



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

What Faculty and Staff Should Know

What is FERPA?

- Family Educational Rights and Privacy Act of 1974, as amended
- Also known as the Buckley Amendment or the Privacy Act
- Covers only students who are or have been enrolled at a college or university; does *not* cover applicants who have been denied or who never enrolled
- Designed to protect the privacy of educational records

Key Provisions of FERPA

- Students in post-secondary institutions “own” their educational records.
- Students have the right to inspect and review their educational records.
- Students have the right to request correction of inaccurate or misleading information.
- Students maintain the right to restrict disclosure of personally identifiable information.
- Students may file a complaint with the Family Policy Compliance Office of the Department of Education if they believe that an institution has violated their rights under FERPA.

What is an “education record”

- Any record directly related to a student that is maintained by an institution or by an agent acting directly for the institution.
- May be maintained in any medium – print, type, film, handwritten, electronic, etc.
- Includes registration forms, transcripts, grade reports, class schedules, class rosters, and any document that includes personally identifiable information related to individual students.

Exclusions to the definition of “education record”



- Personal notes in the sole possession of the person who made the notes and not accessible to anyone other than that person or his/her temporary substitute
- Law enforcement records
- Employment records, unless student status is required as a condition for employment
- Medical and/or psychological counseling records maintained for the sole purpose of treatment
- Most information in alumni records
- Parents' financial information

Legitimate Educational Interest

- “Any authorized interest or activity undertaken in the name of the University for which access to an educational record is necessary or appropriate to the proper performance of the undertaking.”
- Determines whether or not a faculty or staff member is violating FERPA when he/she accesses a student’s record.
- Curiosity and personal interests, no matter how well-intentioned, are not legitimate educational interests. Do not seek out student record information unless your role as a university official requires you to do so.

Directory Information

- May be – *but is not required to be* – released without the student's written consent
- Must be defined by the institution and made available to students
- May not be disclosed if the student has requested this information be withheld.
- Cannot include Social Security Number, race, religion, national origin, gender, grades, or GPA



TAMU Directory Information

- Name
- Universal Identification Number (UIN)
- Local Address
- Local Telephone Number
- Permanent Address
- Permanent Telephone Number
- Email Address
- Dates of Attendance
- Program of Study (college, major, campus)
- Degrees, Honors and Awards Received
- Previous Educational Agencies/Institutions Attended
- Classification
- Participation in Officially Recognized Activities and Sports
- Medical Residence Location (Health Science Center students)
- Medical Residence Specialization (Health Science Center students)

Who May Access Student Records?

- TAMU Faculty and staff with a legitimate educational interest in a student's record
- Agencies or organizations from which the student has received financial aid
- Officials from other educational institutions in which the student is seeking to enroll
- Students serving on official University committees or assisting eligible faculty and staff (teaching assistants, student workers, etc.)
- Contracted service providers (EX: National Student Clearinghouse, commencement photographer)

FERPA and Parents

- Parents have no automatic right of access to student educational records at the postsecondary level.
- Institutions *may* release non-directory information to parents or court-appointed guardians if the student is claimed as a dependent on the parent/guardian's Federal Income Tax return.
- A Certification of Dependency form signed by the parent/guardian may be filed with the Office of the Registrar to allow non-directory information to be released to the parent or court-appointed guardian.

FERPA and Parents (cont'd.)

- Students may provide parents/guardians with appropriate access to view grades and other information via howdy.tamu.edu. (The Office of the Registrar is not responsible for setting or maintaining parent passwords.)
- Students may establish a parent password enabling access to grades and other information even if the parent/guardian has not signed and submitted a Certification of Dependency form.
- The Certification of Dependency form is available on the web at <http://registrar.tamu.edu>.

FERPA and Spouses

- Spouses have no right of access to a student's records.
- The Certification of Dependency form does not cover students' spouses.
- Non-directory information (*including class schedule*) may be released to a student's spouse *only* with a signed authorization from the student.

Safeguarding the Privacy of Student Records



- Think twice before disclosing non-directory information by phone. (It is very difficult, if not impossible, to verify the caller's identity, even if the person claims to be a parent who has a signed Certification of Dependency form.)
- Do not leave student information visible on your desk top or computer screen when you are away from your desk.
- Do not post grades using the SSN or institutional ID number either wholly or in part to identify students.

Safeguarding the Privacy of Student Records (cont'd.)



- Do not leave graded papers or exams unattended in a stack or on a table for students to pick up.
- Do not allow a student to pick up a graded exam or paper for another student without written authorization.
- When in doubt, do not disclose non-directory student information.
- Contact the Office of the Registrar if you have questions about FERPA.

Who to Contact with FERPA Questions and Concerns



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UNIVERSITY

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