

FERPA Information for Faculty, Staff & Student Employees

The Family Educational Rights and Privacy act of 1974 helps protect the privacy of student records. FERPA gives students the following rights regarding educational records:

- The right to inspect and review records.
- The right to request to amend records.
- The rights to demand educational records are disclosed only with written consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by EMU to comply with the requirements of FERPA.

What is an Educational Record?

- Any record, with certain defined exceptions, that contains personally identifiable information directly related to the student that are maintained by the institution or agent of the institution
- Such records may include: written documents, computer media, microfilm and microfiche, video, audio tapes or CDs, film or photographs.

Personally identifiable data includes:

- Name of the student, student's parent, or other family members
- Address of the student or student's family
- A personal identifier such as social security number or student number
- Any unique personal characteristic that might identify an individual in a group

Records Not Considered as Education Records:

- "Sole Possession" notes. Private notes of individual staff or faculty; (Not kept in student advising folders or in an area where they can be viewed by others).
- Law enforcement unit records
- Employment records
- Medical records
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.
- Records which contain only information relating to a person after that person is no longer a student at the institution (e.g. information gathered on the accomplishments of alumni).

There are two types of Educational Records:

1. Directory Information

- Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed.
- Items that may be included in publications or disclosed upon request without consent.

- Students have the option to restrict the release of directory information by submitting a written request to limit disclosure.

EMU has designated the following items as directory information:

- Name
- Address
- Telephone number
- E-mail address
- Date and place of birth
- Major field of study
- Participation in recognized activities and sports; weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received (including, but not limited to, the Dean's List)
- Previous educational agency or institution attended.

2. Non-directory Information

- Non-directory information must not be disclosed to anyone, including parents, without prior written consent of the student unless the discloser falls under one of the exceptions found in FERPA.
- Faculty and staff can access non-directory information only if they have a legitimate academic need to do so.

Non-directory information may include:

- Student identification number
- Social security number
- Race, ethnicity, and/or nationality
- Gender
- Grades; G.P.A

Exceptions to requiring prior written consent

- The information disclosed is designated as “directory information”;
- School officials with legitimate educational interest;
- To authorized representatives of the following in connection with an audit, evaluation or enforcement of federal and state supported education programs:
 - The Comptroller General of the United States;
 - The Attorney General of the United States;
 - The Secretary of the United States Department of Education;
 - State and local educational authorities
- Other schools in which a student ‘seeks’ or intends to enroll.
- Specified officials for audit or evaluation purposes;
- Appropriate persons or organizations in connection with financial aid for which a student has applied;

- Organizations conducting certain studies for or on behalf of educational institutions to develop, validate or administer predictive tests, administer student aid programs or improve instruction;
- Accrediting organizations;
- Parents or guardians of students under the age of 21 regarding violation of any law or institutional policy governing the use of alcohol or a controlled substance;
- Parents of a dependent student as defined by the internal revenue code;
- To comply with a judicial order or lawfully issued subpoena;
- In cases of health and safety emergencies if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- Results of disciplinary hearing to an alleged crime of violence;

School Officials

At Eastern Michigan University a school official is defined as:

- a person employed by EMU in an administrative, supervisory, academic or research, or support staff position, including law enforcement unit personnel and health staff;
- a person or company with whom EMU has contracted (such as an attorney, auditor, or collections agent);
- a person serving on the Board of Regents;
- a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Legitimate Educational Interest

At Eastern Michigan University, 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.

When disclosing any Non-directory Information to a Third Party

- a signed and dated consent must be obtained from the student. This written consent, which may be an electronic signature, must:
- specify the records that may be disclosed
- state the purpose of the disclosure
- Identify the party or class of parties to whom the disclosure may be made

Parental rights

Parents have no inherent rights under FERPA to inspect a student's education records. Records may be but are not required to be released to parents under the following circumstances:

- with the written consent of the student

- in compliance with a judicial order or subpoena
- in connection with a health or safety emergency as determined by the holder of the record
- if the parents declare the student as a dependent on the most recent federal tax return
- in the case of violation of the college's drug/alcohol policy

Spousal rights

A spouse has no inherent rights under FERPA to access the student's education record. A spouse must produce written consent from the student for access to information.

This Act is enforced by the Family Policy Compliance Office

U.S. Department of Education

(202) 260-3887

(202) 260-9002 fax

ferpa@ed.gov

Additional information regarding FERPA Regulations and History can be found at:

<http://www.ed.gov/policy/gen/guid/fpco/index.html?exp=0>