

## **FERPA (Family Educational Rights & Privacy Act)**

The Family Educational Rights and Privacy Act of 1974, as amended (also sometimes referred to as the Buckley Amendment), is a federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of records and the access provided to these records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld.

### **EDUCATION RECORDS**

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution. Education records can exist in any medium, including: typed, computer generated, videotape, audiotape, film, microfilm, microfiche and email, among others.

Education records **DO NOT INCLUDE** such things as:

- Sole possession records such as records or notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person except a temporary substitute for the maker of the record. (This might include notes an instructor makes while providing career or professional guidance to a student.)
- Medical treatment records that include but are not limited to records maintained by physicians, psychiatrists and psychologists.
- Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment.
- Records created and maintained by a law enforcement unit used only for only that purpose and revealed only to law enforcement agencies of the same jurisdiction, as long as the enforcement unit does not have access to education records.
- Post-attendance records such as information about a person obtained when the person was no longer a student (e.g., alumni records) and does not relate to the person as a student.

## ACCESS TO STUDENT EDUCATION RECORDS

According to FERPA, personally identifiable information in an education record may not be released without prior written consent from the student. **Some** examples of information that **MAY NOT BE RELEASED** without prior written consent of the student are:

- Birth date
- Religious affiliation
- Citizenship
- Disciplinary status
- Ethnicity
- Gender
- Grade point average (GPA)
- Marital status
- SSN and student I.D. number
- Grades and exam scores
- Test scores (such as SAT, GRE, etc.)
- Progress reports such as STARS

The university will not release personally identifiable information from a student's education record without the student's prior written consent:

<https://medicine.arizona.edu/students/student-records/registrar-forms> Even parents are not permitted access to their son's or daughter's education records unless the student has provided written authorization permitting the parents' access.

Access to student data within digital systems (e.g., Oasis, Medlearn, New Innovations) by "**University officials**" is role-based and assigned based upon the specific educational role of the faculty or staff on a "need to know" basis.

"**University officials**" typically include anyone employed by the university in an administrative, supervisory, academic, research, or support staff position; any person elected to the Board of Trustees; students serving on official university committees; and people employed by or under contract with the university to perform a specific task. A

university official has a **"legitimate educational interest"** if the official needs to review an education record to fulfill their professional responsibility.

"Legitimate Educational Interest" means: (1) the information or record is relevant and necessary to the accomplishment of some task or determination; and (2) the task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer.

A member of the faculty or administration may request access to a student file by submitting an electronic request directly to the Registrar's Office. This request must include the purpose and need for the information based on the individual's role and scope of work. All requests are reviewed within 24 hours by the Registrar and Sr. Associate Dean of Student Affairs. The Registrar's Office will verify the requester has a current FERPA training certificate on file before sharing any student information.

## **STUDENT'S RIGHT TO REVIEW AND/OR CORRECT HIS OR HER RECORDS**

Students and former students have rights to inspect and review their education records within 45 days after the university receives the request for access. The right of inspection and review includes: the right to access, with an explanation and interpretation of the record; and the right to a copy of the education record when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. The institution may refuse to provide a copy of a student's education record provided such refusal does not limit access.

Limitations exist on students' rights to inspect and review their education records. For example, the institution is not required to permit students to inspect and review the following:

- Financial information submitted by parents.
- Education records containing information about more than one student. (However, the institution must permit access to that part of the records that pertains only to the inquiring student.)
- Confidential letters and recommendations placed in the student's file before January 1, 1975.

- Confidential letters and statements of recommendation, placed in the records after <sup>[I]</sup>~~[SEP]~~ January 1, 1975, to which the student has waived his or her right to review and that are related to the student's admission, application for employment or job placement, or receipt of honors. Upon a request from a student, he or she will be notified of the names of the persons making the recommendations and that such recommendations cannot be used other than for their intended purposes.

A student has the right to request amendment to any of their education records that they believe are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA. Should a student believe an education record is inaccurate or misleading, a request for amendment or correction should be addressed, in writing, to the university office maintaining the record in question. The custodian of records for that office may correct or amend the record in question or may determine that the record is accurate as it stands.

In instances when a dispute cannot be resolved between the student and the office maintaining the record in question, the student may request a formal hearing by the university to resolve the issue. Questions about and requests for formal hearings should be directed to the Office of the General Counsel. This provision for amendment does not apply to disputed grade information on academic transcripts.

## **DIRECTORY OR PUBLIC INFORMATION**

FERPA has specifically identified certain information called directory information that may be disclosed without student consent. Although directory information may be disclosed without student consent, **College of Medicine – Tucson is not required to release directory information.**

**The College of Medicine-Tucson has designated the following information as directory information and may release this information, unless the student has submitted a request for non-disclosure:**

- Address (local and permanent)
- Telephone number (local and permanent)
- University email address

- Student photo
- UofA attendance dates
- UofA degrees earned (with dates)
- Academic honors
- Major, minor and degree objective
- Expected date of graduation
- Previous schools attended
- Enrollment status (class level)
- Currently enrolled (Y/N)
- Participation in officially recognized activities and sports

## **RESTRICTING RELEASE OF DIRECTORY INFORMATION**

According to FERPA, a student can request that the institution not release directory information about her. Students who wish to restrict the release of their information must submit an email to the Registrar with "Request To Restrict Directory Information" in the subject line. The email request must originate from the student's University of Arizona College email account. In the request, the student must specifically state whether to:

1. restrict the listing of his or her information on the university's student directory, which is available only to COM students, faculty, and staff
2. restrict the release of their information to any inquirer (for example: current enrollment at COM, class level, major, expected graduation date, degrees earned)
3. or both (remove student's listing on the COM student directory AND refuse to provide any information about the student to an inquirer)

Students who request that University of Arizona restricts the release of their information acknowledge that their names will not appear in the commencement bulletin and other university publications. Also, employers, credit card companies, loan agencies, scholarship committees and the like will be denied any of the student's information and will be informed that we have no information available about the student's attendance at University of Arizona College of Medicine-Tucson.

## **FERPA TUTORIAL**

All faculty and staff, as well as any other agents of the university who request access to student academic records, must complete the FERPA Tutorial (insert link) and submit a signed acknowledgement form. Access to student records, including the academic records database, will be denied until the tutorial has been completed and the form submitted. The tutorial is intended to ensure that anyone accessing student records understands the obligations under FERPA for proper use and protection of student records. All questions in the tutorial are supported by information found in this website. Before you begin the tutorial you should review all the topics found on the FERPA homepage.

## **FILING A COMPLAINT**

If a parent or eligible student feels that the institution has not fully honored his or her privacy rights under FERPA, a written complaint may be filed with the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue Southwest, Washington, D.C. 20202-4605.

The Family Compliance Office investigates each timely complaint to determine if the educational agency or institution has failed to comply with the provisions of FERPA. A timely complaint is defined as an allegation that is submitted within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.