

FERPA Tutorial

(Family Educational Rights and Privacy Act of 1974)

University of Massachusetts Amherst

Text Version

Introduction

The Family Educational Rights and Privacy Act of 1974 (FERPA), also known as the Buckley Amendment, is the primary law that protects the confidentiality of students' records in academic environments.

All employees who work with students' records (prospective, current and past) must uphold all applicable federal laws in combination with University policies that apply to students' records. You are responsible for properly handling students' records, and are accountable for your mishandling of any such records, as defined by both FERPA laws and University policies. The consequences of how you mishandle a student's records may be significant.

This document, based on the federal FERPA law, will help you understand what rights students have regarding access to their records and how to protect students' records from being released inappropriately to any third party.

What are Student Rights under FERPA?

Under FERPA, students have the following rights with respect to their education records to:

- [Inspect and review any of their education records within reasonable timeframe, but no later than 45 days after their initial request.](#)
- [Seek to have their education records amended.](#)
- [Control the disclosure of their education records to any third party.](#)
- [Address privacy-related complaints to the University Registrar or the FERPA Officer in the Dean of Students Office.](#)

See the Appendix on page 8-9 for details.

Whose Records are Protected under FERPA?

FERPA protects both **current** and **former** students' records.

Prospective students' records are not protected under FERPA. However, the access to prospective students' records is still governed by other University policies. See "[Access to Applicant Records](#)" on page 7 for more information.

Remember:

Any record created *during* a student's tenure at the University is considered a student's education record and is FERPA-protected.

When do FERPA Rights Begin for UMass Students?

Individual institutions can define when FERPA rights begin for their students. At UMass Amherst, FERPA rights start when the student matriculates as either a degree or non-degree student.

What are “Education Records”?

Education records are defined as ALL records that are:

- Related directly to a student,
- Maintained by the institution or a staff member, and
- Kept in any format.

Note: This is a purposefully broad definition, covering informal and formal documents, communications, computer data, paper files, and other materials that contain individually identifiable information about students. Nearly every piece of student-related information, regardless of its location or the medium of its presentation, is considered to be part of the student's education records.

What Types of Records are NOT Education Records?

A few types of records are generally excluded from the definition of "education records". For example:

- **Campus Police Records:** records maintained solely for law enforcement purposes.
- **Employment Records:** records regarding the employment relationship a student has with the University when it is not as a result of his/her status as a student.
- **Medical Records:** records maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their capacity to treat the student.
- **Sole-possession Records:** records made by University faculty and staff which are kept in the sole possession of the person, and are not accessible or revealed to any other person.

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- **Post-attendance Records:** records made after a student's tenure at the University ended.
 - **Unsuccessful Applicants' Records:** records of students not admitted to the University.

Note: Although these records are not subject to FERPA, they are still governed by other laws or University policies, and should be kept confidential.

What is Prior Consent?

If a student wants to share some academic records (e.g., class schedule, grades) with his/her parents, spouse, a prospective employer, insurance companies, etc., he/she must provide prior written consent before you can talk to the specified designee(s). Prior written consent must:

- Specify the records to be released,
- Identify the party or class of parties to whom disclosure may be made, and
- Be signed and dated by the student.

Remember:

Always err on the side of caution and do not release student education records unless you are certain that it is okay. Contact the Registrar's Office for guidance.

FYI, at UMass Amherst, a FERPA Privacy Waiver in SPIRE is available online and is applicable ONLY to Financial Aid, Office of the Bursar, Housing Services, and the UCard Office for students to share some non-academic information with specified designees. Academic records are not included in this waiver.

Circumstances to Release Education Records without Prior Consent?

The University **may** disclose education records without consent under the following circumstances:

- The disclosure is to University officials who have been determined to have legitimate educational interests as set forth in the institution's annual notification of rights to students.
- The disclosure is to state or local educational authorities auditing or enforcing federal or state-supported education programs or enforcing federal laws which relate to these programs.

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- The disclosure is in connection with determining eligibility, amounts, and terms for financial aid, or enforcing the terms and conditions of financial aid.
 - The disclosure is pursuant to a lawfully issued court order or subpoena.
 - The University has designated the information as directory information.

Who are "University Officials"?

A University official is any professional employee who is head of an office, department, school, college, division, or Public Safety or their specified designee(s). In the case of an academic department or advising agency, for example, many faculty, classified and professional staff supporting instructional or advising activities may serve as designees of the heads of their departments, thus qualifying as "University officials".

What is a Legitimate Educational Interest?

At UMass, a legitimate educational interest is an academic status check or evaluation, research, curriculum evaluation or development, institutional or statistical evaluation and analysis, student placement, and admission evaluation.

- The University may disclose disciplinary action as a result of certain kind of conduct to officials in other institutions who have legitimate educational interests in a student's behavior.
- While an authorized person may access confidential student records for legitimate educational purposes, accessing the same information for other purposes is not legitimate. For example, if your regular job duties don't include responsibility for releasing even directory information to the public, the question should be referred to the office that does have that responsibility!

What is "Directory Information"?

The University may disclose directory information without a student's prior consent, unless the student specifically requests in writing that the following information be withheld. At UMass Amherst, directory information is limited to:


- Name.
- Local/mailed address.
- Home/permanent address.
- Email address.
- Major.

- Telephone numbers.
- Date and place of birth.
- Acknowledgement of a student's participation in officially recognized activities and sports.
- Weight and height of members of athletic teams.
- Date(s) of attendance.
- Degrees, certificates, and awards received.
- Most recent previous educational agency or institution attended by the student.

Is UMass Obligated to Release Directory Information?

An institution is not obligated to release directory information to anyone. FERPA states only that an institution MAY release information, but there is no obligation to do so. When in doubt about whether something is directory information, please DO NOT release any information.

How Can Students Protect Their Directory Information?

Individual students can request a privacy flag for their records. This privacy flag in SPIRE looks like a blue window shade (). It indicates that a student has requested that all or part of his/her directory information remain confidential.

Students can make these privacy requests at *the Dean of Students Office, 227 Whitmore Administration Building*.

Note:

Even if you do not see a FERPA flag icon, please ALWAYS check the FERPA Releasable Info Summary page in SPIRE before giving out a student's directory information to any third party.

To access this page from the left-hand menu, go to:

Campus Profiles > Student Privacy (FERPA) > Releasable Info Summary

Special "Don'ts" for Faculty and Staff

To avoid violations of FERPA rules, please DO NOT:

- Post grades using student I.D.s, SSNs, or other personally identifiable data.
- Link a student's name with his/her student I.D. or SSN in any public manner.
- Leave graded tests in a stack for students to pick up by sorting through other students' papers.
- Circulate a printed class list with student names, I.D.s, SSNs, or grades as an attendance roster.
- Discuss the progress of any student with anyone (including parents) other than the student without the student's consent.
- Provide anyone with lists of students enrolled in your classes for any commercial purpose.
- Provide anyone with student schedules or assist anyone other than eligible University employees in finding a student on campus.

How Can You Maintain Students' Records?

It is your responsibility to make sure that students' records you have accessed and/or stored are secure. Take necessary measures to protect against unauthorized access to students' data in your possession. For example:

- Always ask for a photo ID to confirm the student's identity, when he/she inquires about his/her own files.
- Respond only to inquiries that you are authorized to field. Refer all other inquiries to an authorized source, even if you have access to the information sought.
- Password-protect your computer in which you store students' records.
- Use only your assigned SPIRE account and do not share it with other individuals. You are responsible for all actions taken using your account.
- Keep diskettes and other storage media with student data in a secure or locked location.
- When you have finished a computer task involving student data, exit all files, sign off all applications, and close all application windows.
- Shred printed materials that contain sensitive or restricted data when they are no longer in use.

For more information on setting up your computer security, refer to [Security Tips for Maintaining Student Records](#).


Parents' Rights Regarding Education Records?

- Parents have the right to expect that information such as their own financial records and related financial information will be held confidential. These cannot be released to students or to others, without the parent's or parents' authorization. For instance, parents may provide part of their financial information for their children's financial aid application. However, the part provided by or relating to the parents should remain confidential.
- Parents' access to information from their children's education records is carefully circumscribed, unless the student provides specific prior consent for data release to a parent. Otherwise, the only information that can be released to parents is the 'directory information', provided that the student has not requested that the information be suppressed.

Access to Applicant Records

Access to applicant records during the admission process is strictly controlled and is governed by University policy. These records should be treated as confidential. Enrolled students do have certain rights to review their admission materials, including letters of reference to which they did not waive their rights of access. Students seeking access to these application records should contact their Registrar's Office.

FERPA Flag in SPIRE

The FERPA flag (a blue window shade ) in SPIRE indicates that the student whose records you are accessing has requested that his/her directory information remain confidential. The icon appears on all panels that display the student's information.

Please ALWAYS click the icon to check the FERPA Releasable Info Summary page before giving out the student's directory information to any third party. You can also access this page from the left-hand menu by going to:

Campus Profiles > Student Privacy (FERPA) > Releasable Info Summary

Whom shall I contact for FERPA questions?

Whenever you have questions on FERPA or University policies, consult:

- Undergraduate Registrar's Office || (413) 545-0555,
- Graduate School || (413) 545-0024,
- Continuing & Professional Education || (413) 545-2414, or

- Dean of Students Office || (413) 545-2684.

More detailed information about FERPA provisions is available in the Academic Regulations online at <http://www.umass.edu/registrar/media/academicregs.pdf>.

Appendix:

Inspect and Review the Education Records

FERPA requires the University to:

- Provide a student with an opportunity to inspect and review his/her education records within 45 days of the receipt of a request.
- Provide a student with copies of education records, or otherwise make the records available to the student via U.S. mail, email, or telephone if he/she does not live within commuting distance from the University.
- Remove or disguise the names and other personally identifiable information about other students that may be included in the student's education records.

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Amendment of Education Records

Under FERPA, the University must:

- Consider a request from a student to amend inaccurate or misleading information in the student's education records.
- Offer the student a hearing on the matter if the University decides not to amend the records in accordance with the request.
- Offer the student a right to place a statement to be kept and disclosed with the record if that decision is not overturned as a result of the hearing.

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Disclosure of Education Records

The University must:

- Have a student's consent prior to disclosing his/her education records.
- Ensure that such consent, either written or electronic, follows the appropriate format.

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Complaints of Alleged Violations

Students have the right to have their privacy-related complaint investigated by the University Registrar or the FERPA Officer in the Dean of Students Office.

- If they don't agree with the findings, they can go before a hearing panel.
- If they still are not satisfied, they can file a written complaint detailing the alleged violations to:

*Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920*

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