

1. What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act gives current and former students the right to inspect and review their educational records; the right to seek to amend those records; and the right to have some control over the disclosure of information from those records. The Act applies to all educational institutions that are recipients of federal funding.

2. Who is protected under FERPA?

Students enrolled in an institution of higher education, regardless of age. Under specifically defined conditions, parents of a student termed “dependent” for income tax purposes may have access to the student’s educational records. Students who have applied for admission but never attended an institution are not protected by FERPA.

3. What are educational records?

With specific exceptions, FERPA defines an educational record as *any* record-maintained by an institution or agent of the institution that “personally identifies” a student, including transcripts and other records obtained by the current institution from institutions where the student was previously enrolled. FERPA does not require that any particular types of records be kept, or that they be stored on any particular media; these specifics are matters of institutional policy and/or state regulation.

4. What is not considered to be an educational record?

- Sole possession records or private individual notes created by a school official which are *accessible only* to the individual who created them.
- Law enforcement or campus security records which are created and maintained solely for law enforcement purposes.
- Records relating to individuals who are employed by the institution (unless the employment is contingent upon enrollment and attendance, such as Work-Study Program employment).
- Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- Institutional records which are collected on an individual when he or she is no longer a student at the institution, such as alumni records.

5. What documents can be removed from an educational record before a student views the record?

- Any information that pertains to another student
- Financial records of the student’s parents
- Confidential letters and statements of recommendation where the student has waived the right to access (FERPA section 99.12).

6. What is “directory” information?

Institutions may disclose what has been defined as directory information on a student without violating FERPA. Wayne State University has defined directory information as:

- Student Name
- Address
- Age or Date of Birth
- Telephone number
- E-mail address
- Major field of study
- Degrees, honors and awards received
- Participation in sports and activities
- Weight and height of athletes

On an annual basis, Wayne State University is required to notify students of its directory information policy. Students wishing to restrict Wayne State from releasing their directory information may contact the Office of the Registrar at: 313.577.3550, or complete and return the Release of Directory Information Form available at <http://sdcl.wayne.edu/RegistrarWeb/Forms/Forms>.

7. Who is entitled to student information?

- The student
- Any party who has obtained the student’s written consent
- School officials who have “legitimate educational interests” as defined by the institution
- A lawfully issued judicial order or subpoena

Reasonable effort should be made to notify the student before complying with an information request. In the event of a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose, the institution does not have to notify the student if specifically ordered not to do so in the subpoena.

8. When do you need consent to disclose personally identifiable information from an education record (including transcripts)?

Except for specific exceptions (listed in # 9 and #10), signed and dated consent must be obtained from the student before any disclosure is made. This written consent must:

- Specify the records that may be disclosed
- State the purpose of disclosure
- Identify the party or class of parties to whom the disclosure may be made

9. What is “personally identifiable” information?

- The student’s name
- Names of student’s parents and other family members
- Address of student or student’s family
- Personal identifier such as social security number or student identification number
- Any unique or personally identifiable characteristics (anything that might differentiate the student from the rest of a group such as a report population)

WAYNE STATE UNIVERSITY

10. When must an institution disclose information without a student's written consent?

An institution must disclose information to students requesting information from their own records upon verbal request once valid personal identification is shown.

11. When may an institution disclose information without a student's written consent?

- To school officials having legitimate educational interest, e.g., advisors
- To officials of other educational institutions where the student seeks to enroll (*the issuing institution must make a reasonable attempt to inform student of disclosure*)
- To federal, state and local authorities involved in an audit or evaluation of compliance with educational programs in connection with financial aid, or to organizations conducting studies for or on behalf of educational institutions
- To accrediting organizations
- To parents of a dependent student (as defined by the Internal Revenue Code)
- To comply with judicial order or subpoena
- In a health or safety emergency
- To those requesting directory information
- As a result of a disciplinary hearing relating to an alleged crime of violence
- To a court if legal action has been initiated by the student or the institution
- To parents of a student under 21 years of age regarding violation of any law or institutional policy governing the use of alcohol or a controlled substance
- To state and local authorities pursuant to a state law adopted prior to November 1974

Requests to disclose information should always be handled with caution and approached on a case-by-case basis.

12. What is the institution's responsibility for notification related to FERPA?

On an annual basis, Wayne State University **must notify students in attendance** of their rights under FERPA:

- Their right to inspect and review
- Their right to challenge the content of their record
- Their right to a hearing if the result of challenge is unsatisfactory
- Their right to include explanatory statement(s) in their record if the result of hearing is unsatisfactory
- Their right to prevent disclosure of personally identifiable information
- Their right to file a complaint with the U.S. Department of Education

Still have questions?

Please contact:

Office of the Registrar
Wayne State University
(313) 577-3550

registrar@wayne.edu

<http://reg.wayne.edu/ferpa>

Family Educational Rights and Privacy Act (FERPA)

Guidelines for
Wayne State University
Faculty, Students, and Staff

WAYNE STATE UNIVERSITY

Please Note: These guidelines are not intended to be legal advice. Please refer to your own legal counsel for specific legal guidance regarding FERPA.