

# A FERPA Brochure

## The Family Educational Rights and Privacy Act Informational Guidelines

### **What is FERPA?**

The *Family Educational Rights and Privacy Act of 1974* helps protect the privacy of student education records. The Act provides eligible students the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.

### **What rights does FERPA afford students with respect to their education records?**

- The right to inspect and review their education records within 45 days of the day the university receives a request for access.

Students should submit written requests to the Registrar's Office and identify the record(s) they wish to inspect. The office staff will make arrangements for access and notify the student of the time and place where the records may be inspected. If the requested records are not maintained in the Registrar's Office, the student will be notified of the correct official to whom the request should be addressed.

- The right to request an amendment to the student's education records that the student believes are inaccurate or misleading.

Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write the Registrar's Office or the specific office involved with the record in question (*e.g.* a department office regarding a grade), clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing will be provided to the student when notified of the hearing.

- The right to consent to disclosures of personally identifiable information contained in the student's education records, 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 unit 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 Regents; 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.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

- 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. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington DC 20202-5901

### **Who is protected under FERPA?**

FERPA protects the education records of students who are currently enrolled or formerly enrolled regardless of their age or status with regard to parental dependency. The education records of students who have applied to but have not attended an institution are not subject to FERPA guidelines, nor are deceased students.

Parents of a student termed as "dependent" for income tax purposes may have access to the student's education records. A copy of their parent's most recent Federal Income Tax return, where the parents declared the student as a dependent, must be submitted to the Registrar's Office to document "dependency."

### ***What are education records?***

With certain exceptions (noted below), an education record is any record (1) which contains information that is personally identifiable to a student, and (2) is maintained by the university. With the exception of information about other students, financial records of parents and confidential letters of reference to which the student has waived access, a student has the right of access to his or her education records.

Education records include any records in whatever medium (handwritten, print, email, magnetic tape, film, diskette, etc.) that are in the possession of any school official. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

### ***What information is not considered part of an education record?***

- Sole possession records or private notes held by school officials that are not accessible or released to other personnel.
- Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit.
- Records relating to individuals who are employed by the institution (unless contingent upon attendance).
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- Records of an institution that contain only information about an individual obtained after that person is no longer a student at that institution, *i.e.*, alumni records.

### ***What is directory information?***

Institutions may disclose information about a student without violating FERPA if it has designated that information as "directory information." At Western New Mexico University this includes a student's:

- Name
- Academic awards received (Dean's list, honor roll)
- Class standing
- Current enrollment status (full-time/part-time)
- Dates of attendance
- Degrees and awards received
- Major field of study
- Most recent previous educational agency or institution attended by student

- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams

### ***How does a student authorize release of his/her education record in the form of an academic transcript?***

Students must authorize the release of their transcripts by written request with signature, by completing and signing a transcript request form available in the Registrar's Office, or by submitting the request online via a secured portal. There is a \$5.00 fee for transcripts or \$7.25 when requesting the transcript online. The receipt of a written request with signature to release an education record via fax is permissible.

### ***Who may have access to student information?***

- The student and any outside party who has the student's written request.
- School officials (as defined by the University) who have "legitimate educational interests."
- Parents of a dependent student as defined by the Internal Revenue Code.
- A person in response to a lawfully issued subpoena or court order, as long as the University makes a reasonable attempt to notify the student first. Normally, the University will comply with a subpoena after two weeks have elapsed from the day of notifying the student.

### ***When is the student's consent not required to disclose information?***

When the disclosure is (one or more of the following):

- To school officials (defined in policy) who have a legitimate educational interest.
- To federal, state and local authorities involving an audit or evaluation of compliance with educational programs.
- In connection with financial aid; this includes Veterans' benefits.
- To organizations conducting studies for or on behalf of educational institutions.
- To accrediting organizations.
- To parents of a dependent student.
- To comply with a judicial order or subpoena.
- In a health or safety emergency.
- Releasing directory information.
- Releasing the results of a disciplinary hearing to an alleged victim of a crime of violence.