

FERPA Tutorial

Family Educational Rights and Privacy Act

Belmont University
Human Resources

FERPA

- FERPA was enacted in 1974, students didn't have a right to access their records.
- But just about everyone else did.
- There are serious obligations under FERPA. This tutorial will help you understand our responsibilities to keep student records private and allow them access to their records.



What is FERPA?

FERPA stands for Family Educational Rights and Privacy Act (sometimes called the Buckley Amendment). Passed by Congress in 1974, the Act grants four specific rights to the adult student:

- The right to see the information that the institution is keeping on the student
- The right to seek amendment to those records and in certain cases append a statement to the record
- The right to consent to disclosure of his/her records
- The right to file a complaint with the FERPA Office in Washington



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A. What are Education Records?

- Information recorded in any form that is directly related to a student and maintained by a college or university and by those acting for the college or university.
 - personal information
 - enrollment records
 - grades
 - schedules

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A. What are Education Records?

- The storage medium in which you find this information does not matter. A student educational record may be:
 - a document in the registrar's office
 - a computer printout in your office
 - a class list on your desktop
 - a computer display screen

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B. Education Records Do Not Include:

- Records of instructional, supervisory and administrative personnel kept in the sole possession of the maker of the record and not revealed to anyone other than the maker's substitute;
- Records of a campus law enforcement unit created and maintained by that unit and used solely for law enforcement purposes;
- Records relating to persons who are employees (but not student workers);
- Records kept and maintained by a health care professional, used solely in connection with treatment and disclosed only to individuals providing treatment; or
- Records which include information about an individual after he or she is no longer a student.

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C. The Right to Inspect and Review

- Belmont must grant requests to review within a reasonable time but in no case more than 45 days after the request is received.
- Belmont must respond to reasonable requests for explanations and interpretations of the records.

D. What is Prior Written Consent?

- A signed and dated document specifying the records to be disclosed, the purpose of the disclosure and the identity of the person to whom records will be disclosed.

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E. When is Consent Not Required?

- For legitimate educational purposes within the university.
- To officials at an institution in which student seeks to enroll.
- To comply with a court order or subpoena.
- In connection with a health or safety emergency if necessary to protect the student or others.
- To parents of students who are dependents for income tax purposes.
- If it is directory information.
- To parents of a student younger than 21 years of age if the disclosure concerns discipline for violation of the campus drug and alcohol policy.

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F. What is Directory Information?

- Name, address, telephone number.
- E-mail address.
- Date and place of birth.
- Major field of study.
- Participation in officially recognized activities and sports.
- Weight and height of members of athletic teams.
- Dates of attendance, degrees and awards received.
- Most recent previous institution attended.

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- DO NOT:
 - At any time use any part of the Social Security Number of a student in a public posting of grades
 - Ever link the name of a student with any part of that student's social security number in any public manner
 - Leave graded tests in a stack for students to pick up by sorting through the papers of all students
 - Circulate a printed class list with student name and any part of the social security number or grades as an attendance roster
 - Discuss the progress of any student with anyone other than the student (including parents) without the consent of the student
 - Provide anyone with lists of students enrolled in your classes for any commercial purpose
 - Provide anyone with student schedules or assist anyone other than university employees in finding a student on campus

FERPA F.A.Q.

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Question

If a student's parent calls asking how a student is doing in a class, can you give out that information?

Answer

- Even though the person inquiring may be the student's parent, FERPA recognizes students in secondary education as adults, regardless of age. Therefore, you cannot give out that grade, or any other non-directory information.
- **General Rule:** You must assume that the student is an adult who is entitled to privacy, even from parents. Parents may assert their rights to the records if the student is a dependent according to the tax code.

Question

You receive a call from a recruiting firm asking for names and addresses of students with a GPA of 3.0 or better. They say they have good job information for these students. Can you help these students get jobs by giving out this information?



Answer

- Although we all want to help students to get good jobs, that request should be sent to the appropriate office.
- **General Rule:** Do not give out student information that pertains to grade point average to anyone without prior written consent of that student. In this case the request should be forwarded to the Office of the Registrar. ALL outside requests for any information such as Dean's Lists must be referred to the Office of the Registrar. Information about the recruiting firm could be provided to students in the appropriate major, and to the campus Career Center.

Question

A person goes to the College of Arts and Sciences office with a letter containing a signature that gives consent to the release the transcript of a student. Do you give the transcript to them?

Answer

- Transcripts and record information are available only through the Office of the Registrar or Belmont Central.
- **General Rule:** Official transcripts are available only through the Office of the Registrar or Belmont Central. Do not give any records to a third party.

Question

You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Since they are in the middle of a investigation are you allowed to give them this information?

Answer

- The police should first be directed to the Office of the Registrar.
- **General Rule:** Information about whether or not a student was enrolled in a particular semester is directory information and can be obtained through the Office of the Registrar. If the police require more information, a subpoena may be required. Additionally, FERPA requires notification of the student, unless it is specifically stated on the subpoena that the student must not be notified.

Question

You receive a frantic phone call from an individual who says he is a student's father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is today?

Answer

- For the safety of the student you cannot tell another person where a student is at any time. Inform the caller they should contact the Office of the Registrar for more information.

Question

Is it wrong for professors to leave exams, papers, etc. outside their offices for students to pick up?

Answer

- That is a violation of the privacy rule because it is inappropriate for students to have access to other students' information.
- **General Rule:** You may not leave personally identifiable materials in a public place.

Question

An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution responsible?

Answer

- Information on a computer screen should be treated the same as printed reports.
- **General Rule:** The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.

Question

You are the Associate Dean of Students charged with coordinating the work of the university's sororities and fraternities. Greek organizations are required to keep on file, in your office, a current copy of a financial statement for their chapter. A reporter from the *Belmont Vision* calls you and asks you for a copy of the most recent financial statement of a fraternity that is rumored to have misspent members' dues. Does FERPA prohibit the disclosure of this information?



Answer

- FERPA only pertains to information that is directly related to a student. The finances of a student organization do not directly relate to a student. While other considerations might restrict sharing this information with the Vision, FERPA does not. FERPA would prohibit sharing this information if the financial statement became a document used in an investigation by Belmont into whether the chapter treasurer violated university policy.

Question

Does FERPA prohibit the disclosure of the work address and telephone number of an alumnus by the Office of Alumni Relations?

Answer

- FERPA does not protect information about a student that is gathered after the student graduates. Had the request been for the alum's GPA, FERPA would apply.

Question

Belmont's campus suffers significant damage from vandals. As director of the Office of Safety and Security, you investigate the incident and obtain from several students' confessions that they committed the acts of vandalism. You share this information with Metro Police Department and the Office of Student Affairs. The Office of Student Affairs intends to use the information to initiate disciplinary action against the students. Do the students involved have the right to inspect and review the records you have made of their confessions?



Answer

- Once the information is shared with the Office of Student Affairs, it becomes protected by FERPA and is subject to the right of inspection and review. Had it been shared only with Metro Police, students would not have a right to inspect because FERPA would not apply.

Question

You serve as chair of Belmont's undergraduate Admissions Committee. A freshman student who was admitted under special conditions requests the opportunity to review his admissions file. He insists on reviewing these materials no later than the close of business the following day. Does FERPA require you to respond to his request by allowing him to review the records when he wants to?



Answer

- Belmont must grant the request to review within a reasonable time but in no case more than 45 days after the request is received. It is likely not reasonable to have to respond to a request within 24 hours.

Question

A student's father comes to Belmont Central and presents a piece of paper signed by the student that states: "I consent to the disclosure of my education records to my father." The paper is signed and dated. The father proves to you that he is the father of the student in question. Does this constitute sufficient written consent under FERPA?

Answer

- This consent does not specify the records to be disclosed, the identity of the person to whom they are disclosed, or the purpose of the disclosure. Specific information concerning the records, the name of the person to whom the disclosure is made and the purpose of the disclosure must be presented in writing.

Question

As Dean of Students, you learn that a Belmont student is under criminal investigation for selling drugs. The Metro district attorney's office delivers a grand jury subpoena that requests copies of the student's disciplinary records. May you comply with the request without first obtaining the student's consent?



Answer

- Prior written consent to disclosure is not required where a subpoena has been issued.

Completion

- I certify that I have completed the FERPA tutorial
- Please give name, department, BUID
- [Click here to send your certification](#)

Include your name, department, and BUID