

# Privacy and Release of Student Education Records (FERPA)

## What is FERPA?

FERPA (Family Educational Rights and Privacy Act) was enacted in 1974. It is a set of regulations that applies to those institutions, such as the University of Montana, that receive funding from the Department of Education.

FERPA was written specifically for students and guarantees them the right to inspect and review their education records, the right to seek to amend education records, and the right to have some control over the disclosure of information from those **education records**.

## 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.

## Resources for Students

### Notification Regarding Release of Student Directory Information

The Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. "Education records" are "those records, files documents, and other materials which 1) contain information directly related to a student; and 2) are maintained by an educational institution. (20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3). FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Generally speaking, FERPA allows the University to disclose education records or personally identifiable information from education records in the following circumstances: with the written consent of the student, if the disclosure meets one of the regulatory exemptions, or if the disclosure is directory information and the student has not placed a hold on release of directory information.

The University defines the following information as directory information:

- Student's name
- Address (mailing, permanent and email)
- Telephone number
- Dates of attendance
- Degrees and honors received
- Major and minor field(s) of studies
- Class
- Participation in officially recognized activities and sports
- Most recent previous educational agency or institution attended by the student
- Weight and height, if student is a member of an intercollegiate athletic team

FERPA allows the University to release a student's directory information to anyone unless the student formally requests confidentiality by completing a form from the University Office of the Registrar.

## NO to Release of Directory Information

If you do not wish to authorize the release of directory information and do not want your directory information to appear in the University Student Directory, you must inform the Office of the Registrar of this by completing a [Request to Restrict Directory Information form](#) which can be obtained from the [Registrar's Office website](#). You should allow at least three business days for processing.

## You should be aware...

You should be aware that restricting the release of your directory information has other consequences. For instance, a FERPA restriction makes it difficult or impossible for potential employers to verify your enrollment, or to verify the fact that you have earned a degree from the University. The University cannot notify your home town paper about awards and honors you receive (e.g., Dean's list). For this reason alone, many students choose to remove their FERPA restriction.

## Change from NO to YES

At any time after restricting the release of your directory information, you may change your mind and choose to authorize the University to release directory information and for it to appear in the University Student Directory. You can grant such authorization at any time by going to the Registrar's Office with a valid photo identification or by completing a [Request to Rescind Restriction Directory Information form](#) which can be obtained from the [Registrar's Office website](#).

## Notification of Students' Rights under FERPA

FERPA also affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

To inspect and review his or her education records, a student should submit to the registrar, dean, head of the academic department, or other appropriate University official or office having custody of the particular record(s), a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. (*This process cannot be used to challenge a grade.*)

A student who wishes to ask the University to amend a record should write the appropriate University dean or director responsible for custody of the record, clearly identify the part of the record the student wants changed and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

4. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except that the University may disclose the following information without a student's consent:

Disclosure to **school officials** with **legitimate educational interests**. A **school official** is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including, but not limited to University Police Department personnel, and Curry Health staff); a contractor, consultant, or other outside service provider retained to provide various institutional services and functions under contract or by statute instead of using University employees or officials (including, but not limited to an attorney, auditor, collection agent, information systems specialist, teaching affiliate, and clinical mentor); a person serving on the Board of Regents, staff in the Office of the Commissioner of Higher Education, the Institutional Review Board, and any other University board, committee or council; or 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.

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 responsibilities for the University.

In addition, disclosures by school officials to third parties may occur in the following instances:

- a. Compliance with a lawfully issued subpoena or judicial order.
- b. Requests in connection with a student's application for financial aid.
- c. Information submitted to accrediting organizations.
- d. To other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- e. Requests by federal and state authorities and authorized third parties designated by federal and state authorities to evaluate a federal or state supported education program; to researchers performing certain types of studies; in connection with statewide longitudinal data systems studies and tracking.
- f. In the case of emergencies, the University may release information to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
- g. To the extent otherwise permitted by law, the results of a disciplinary proceeding or investigation conducted by the University to an alleged victim of a crime.