Disciplinary Records

While student 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.

D. Excluded Records

Certain records are not "education records" under FERPA, as set forth in 34 C.F.R. § 99.3, the Federal regulations that govern FERPA. Education records do not include:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of 34 C.F.R. § 99.8;
3. Records relating to an individual who is employed by an educational agency or institution that:
 - a. Are made and maintained in the normal course of business;
 - b. Relate exclusively to the individual in that individual's capacity as an employee; and
 - c. Are not available for use for any other purpose.

Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records.

4. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary institution that are:

- a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment.
5. Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

E. The Solomon Amendment

The Solomon Amendment is a federal law that allows military recruiters to access selected address, biographical, and academic program information on students aged 17 and older who have not filed any FERPA restrictions.

The Department of Education has determined the Solomon Amendment supersedes most elements of FERPA. Mercer University is therefore obligated to release student recruiting information, which may or may not match our FERPA directory information list. However, if the student has submitted a request to the Office of the Registrar through the MyMercer portal to restrict the release of their Directory Information, then no information from the student's education record will be released under the Solomon Amendment. Please visit the FERPA website <https://studentprivacy.ed.gov/> about directory information.

What information are military recruiters entitled to under the Solomon Amendment?

1. Name
2. Address
3. Telephone
4. Mercer University Email address
5. Age
6. Native, Naturalized or Permanent Resident of the US
7. Level of education, or class standing
8. Academic major

Procedure for releasing information to military recruiter:

1. Under the Solomon amendment, information will be released for military recruitment purposes only. The military recruiters may request student recruitment information **once each term** for each of the 12 eligible units within the five branches of the service:

- **Army:** Army, Army Reserve, Army National Guard
 - **Navy:** Navy, Navy Reserve
 - **Marine Corps:** Marine Corps, Marine Corps Reserve
 - **Air Force:** Air Force, Air Force Reserve, Air Force National Guard
 - **Coast Guard:** Coast Guard, Coast Guard Reserve
2. The request should be submitted in writing, clearly identifying the unit of service requesting the student recruitment information.
 3. The request should specify whether the information needed is for the current or previous semester.

The Office of the Registrar will work with the requestor to ensure the security of the data and privacy of Mercer University students.

Website Address

Office of the Registrar: <https://registrar.mercer.edu/>