

WHAT YOU SHOULD KNOW ABOUT

FERPA

(Family Educational Rights and Privacy Act)

As a Faculty, Staff, or Student Employee of Sam Houston State University



A Member of The Texas State University System

Sam Houston State University Registrar's Office

February 2004

FERPA

The Family Educational Rights and Privacy Act

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, (commonly known as the Buckley Amendment) is a federal law which provides that colleges and universities will maintain the confidentiality of student education records. The law basically says that no one outside the institution shall have access to students' education records nor will the institution disclose any information from those records without the written consent of students. There are exceptions, of course, so that certain personnel within the institution may see the records, including persons in an emergency in order to protect the health or safety of students or other persons.

What is Considered Directory Information?

Under the terms of FERPA, Sam Houston State University has established the following as directory information:

- ✓ Name
- ✓ Local/Home/E-mail Addresses
- ✓ Major/Minor
- ✓ Local/Home Telephone Numbers
- ✓ Degrees, Diplomas, Certificates and Date of Award
- ✓ Honors and Awards
- ✓ Classification
- ✓ Extracurricular Activities
- ✓ Birth Date and Place of Birth
- ✓ Names and Addresses of Parents/Legal Guardians
- ✓ Weight, Height, and Related Information of Athletic Team Member

The above directory information will be available for release to the general public. However, the Act states that each student has the right to inform Sam Houston State University that any or all of the above information is not to be released. Sam Houston State University will honor the student's request to restrict the release of "Directory Information" as listed.

A student may restrict the release of directory information by using the Samweb site or submitting written notification to the Registrar's Office in the Estill Building. Notification must be given prior to the twelfth class day of the fall and spring semesters and the fourth class day of each summer term. Also, the restriction of information remains on the student's record until the student takes action to remove it. If the student restricts the release of directory information, a notation is placed on the unofficial transcript that states "Restricted Information, Buckley Amendment/Open Records Act" and **no** information can be released on that student without the written permission of the student. This includes the restriction of the students name being listed in the commencement program, the honor's list, and the Dean's/President's list. Release of information contained on a student's academic transcript without the written consent of the person(s) identified on the document is in violation of Sec. 438 Public Law 90-247 (FERPA).

What About.....?

PARENTAL ACCESS TO CHILDREN'S EDUCATION RECORDS?

At the postsecondary level, parents have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student.

Records may be released to parents only under the following circumstances: (1) through the written consent of the student, (2) in compliance with a subpoena, or (3) by submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form. An institution is not required to disclose information from the student's education records to the parents of a dependent student. It may, however, exercise its discretion to do so.

POSTING OF GRADES BY FACULTY

The public posting of grades either by the student's name, SamID, or social security number without the student's written permission is a violation of FERPA. Even with names obscured, student identifier numbers are considered personally identifiable information. Therefore, the practice of posting grades by social security number or student identification number violates FERPA. The returning of papers via an "open" distribution system, e.g. stacking them on an open table, is a violation of a student's right to privacy, unless the student submits a signed waiver to instructor for such purpose.

YOUR RESPONSIBILITIES AS A STAFF/FACULTY MEMBER

As an employee of Sam Houston State University, you may have access to Student Records. Their confidentiality, use, and release are governed by FERPA. Your utilization of this information is governed by the regulations and the duties and responsibilities of your employment and position.

Your job places you in a position of trust and you are an integral part in ensuring that student information is handled properly. Students have the right to expect that their academic records are being treated with care and respect.

In general, all student information must be treated as confidential. Even public, or "directory" information is subject to restriction on an individual basis. Unless your job involves the release of information and you have been trained in that function, any requests for disclosure of information, especially from outside the University, should be referred to the Registrar's Office. Release of information contained on a student's transcript without the written consent of the person identified on the document is in violation of Sec. 438 Public law 90-247.

As university employees, you have an individual computer account, password, and PIN. You are responsible for your account and will be held accountable for any improper use. Protection of your sign-on password and procedure is critical for security. Refer to the [Acceptable Use Policy](#) for further details.

YOUR RESPONSIBILITIES AS A STUDENT EMPLOYEE

Security and confidentiality are matters of concern to all offices and all persons who have access to office facilities. The Office of the Registrar is the official repository for student academic records, folders and other files for Sam Houston State University. As a student employer, many offices are able to extend job opportunities and work experience to supplement students' finances and education. In so doing, the student employee is placed in a unique position of trust since a major responsibility of offices is the security and confidentiality of student records and files. Since conduct either on or off the job could affect or threaten the security and confidentiality of this information, each student employee is expected to adhere to the following:

- No one may make or permit unauthorized use of any information in files maintained, stored, or processed by the office in which they are employed.
- No one is permitted to seek personal benefit or to allow others to benefit personally by knowledge of any confidential information which has come to them by virtue of their work assignment.
- No one is to exhibit or divulge the contents of any record or report to any person except in the conduct of their work assignment and in accordance with University policies and procedures.
- No one may knowingly include, or cause to be included, in any record or report a false, inaccurate, or misleading entry. No one may knowingly expunge, or cause to be expunged, in any record or report a data entry.
- No official record or report, or copy thereof, may be removed from the office where it is maintained except in the performance of a person's duties.
- No one is to aid, abet, or act in conspiracy with another to violate any part of this code.
- Any knowledge of a violation must be **immediately** reported to the person's supervisor.

REMEMBER.....

* If you see this note in the upper right corner of an unofficial transcript, you cannot release **any** information on that student:

Restricted Information, Buckley Amendment/Open * *
Records Act *

It is a violation of FERPA to discuss a student's record with any person without a legitimate education interest. This pertains to discussions on and off the job.

* Removing any document from the office for non-business purposes is in violation of FERPA.

* Releasing confidential student information (non-directory) to another student, University organization, or any person who does not have a legitimate educational interest, or parents of a dependent student, without the student's written authorization is in violation of FERPA.

* Leaving reports or computer screens containing confidential student information in view of others who do not have a legitimate educational interest in the data or leaving your monitor unattended is in violation of FERPA.

* Making personal use of student information is in violation of FERPA.

* Allowing another person to use your computer access code is in violation of FERPA..

* Putting paperwork in trash with a student's information (i.e., social security number or grades) is also in violation of FERPA

*****_Violation of confidentiality and security may lead to appropriate personnel action.**

QUESTIONS?

If you have any questions concerning FERPA or what information you can or cannot release, please contact the Registrar's Office. If we cannot answer your question, we will consult the Department of Education.