

# FERPA

*For Faculty and Staff*



**BAYLOR**  
UNIVERSITY

## The Family Educational Rights and Privacy Act and Baylor University

### **What is FERPA?**

FERPA is the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. Statute: 20 U.S.C. 1232g; Regulations: 34CFR Part 99. The Act is designed to protect the rights of students and to safeguard the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the United States Secretary of Education.

### **What rights does FERPA afford students with respect to their education records?**

- The right to inspect and review their education records.
- The right to request an amendment to their education records that they believe are inaccurate or misleading.
- The right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the United States Department of Education concerning alleged failures by the University to comply with FERPA.

### **What is an education record?**

An “education record” is any record that is:  
(1) directly related to a student; and  
(2) maintained by an educational agency or institution, or by a party acting for the agency or institution. This includes any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

### **What is not considered an education record?**

- Sole possession records or private notes held by a school official 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 to individuals who are employed by the institution (unless the employment is contingent on their status as a student); and
- records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution (e.g., alumni records).

### **When is the student’s written consent not required to disclose an education record?**

When the disclosure is:

- to the student;
- to an institution where a student seeks or intends to enroll;
- to school officials who have a legitimate educational interest;
- to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs;
- in connection with financial aid;
- to organizations conducting studies on behalf of educational institutions;
- to accrediting organizations;
- to comply with a judicial order or subpoena;
- in a health or safety emergency;
- a release of directory information as defined by the University;
- releasing the results of a disciplinary hearing to an alleged victim of a crime of violence;

- to a parent of a student under the age of 21 who has violated law or University policy pertaining to the use or possession of alcohol or a controlled substance.
- releasing the results of a disciplinary hearing related to a crime of violence to anyone, when the student is found to have committed a violation of the University's rules or policies.

Under these provisions, FERPA permits, but does not obligate, the University to disclose information from an education record without the consent of the student. However, the University may be obligated to disclose education records under these provisions based on other applicable state or federal law.

### **What is directory information?**

“Directory Information” may be released to third parties without the consent of the student, unless the student has signed and submitted a written request to the Office of the Registrar to restrict the release of directory information. At Baylor directory information includes:

- name
- address and telephone number
- e-mail address
- dates of attendance
- level and classification
- university ID card photograph
- previous institution(s) attended
- major field of study
- awards, scholarships, honors, degree(s) conferred and date(s)
- full-time/part-time status
- earned hours
- expected graduation date or degree candidacy
- thesis and dissertation titles and advisors
- past and present participation in officially recognized sports and activities
- physical factors of athletes
- date and place of birth

### **Who is a school official and what is**

#### **legitimate educational interest?**

- School officials are those individuals who engage in the instructional, advisory, administrative, governance, public safety, and support functions of the University. They do not necessarily need to be paid employees of the University.
- Legitimate educational interest is when a school official requires a student's educational record in the course of performing his or her duties for the University.

### **FERPA Tips:**

- Faculty and staff should only access student education records for legitimate educational purposes in performing his or her duties for the University. Access to education records should not be used for any other purpose.
- If a University employee is ever in doubt, he or she should not release any information from student records without first contacting the Office of the Registrar or the University's Office of the General Counsel for guidance.
- Grades may not be released in any form to third parties, without written consent, and should not be posted in any form that would make the students' identity traceable. Posting grades by Social Security Number or partial Social Security Number is not permitted. Grades should only be posted using a randomly assigned identifier.
- University employees may not discuss the education records of a student with that student's parent, spouse, or any other third party, without the written consent of the student.
- University employees should not share their University user ID and password with any other individual.

- University employees should take reasonable steps to secure printed or electronic student records.
- Students should only be granted access to their own records after they have presented appropriate picture identification, such as a University ID card or a valid driver's license.
- Electronic student record data should be stored on a password-protected medium, and printed data should be stored in a secure location.

### **If I have questions, who should I contact?**

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More information on  
FERPA may be found on the web at:  
[www.baylor.edu/registrar/ferpa](http://www.baylor.edu/registrar/ferpa)

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