



FERPA:

What faculty and staff need to know

General Information

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment was passed by Congress in 1974. FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education. (Most financial aid is administered by the Secretary of Education).

It grants specific rights to a post-secondary student:

- to see the information that the institution is keeping on the student;
- to seek amendment to those records and, in certain cases, append a statement to the record;
- to consent to disclosure of their records;
- to file a complaint with the FERPA Office in Washington:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605

Education Records

Education records are defined as records that are directly related to a student that are maintained by the institution. These do not include sole-possession records, law enforcement unit records, employment records, medical records, or post-attendance records.

Disclosure

Institutions may release students' personally identifiable information in the following circumstances or to the following individuals:

- To the student
- If the student has given permission
- If the request is only for directory information
- If the request is from an authorized representative of government entities or if it is related to an audit/evaluation of federal or state supported education programs or for enforcement or compliance with legal requirements that relate to those programs:
 - Comptroller General of U.S.
 - Secretary of Education
 - U.S. Attorney General (law enforcement purposes only)
 - State and local educational authorities
- To school officials deemed to have a legitimate educational interest
- To agents acting on the institution's behalf
- To a party providing financial aid (ex. Department of Veterans Affairs)
- To organizations or individuals conducting studies on behalf of educational institutions (with additional conditions)
- To accrediting organizations for accreditation purposes
- To parents of a dependent student as defined by IRS code (used mostly by Financial Aid)
- To parents of a student under the age of 21 found to violate drug or alcohol policy
- To comply with a judicial order or subpoena

- To appropriate persons if a health or safety emergency occurs and the information will assist in resolving this emergency
- To an alleged victim of a crime of violence when the disclosure is the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime
- If the request is in regards to the final results of a disciplinary hearing in which the alleged perpetrator was found in violation of the campus policy in relation to a crime of violence or non-forcible sex offense
- To the Department of Homeland Security or Immigration and Customs Enforcement in relation to participation in the SEVIS program
- To Military recruiters requesting information for recruiting purposes only (under the Solomon Amendment)
- To the IRS for purposes of complying with the Taxpayer Relief Act of 1997
- If the disclosure concerns information provided by sex offenders required to register under state or federal law

Directory Information

“Directory information is . . . information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.”

(FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3).

Directory information can be released without a student’s permission; however, a student may opt to keep this information confidential. All or a portion of directory information may be released publicly in printed, electronic, or other forms at the discretion of Minot State University on a case-by-case basis. Directory information is only released if the request is in writing. Concerns about release of directory information should be directed to the Registrar’s Office. Directory information includes the following data elements:

- Student name (not to include preferred name)
- Hometown (city, state)
- Campus email address
- Major field of study (all declared majors)
- Minor field of study (all declared minors)
- Class level
- Dates of attendance
- Enrollment status (withdrawn, half-time, or full-time)
- Names of previous institutions attended
- Participation in officially recognized activities and sports (released as part of a team roster)
- Height, weight, and photos of athletic team members (released as part of a team roster)
- Honors/awards received (academic honors/awards released at the end of the term and graduation released at the end of the term or as part of graduation/commencement events)
- Degree earned (all degrees earned)
- Date degree earned (dates of all degrees earned)
- Directory photos, photographs, and video recordings of students in public or non-classroom settings (photographs from classrooms or class-related activities are NOT directory information)

If a student chooses to restrict their directory information, they must complete a Student Rights to Privacy form and submit it to the Registrar’s Office.

Releasing Information

When in doubt, don’t give it out! It is best to presume all student information is private and should not be released unless the student gives permission.