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.
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.
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

Venesa Heidick, Registrar
845-1145
Email: vheidick@tamu.edu

Cathy Littleton, Assistant Registrar
458-4175
Email: c-littleton@tamu.edu