House Bill 1

Virginia House Bill 1 which took effect July 1, 2018, as Code of Virginia Section 23.1-405©, prohibits a university from disclosing a student’s email address, physical address or telephone number under the exception of the Family Educational Rights and Privacy Act (FERPA) for directory information or the Virginia Freedom Information Act (FOIA) unless the student has affirmatively consented in writing to the disclosure. Full text of the law is available here.

Key points regarding this bill:

- This legislation covers students in all academic program levels: undergraduate, masters and doctoral.
- Faculty and staff will continue to have access to contact information for all students; however, they will not be able to disclose that information to any individual other than a College employee or other “school official” (as that term is defined in the College’s FERPA policy) without the students written consent.

Why was the statute changed?

Under the Family Education Rights and Privacy Act (FERPA), certain basic student information, termed “directory information” (e.g., name, address, date and place of birth, major field of study, participation in official activities, weight and height of athletic team members, dates of attendance, enrollment status, degree, honors and awards received, and previous educational agency or institution attended) may be disclosed without student consent. The change was born out of concerns for protecting student privacy, FERPA and FOIA allowed businesses and other organizations to obtain student information and send mass, unsolicited texts and emails. The revised statute requires that student contact information may be disclosed only if the student has affirmatively approved the disclosure in writing.

HB1 impact on Students?

HB1 prohibits NSU from disclosing your email address, physical address or telephone number under the exception in the Family Educational Rights and Privacy (FERPA) for directory information or the Virginia Freedom of Information Act (FOIA) unless you have affirmatively consented in writing to the disclosure. This restriction also applies to the university’s disclosure of one student’s information to another.

How does HB1 affect faculty and staff?

Faculty and staff will continue to have access to student email addresses for legitimate university business, and will still be able to search for students in the University directory. Faculty and Staff email addresses are not impacted by the laws, and will continue to be searchable by the public on NSU’s website. For persons that are both students and employees of the University, their employee status will result in their email addresses being searchable on the website, unless their employment is conditional upon their status as a student (e.g., student workers, graduate assistants, teaching assistants, RA’s etc.)
What should faculty do to ensure that we are compliant with the new law?

The most important thing is to ensure that you protect the privacy of student email addresses. When emailing groups of students that may include students from more than one of your classes, blind copy (bcc) students so that you do not make a student’s email visible to other students that may not be in the same class together. If you are emailing students that are all registered in the same class (including cross-listed course sections) you do need to blind copy (bcc) them; unless all students have a signed consent form. In addition, you should not release student email addresses to anyone outside of NSU without the student’s written consent.

What about student organizations, honor societies, military recruiters, etc.?

The law prohibits NSU from releasing student email addresses, phone number, or physical address without the student’s written consent to anyone outside the institution or to another student. For example, a national honor society that sends membership invitations to students might ask for a list of student’s email addresses and/or mailing address. We can no longer provide the student’s email address or mailing address to one of these organizations. However, this does not prevent an NSU faculty sponsor of one of these organizations from emailing the students directly. When emailing multiple students you should blind copy (bcc) student so that their email addresses are not visible to others. In addition, while we cannot release this information to third parties, the student can always provide their contact information voluntarily. Requests for student contact information from military recruiters are covered under a separate provision of federal law called the Solomon Amendment, and are not affected by HB1. All inquiries from military recruiters for student information should be referred to the Office of the Registrar.

If you have additional questions about HB1, please contact Office of the Registrar at registrar@nsu.edu.