

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 intent of the Act is to protect the rights of students and to insure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the 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);
- records relating to treatment provided by a physician, psychiatrist, psychologist; or other recognized professional and disclosed only to individuals providing treatment; and
- records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e., alumni records.

When is the student’s written consent not required to disclose information?

When the disclosure is:

- to the student;
- 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 parents of dependent students;
- to comply with a judicial order or subpoena;
- in a health or safety emergency;
- releasing directory information;
- 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 twenty-one who has violated University regulations 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.

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 UREG (the Office of the University Registrar) to restrict the release of directory information. At UVA directory information includes:

- name
- home and school address
- home and school telephone number
- e-mail address, UVA computing ID
- date of birth (see FERPA Tips)
- place of birth
- country of citizenship
- major field of study
- school of enrollment, location of attendance
- full/part-time status
- level and year in school
- participation in officially recognized activities and sports
- weight and height of members of athletics teams
- dates of attendance
- candidacy for degree
- degrees, honors, scholarships, and awards received
- most recent previous educational agency or institution attended
- names of a student’s parents or guardians
- any unique identifying number created for the purpose of compiling, releasing, or transmitting directory information
- photographic images of the student

**Who is a school official
and what is
legitimate educational interest?**

- School officials are those individuals who engage in the instructional, supervisory, advisory, administrative, governance, public safety, and support functions of the University. They need not necessarily 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 have access to students' education records only 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 UREG (the Office of the University 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 easily traceable. This includes posting grades by Social Security Number or partial Social Security Number. 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 parents, or any other third party, without the written consent of the student. In addition, University officials may not provide confidential information to a student's spouse 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 not leave printed or electronic confidential student records unattended where they may be easily accessed by another.
- Students should only be granted access to their own records after they have presented appropriate picture identification, such as a University ID card or 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.
- Directory Information - date of birth and photos: It is the practice of the University not to release a student's date of birth except as required by law or as a validation of positive identification of a student when furnished by a person making an inquiry. Further, it is the practice of the University not to release a student's photo created through the ID card process.

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

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More information on
FERPA may be found on the web at:
www.virginia.edu/registrar/privacyact.html
www.ed.gov/policy/gen/guid/fpco/ferpa

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FERPA

For Faculty and Staff



The Family
Educational Rights
and Privacy Act
and the University
of Virginia