

Family Educational Rights and Privacy Act of 1974 (FERPA)

FERPA is the federal law that governs the rights of students and institutional responsibilities with respect to student records. If you have any questions regarding any of the information contained herein, please contact the ENMU Office of the Registrar via email registrar@enmu.edu.

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, commonly referred to as FERPA or the Buckley amendment, is a federal law designed to protect the privacy of a student's educational record. FERPA applies to all educational agencies or institutions that receive federal funding for any program administered by the Secretary of Education. FERPA also applies to private entities that contract to perform services for the University that it would otherwise undertake to perform on its own; in such cases, the private entity must observe the same FERPA protections applicable to the University. FERPA grants adult students (18 and older) or any high school students concurrently enrolled the following rights:

- The right to inspect and review their educational records
- The right to seek the amendment of their educational records
- The right to consent to the disclosure of their educational records
- The right to obtain a copy of their school's Student Records Policy
- The right to file a complaint with the FERPA Office in Washington, D.C.

FERPA Basics

- With only a few exceptions, student educational records are considered confidential and may not be released without the written consent of the student
- As a faculty or staff member you have a responsibility to protect educational records in your possession
- As a faculty or staff member you may only access information that is needed for legitimate completion of your responsibilities as a university employee.

What is an Education Record?

"Education Records" include any information or data recorded in any medium, including but not limited to, handwriting, print, tapes, film, e-mail, microfilm, and microfiche, which is directly related to a student and maintained by the University or by a person acting for the University.

Examples of an Education Record include:

- Admissions information for students who are accepted and enrolled
- Biographical information including date and place of birth, gender, nationality, information about race and ethnicity, and identification photographs

- Grades, test scores, evaluations, courses taken, academic specialization and activities, and official communications regarding a student's status
- Course work including papers and exams, class schedules, as well as written, email or recorded communications that are part of the academic process
- Disciplinary records
- Students' financial and financial aid records
- Internship program records

What is NOT an Educational Record?

Education records do not include:

- ENMU law enforcement records
- Employment records when the employment is not connected to student status (e.g., a staff member who happens to be pursuing a degree at the institution, as opposed to a student employed under the work-study program)
- Medical and mental health records used only for treatment of the student
- Alumni records which do not relate to or contain information about the person as a student (e.g., information collected by the University pertaining to alumni accomplishments)
- "Sole possession records" The term "sole possession records" is intended to cover memory aids or reference tools. It does not refer to records that contain information provided directly by a student or records that are used to make decisions about a student. As such, this is a very limited exception. For example, personal notes from a committee meeting recommending students for a particular program would not be considered sole possession records if they are used to make decisions about the students

Access to Student Education Records

In general, the university will not release "personally identifiable information" from a student's education record without the student's prior written consent; however, FERPA allows disclosure without student consent under the following circumstances:

- School employees who have a "legitimate educational interest" in the records in order to perform their duties
- Other schools where a student seeks to enroll or is enrolled
- Accrediting organizations
- Organizations doing certain studies for or on behalf of the University
- Appropriate parties to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid
- Parents of a "dependent student," as defined in the Internal Revenue Code, when the parent has provided a notarized affidavit, along with a copy of the relevant page of the parent's most recent income tax return indicating the student's dependent status. Affidavits must be updated annually, otherwise, prior written permission from the student is required

- Certain government officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with an audit, authorized representatives of the U. S. Attorney General for law enforcement purposes or state or federally supported education programs
- Individuals who have obtained a judicial order or subpoena
- School officials who have a need to know concerning disciplinary action taken against a student
- Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the student and/or others
- An alleged victim of a crime of violence or non-forcible sexual offense has a right to learn the results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime.
- Information regarding any violation of university policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance may be released to the parents or legal guardian of a student under the age of 21
- Those requesting "directory information" on a student provided the student has not requested his or her information be withheld
- Approved vendors /3rd party operators contracted with the university to provide services

FERPA allows for disclosure in the above circumstances, but disclosure is not required.

Directory Information / What does ENMU give out?

ENMU designates the following items as directory information:

- Student's name*
- Local/Residence Hall address*
- Home and/or Cell telephone numbers*
- Official university email address*
- College
- Class standing/Classification
- Academic program (degree, major, minor)
- Dates of attendance
- Status (full or part-time registration)
- Degree(s) received
- Honors and awards received
- Participation in officially recognized activities
- Weight and height (members of athletic teams only)

Because directory information is considered public, the University may release such information to anyone without student consent provided that the student has not requested a directory restriction.

The noted () items above can be specifically restricted by the student by completing a form at the Registrar's office or contacting the registrar at 575.562.2175 or registrar@enmu.edu It is

the University employee's responsibility to make sure there are no directory restrictions prior to releasing any student data.

Restricting Release of Information

The University may disclose to third parties any student information that it has designated as directory information, provided that the student has not restricted such information from disclosure. Students must request a restriction as described above, which will remain in effect for one semester. Students who wish to restrict their names should realize that their names will not appear in the commencement bulletin and other university publications. Also, third parties will be denied any of the student's directory information and will be informed that we have no information available about the student's attendance at ENMU.

Annual Notification

Consistent with its obligations, the University notifies students annually of their rights under FERPA. Notification is sent to students via official ENMU email and is also available online.

Comments/Questions

Questions related to FERPA should be directed to the Office of the Registrar, location, Administration 107 or registrar@enmu.edu.

Filing a Complaint

Students have a right to file a complaint with the U.S. Department of Education concerning alleged failures by Eastern New Mexico University to comply with the requirements of FERPA.

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