The Family Educational Rights and Privacy Act (FERPA)

Each year The University of St. Thomas is required to give notice of the various rights accorded to students pursuant to the Family Educational Rights and Privacy Act (FERPA). For FERPA purposes the University defines a student as one who has attended or is attending the University of St. Thomas and whose records are in the files of the University.

FERPA for Students
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FERPA for Students

In accordance with FERPA, you (student) are notified of the following:

1. You have the right to review and inspect all of your education records maintained by or at the University of St. Thomas within 45 days of the date the University receives a request in writing from you for access. Such a request should be submitted to the Registrar.

   Education records are those maintained by The University of St. Thomas, or a party acting for the institution, which are directly related to a student. Records containing your name, social security number or other personally identifiable information. “Personally identifiable information” means data which may include:
   1. your name and the names of your parents or other family members
   2. your address
   3. a personal identifier such as a social security number or your student ID number
   4. a list of personal characteristics (or other information which would make your identity easily traceable) in whatever medium (handwriting, print, tapes, film, microfilm, microfiche or any form of electronic data storage), are covered by FERPA unless identified in one of the Act's excluded categories

Excluded categories include: sole possession records; records maintained by a law enforcement unit for law enforcement purposes; student employment records other than employment records for positions that are included in a student's financial aid package; medical, pastoral counseling, counseling center and mental health records; information gathered on individuals who are no longer in attendance at the University (alumni surveys/achievements).

2. You have the right to prevent disclosure of personally identifiable information contained in your education records to third parties with certain exceptions allowed by federal regulations. It is the intent of The University of St. Thomas to limit the disclosure of information contained in your education records to those instances when prior written consent has been given for the disclosure or when the provisions of FERPA allow such disclosure without prior written consent.

   Parents/legal guardians of traditional-age students (17 to 22 years old) have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student.

Information may be released to parents/legal guardians only if one of the following criteria is met: a) written consent of the student [form for this purpose available in the Office of the Registrar], b) a health or safety issue, c) compliance with a subpoena, or d) submission of evidence that one or both parents have declared the student as a dependent (providing more than 50 percent of support in the previous calendar year) on their most recent Federal Income Tax form.

One exception that permits disclosure without consent is disclosure to a school official at The University of St. Thomas who has a legitimate educational interest in a student's education record. A school official is a person employed by a postsecondary institution in an administrative, supervisory, academic or research role or in a support staff position; a person or company with whom the institution has contracted (such as an attorney, auditor, NSC or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee or assisting another school official in performing his/her tasks.

A legitimate educational interest exists if the school official needs to review an education record in order to fulfill his or her professional responsibility. Disclosure to a school official does not constitute institutional authorization to transmit, share or disclose any or all information received by another party. Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

3. You have the right to seek to have corrected any parts of an education record that you believe to be inaccurate, misleading or otherwise in violation of your rights. This right includes the right to a hearing to present evidence that the record should be changed, if The University of St. Thomas decides not to alter the education records according to your request. Note: If a student questions any grade as recorded in the Registrar's Office, the student has a period of one year, beginning with the end of the term in which the grade was awarded, to challenge the accuracy of the grade. At the end of one year, the permanent record will become the absolute record, and changes may not be made.

4. You have the right to file a complaint with the Family Educational Rights and Privacy Act Office, Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, concerning any alleged failure by The University of St. Thomas to comply with FERPA.

5. You have the right to obtain a written copy of the University's official notification to students regarding FERPA. A copy may be obtained in person or by mail from the Office of the Registrar or the Office of the Vice President for Student Affairs.

Directory Information The University of St. Thomas has designated certain information contained in the education records of its students as Directory Information for purposes of the Family Educational Rights and Privacy Act (FERPA). This information may be released to persons or agencies outside the college without student consent unless the student has requested non-disclosure of some or all of this information using the form available for this purpose in the Office of the Registrar. This form must be filed prior to the add/cancel date for the current term. Directory information for the University of St. Thomas is defined as: 1) full name, 2) major field of study, 3) participation in officially recognized activities and sports, 4) height/weight of members of athletic teams, 5) dates of attendance, including current classification and year, matriculation and withdrawal dates, 6) degrees and awards received, 7)

most recent previous educational institution attended, 8) full- or part-time status, 9) photograph, and 10) campus e-mail address. Not included are social security number, race/ethnicity, or gender. An item of directory information may be disclosed by The University of St. Thomas for any purpose, without the prior consent of a student, unless the student has forbidden its disclosure in writing. **The Solomon Amendment & FERPA** The University of St. Thomas is required under the provisions of the Solomon Amendment to provide directory information on students who are at least 17 years of age to representatives of the Department of Defense for military recruiting purposes upon request. That information includes: student name, addresses, telephone listings, date and place of birth, level of education, degrees received, prior military experience and the most recent previous educational institutions enrolled in. If any of this information is not collected by University of St. Thomas, the college is not required to collect it in order to provide it to military recruiters. University of St. Thomas is not required to disclose the directory information of students who have requested nondisclosure of any or all directory information. Students wishing to prevent disclosure of the designated directory information must file a non-disclosure form with the Registrar's Office. In the event that such written notification is not filed, The University of St. Thomas assumes that the student does not object to the release of the directory information. Students are urged to consider very carefully the consequences of a decision to withhold any information. Such a request must be renewed annually to remain in effect, but remains in effect once a student leaves The University of St. Thomas. Any future requests for such information from non-institutional persons or organizations will be refused until the student notifies University of St. Thomas in writing that his/her information should be released.

FERPA for Faculty

What is FERPA?

The Family Educational Rights and Privacy Act, passed in 1974 and still being interpreted by the Department of Education, is a law designed to protect the privacy interests of students, not institutions. Under this legislation, students enrolled in schools and universities have three fundamental rights:

1. Right to review and inspect their education records
2. Right to request to amend their education records (this does not apply to grades, evaluations, etc., unless a grade was recorded incorrectly)
3. Right to limit disclosure of "personally identifiable information" contained in education records

Student FERPA rights pertain to the education records that The University of St. Thomas maintains on a student, not to the student himself/herself.

What is covered by FERPA?

The records The University of St. Thomas maintains in any form for any individual who attends or has attended a class offered by UST are considered to be education records and are covered by FERPA. For this reason, it is critically important that faculty check the roster for their classes at the beginning of each term and return the amended class list to the Registrar by the specified date.

Education records are those maintained by The University of St. Thomas, or a party acting for the institution, which are directly related to a student. Records containing a student's name, social security number or other personally identifiable information in whatever medium, are covered by FERPA unless identified in one of the law's excluded categories.

Personally identifiable means data or information which may include 1) student's name; the names of student's parents or other family members; 2) student's address; 3) a personal identifier such as a social

security number or student ID number; or 4) a list of personal characteristics, or other information that would make a student's identity easily traceable. Education records include handwritten, printed, taped, filmed, microfilmed, on microfiche or any form of electronically stored data.

Categories of student information which FERPA excludes from identification as education records include: 1) sole possession records; 2) records maintained by a law enforcement/security unit for law enforcement purposes; 3) student employment records other than employment records for positions that are included in a student's financial aid package; 4) medical, pastoral counseling, counseling center and mental health records; and 5) information gathered on individuals who are no longer in attendance (alumni surveys/achievements).

What information does FERPA say The University of St. Thomas can release?
The University of St. Thomas has designated certain information contained in the education records of its students as Directory Information for purposes of the Family Education Rights and Privacy Act (FERPA). Directory Information is generally not considered harmful or an invasion of privacy if disclosed. This information may be released to persons or agencies outside the university without student consent unless the student has requested non-disclosure of some or all of this information using the form available for this purpose in the Office of the Registrar. This form must be filed annually prior to the add/cancel date for the current term.

Directory information for the University of St. Thomas is defined as: 1) full name, 2) major field of study, 3) participation in officially recognized activities and sports, 4) height/weight of members of athletic teams, 5) dates of attendance, including current classification and year, matriculation and withdrawal dates, 6) degrees and awards received, 7) most recent previous educational institution attended, 8) full- or part-time status and 9) photograph. Not included is social security number, race/ethnicity, or gender. An item of directory information may be disclosed by The University of St. Thomas for any purpose, without the prior consent of a student, unless the student has forbidden its disclosure in writing and 10) campus e-mail address.

Even though information is designated as Directory Information by The University of St. Thomas, this does not mean that The University of St. Thomas will disclose this information, only that it may choose to disclose it.

If a student leaves The University of St. Thomas with a Non-Disclosure request in force, the request remains in force until a student withdraws it in writing. If the signed form is not on file in the Registrar's Office by the end of the add period, directory information may be released.

Who else can have access to a student's education records under FERPA?
With the exception of information in a student's record designated by the University as Directory Information, education records cannot be disclosed to anyone other than the student, a school official, and certain other persons or agencies specifically identified by the law.

A student's education record may be disclosed without consent to school officials with legitimate educational interests. Any school official who needs to review the student's record in order to fulfill his/her professional responsibility is considered to have a legitimate educational interest. School officials under FERPA include administrators, supervisors, faculty and academic staff, research or support staff (including security staff and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, NSC or collection agent); a person serving on the Board of Directors; or a

student serving on an official committee, such as a disciplinary or grievance committee, or employed in or voluntarily assisting another school official in performing his/her tasks.

A student's education record may be disclosed without consent of or prior notification to the student to 1) authorized representatives of the Comptroller General, Attorney General, Secretary of Education, and state and local education authorities; 2) to schools in which the student seeks or intends to enroll; 3)in connection with financial aid; 4) to organizations conducting studies for or on behalf of educational agencies or institutions; 5) to parents of a dependent student if the parent can prove that he/she claimed the student on his/her most recent tax return; 6) to comply with a judicial order or lawfully issued subpoena; and 7) if there is a health/safety emergency.

The University of St. Thomas requires a dated, signed, written release from a dependent student prior to releasing that student's education records to his/her parents. When releasing a student's education information to anyone other than a school official, it is always best to have a dated, signed written statement describing the purpose of the disclosure and containing the name of the party or class of parties to whom the disclosure will be made.

What responsibilities does The University of St. Thomas have under FERPA?
The University of St. Thomas is required to notify students annually of their rights under FERPA and The University of St. Thomas' intent to protect their rights to inspect, review and submit a request to amend their records.
The University of St. Thomas is required to protect students' rights to limit disclosure of certain personally identifiable information, called Directory Information, contained in their education records. All other information contained in a student's education records can't be released except as described earlier in this document.
The University of St. Thomas is required to ensure that third parties do not redisclose personally identifiable information, except if: a) the disclosure is made pursuant to a court order or to lawfully issued subpoenas; b) the disclosure contains only Directory Information and a Non-Disclosure Order has not been filed; or c) the disclosure is to the student.
The University of St. Thomas is required to keep records of requests for and disclosures of student education records.

What happens if The University of St. Thomas doesn't comply with FERPA?
The Department of Education may issue a notice to cease the practice complained of and could ultimately withhold funds administered by the Secretary of Education, such as federal financial aid dollars and federal grants.

Who on campus is responsible for FERPA compliance?
Because education records are maintained in many different forms all over the campus, the responsibility of ensuring FERPA compliance is a campus-wide responsibility. However, the Registrar will act as office where FERPA is administered. If there are questions, please feel free to contact that office at x3889.

FERPA for Parents

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA), commonly known as the Buckley Amendment, is intended to protect the accuracy and privacy of student educational records. The act

provides for the student's right to inspect and review education records and the right to limit disclosure of information from the records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

Institutions may disclose information on a student without violating FERPA if it has designated that information as directory information.

At UST this includes a student's: name; major field of study; participation in officially recognized activities and sports; dates of attendance; degrees and awards received; photograph and campus email address.

When a student begins attending a postsecondary institution regardless of age, FERPA rights transfer to the student. Therefore, parents cannot see the child's record until it has been determined that their child is legally their dependent. For this determination, parents of "dependent" students are required to submit their most recent federal income tax return on which the parents declared the student as a dependent to the Registrar's Office.

Parents can also obtain non-directory information (grades, GPA, etc.) by obtaining a signed consent from their child. These consent forms are available in the Registrar's Office or by clicking here.