

A Quick Reference Guide to Understanding and Applying FERPA

What rights do students have under FERPA?

- The right to inspect and review their education records within 45 days of their request
- The right to request an amendment to their education records
- The right to consent to disclosures of personally identifiable information contained in their education records
- The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA

What is directory information?

Institutions may disclose the following information on a student without violating FERPA if the student has not restricted their information

- name
- e-mail address
- address (local & home)
- telephone number (local & home)
- college/school and curriculum
- enrollment status and credit hour load
- dates of attendance
- classification
- receipt or non-receipt of a degree
- academic awards received (dean's list, honors students)
- participation in officially recognized activities
- sports photograph
- position, weight, and height of athletes

What is a restricted directory and what does it mean?

Students have the right to restrict disclosure of personally identifiable information the University has designated as directory information that may be released without the written consent of the student.

Restricted records cannot be released without the written permission of the student. This permission must be signed and dated, specify the records to be disclosed, state the purpose of the disclosure, and identify the party or parties to whom the disclosure may be made.

What is personally identifiable information?

Personally, identifiable information includes, but is not limited to:

- student name
- name of student's parent or other family member
- address of the student or the student's family
- a personal identifier (PUID, SID, SSN)
- biometric record
- other indirect indicators (birth date, place of birth, mother's maiden name)
- other information alone or in combination that would make the student's identity easily traceable

Public Posting of Grades

The public posting of grades, either by the student's name, institutional student identification number, or social security number is a violation of FERPA. Using an assigned random number that only the student and instructor know would be an appropriate way to post grades. Even then, the order of posting should not be alphabetic.

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, is designed to protect the privacy of students' education records and personally identifiable information. This federal law spells out the rights of students and the responsibilities of educational institutions.

What are education records?

An education record is any record that is directly related to a student and maintained by the university. A student has the right of access to these records.

Education records include any records in whatever medium (handwritten, email, print, magnetic tape, film, diskette, etc.) that is 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 aren't education records?

- 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 solely to an individual's employment by the institution that are not available for any other purpose,

- 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, i.e., alumni records,
- grades on peer-graded papers that have not been collected and recorded.

Letters of Recommendation

Statements made by a person making a recommendation that are made from that person's own observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information obtained from a student's education record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which:

1. specifies the records that may be disclosed,
2. states the purpose of the disclosure, and
3. identifies the party or class of parties to whom the disclosure can be made.

Since the letter of recommendation would be part of the student's education record, the student has the right to read it – unless he/she has waived that right of access.

What happens if non-compliance occurs?

The student has the right to file a complaint with the U.S. Department of Education in Washington, D.C.

This complaint may result in the loss of federal funding for financial aid and educational grants for Martin University and the filing of civil litigation.

Action to terminate funding is generally taken only if compliance cannot be secured by voluntary means.