

Family Educational Rights and Privacy Act (FERPA)

Information for Faculty and Staff

Why is FERPA Important?

The Family Educational Rights and Privacy Act (FERPA) is the federal law that protects the privacy of students' education records. All institutions receiving federal aid administered by the Secretary of Education must adhere to FERPA regulations.

What student rights are protected?

The primary student rights protected under FERPA are:

- the right to review and inspect their education records (within 45 days of receipt of a written request)
- the right to have their education records amended or corrected
- the right to control disclosure of certain portions of their education records
- the right to file a complaint with the U.S. Department of Education regarding alleged failures to comply with FERPA.

What are considered education records?

Education records are all records maintained by UTSA about individual students. These records can be in any medium (handwritten, e-mail, print, microfilm, or other formats) maintained by the University.

Public Records...

In accordance with FERPA, UTSA has designated the following categories of information about individual students as public or directory information. This information will be routinely released to any inquirer, unless the student has specifically requested that all or part of the following list be withheld:

- Name, address, and telephone number
- E-mail address
- Place of birth
- Major field of study
- Enrollment status
- Dates of attendance (in person or by correspondence, Internet, or other electronic and telecommunications technologies)
- Most recent previous educational agency or institution attended
- Classification
- Degrees, certificates and awards received
- Date of graduation
- Participation in officially recognized activities and sports
- Physical factors (height and weight) of athletes
- Photographs.

Students wishing to restrict access to some or all public information in their education record must file a *Restrict Student Directory Information Request* form available on the One Stop Enrollment website: <https://onestop.utsa.edu/forms/registrar/>.

The University may disclose research papers and theses authored by the student to interested members of the public.

Private Records...

The following categories of information are considered private, or protected, by UTSA:

- Social Security Number
- UTSA student ID Number
- Residency status
- Marital status
- Married name or previous name
- Parents' name and address
- Transfer credits
- Courses completed
- Grades
- Grade point average
- Rank in class
- Current class schedule
- Advisor's name
- Academic status
- Current disciplinary actions.

Private records may be released only to the following parties:

- Individual students
- Dean's Office
- University academic departments
- Appropriate school officials who have legitimate educational interests ("school official" means a person either: (1) employed by UTSA in an administrative, supervisory, academic, research, or support staff position, (2) serving on a UTSA governing body, (3) under contract to UTSA to perform a special task or service, or (4) who is a student serving in an official capacity for UTSA).

Prior Written Consent

The University must obtain prior written consent from students before disclosing any personally identifiable information from their education records.

The prior written consent must:

- Specify the records to be released
- State the purpose of the disclosure
- Identify the party(ies) to whom disclosure may be made
- Be signed and dated by the student.

What are not considered education records?

The following are not considered education records:

- Personal notes of UTSA faculty and staff
- Employment records (unless employment is contingent on the individual's status as a student)
- Medical and counseling records used solely for treatment
- Campus Security records
- Financial records of a parent or spouse
- Confidential letters and statements of recommendation placed in the student's record
- Records that contain only information about an individual obtained after the individual was no longer a student at UTSA
- Records of applicants for admission who were denied acceptance or chose not to attend.

Who can request access to a student's education record?

Under FERPA, prior written consent must be obtained before a student's education record may be disclosed to a third party, unless they are exempted from this provision. Some instances in which prior written consent is not required are:

- requests in connection with an emergency, if such information is necessary to protect the health or safety of the student or other person
- requests in accordance with a lawful subpoena or court order
- requests for "public records" information, if not restricted by the student
- when the student violates a law or the University's policies governing alcohol or substance abuse, if the student is under the age of 21.

For a complete list of groups or individuals to whom information will be released without prior written consent, refer to chapter 5 in the *UTSA Student Policies* at <http://catalog.utsa.edu/policies/>.

Can students access their education record?

Eligible students must be given access to review and inspect their education records. Requests to access their education records must be made in writing and submitted to the appropriate office. For details on how students can request access to their records, refer to *UTSA Student Policies* at <http://catalog.utsa.edu/policies/>.

FERPA Tips

Grades

- Grades may not be released to any third parties or parents without prior written consent from the student
- Grades may not be posted by a full or partial Social Security Number, Banner ID, name or other means that may inadvertently identify the student
- DO NOT send grades via e-mail as there is no guarantee of confidentiality with electronic transmission
- Use official grade delivery methods; *ASAP* and *WebCT*.

Records

- DO NOT leave student information out on your desk or open on your computer
- DO NOT circulate a printed class roster with names and Banner IDs
- DO NOT discuss student concerns with anyone but the student
- DO NOT release any student record information to a third party or parent without checking with the Office of the Registrar or your Dean's office.

Letters of Recommendation

Statements made from personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student's education record is included in a letter of recommendation (e.g., grades, GPA, etc.), you are required to obtain a signed release from the student.

Possible Penalties for Violation

The Family Policy Compliance Office of the U.S. Department of Education reviews and investigates complaints of violations of FERPA. Violations may result in sanctions as severe as the withholding of federal funding, including grants and financial aid.

For more information, visit the U.S. Department of Education Web site at www.ed.gov/ferpa/.

For questions concerning FERPA, contact the UTSA Office of the Registrar
Multidisciplinary Studies Building 2.02.24
Phone: (210) 458-8000 or 1-800-669-0919 (toll free)
Email: onestop@utsa.edu
Web site: <https://onestop.utsa.edu>
