

Undergraduate Student Handbook

Volume 2017 2017-2018

Article 20

9-2017

FERPA Policy (Family Educational Rights and Privacy Act of 1974)

Saint Mary's College of California

Follow this and additional works at: <http://digitalcommons.stmarys-ca.edu/undergrad-handbook>

Recommended Citation

Saint Mary's College of California (2017) "FERPA Policy (Family Educational Rights and Privacy Act of 1974)," *Undergraduate Student Handbook*: Vol. 2017 , Article 20.

Available at: <http://digitalcommons.stmarys-ca.edu/undergrad-handbook/vol2017/iss1/20>

This Main Text is brought to you for free and open access by the SMC Handbooks at Saint Mary's Digital Commons. It has been accepted for inclusion in Undergraduate Student Handbook by an authorized editor of Saint Mary's Digital Commons. For more information, please contact digitalcommons@stmarys-ca.edu.

Family Education Rights and Privacy Act of 1974: FERPA POLICY

FERPA stands for the “Family Education Rights and Privacy Act of 1974.” You might also hear it referred to as the “Buckley Amendment.” This law protects the privacy of student education records. FERPA applies to all schools that received funds through an applicable program of the U.S. Department of Education, and thus most colleges and universities are covered by FERPA.

FERPA defines the phrase “education record” broadly as “those records, files, documents, and other materials which 1) contain information directly related to a student; and 2) are maintained by an educational institution.”

FERPA requires that education records be kept confidential. Records may be disclosed with the consent of the student, if the disclosure meets one of the statutory exemptions, or if the disclosure is directory information and the student has not placed a hold on the release of directory information.

FERPA gives students the following rights:

records directly concerning the student within forty-five (45) days of the day the College receives a request for access. Students interested in reviewing their education records must submit their requests to the Office of the Registrar, which is authorized to review each request and to approve proper requests. The Registrar will make arrangements for access and will notify students of the time and place where the records may be inspected. Though students have the right to review their records, the College does not provide copies of the records. In the event that a particular circumstance prevents a student from coming to the College to inspect and review his/her records, the College will work with the student to make an alternate arrangement consistent with FERPA. Education records maintained by the College but provided to the College by third parties, which may include but is not limited to high school transcripts, letters of recommendation and test scores, will not be re-disclosed by the College to the students. For inspection of such records, the student must seek inspection through the third party that generated the record.

There are certain records which students are not entitled to review, including, (i) financial records of parents; (ii) confidential letters and recommendations relating to admissions, employment and honors, for which a waiver of the right of access has been signed by the student, provided that upon request the student is given the names of those persons writing letters; (iii) a physician’s or psychologist’s records (a student may, however, provide the College with written authorization to have his or her own physician or other appropriate professional review the records); and (iv) records of personnel of the College which are “sole possession records” (e.g. memory aids or reference tools/notes used by the maker thereof and are not made accessible to or revealed to other persons). In addition, where a record contains

A. *The right to inspect and review the student’s education records:* Students may review education

information that concerns more than one student, a student requesting inspection will be informed about the information only insofar as it pertains to that student.

- B. *The right to request amendment of education records:* Students may ask the College to amend a record that the student believes is inaccurate. The student should write the College official responsible for the record, clearly identify the part of the record he or she believes to be inaccurate, and specify why it is believed to be inaccurate. Students also have the right to insert in their records written explanations concerning the content of the records if a request to make a change has been denied (see below). Please note that FERPA does not give any student the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic Affairs has been designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- C. *The right to consent to disclosures of personally identifiable information:* Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, 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 has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:
1. The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
 2. The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
 3. The disclosure is in connection with financial aid for which the student has applied or which the student has received.
 4. The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
 5. The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
 6. The disclosure is to accrediting organizations to carry out their accrediting functions.
 7. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

8. The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
9. The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
10. The disclosure is information the educational agency or institution has designated as "directory information" (see below).

D. *Disclosures pursuant to student consent.* If the information request does not fit into one of the categories described above, you must obtain the student's consent prior to disclosing the records. The consent must be in writing, signed by the student, and dated, and must specify the records to be released, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

The purpose of the consent form is to permit the student to have some control over the disclosure of personally identifiable information in his or her education records. The fact that a student signs a consent form, whether specific or "blanket," does not, however, bind the College to make the student's records available to the third party or parties who have obtained the student's consent to their review of his or her files. The student's records are still the property of the College and, even if a consent has been signed, the College will exercise its discretion in each case by disclosing to the third party only such information, records, and files, if any, as the College deems appropriate in light of the reason that the third party is seeking access to the student's records (e.g., background checks). The signed consent must be provided to the College by the third party at the time the request for access is made. The College will retain the provided copy of the consent. Records to which students are denied access because they are not "education records" usually will not be made available to an outside party.

FERPA imposes limitations on re-disclosure by the recipients of education records. A third party generally will not be permitted to make copies of records to which he or she is granted access, even if the consent signed by the student explicitly gives permission for such copies to be made. Additionally, if a student has provided a third party with authorization to conduct a background investigation for employment related purposes, the College may release unofficial copies of transcripts and/or general information about the following areas of student involvement: on-campus employment, resident housing, encounters with the campus Department of Public Safety and encounters with the Student Conduct Office, in conformance with the authorization.

E. *The right to file a complaint with the U.S. Department of Education:* A student may file a complaint concerning an educational institution's alleged failure 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 Avenue S.W., Washington, DC 20202-4605.*

Directory Information

Material classified as “directory” information can be released without student consent. Directory information, as defined by the College, includes the following: the student’s name, date/place of birth, photographs, periods of enrollment, degrees, awards and honors received, major fields, campus or home address, e-mail address, student class schedules, telephone numbers, height/weight of student athletes and the most recent previous educational institution attended by the student. A student may, however, have all of the information withheld upon written notice to the Office of the Registrar given within ten days after the beginning of each semester.

USA Patriot Act and FERPA

This Act permits designated federal officials to apply for a court order to obtain copies of student records relevant to an investigation of terrorism or other crimes, without notifying the student. All requests for such information should be referred to the Office of General Counsel.