

# Family Educational Rights and Privacy Act (FERPA)

20 U.S.C. 1232g: 34 CFR Part 99

## Introduction

This guide is designed to assist students, faculty and staff with concerns related to information that is collected on students and the release of that information at Morehouse School of Medicine (MSM). The information is based on local, state, and federal regulations and policies. The primary goal of these regulations is to protect the privacy of student records and to assist students with obtaining information about their records. If you have additional questions, please contact the Office of Registrar's at (404) 752-1658 or [regoffice@msm.edu](mailto:regoffice@msm.edu).

## What is FERPA?

The *Family Educational Rights and Privacy Act of 1974* helps protect the privacy of student educational records. The Act provides eligible students the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.

## What rights does FERPA afford students with respect to their education records?

- ❖ The right to inspect and review their education records within 45 days of their request.
- ❖ The right to request an amendment to their education records.
- ❖ The right to consent to disclosures of personally identifiable information contained in their education records.
- ❖ The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA. The name and address of the Office that administers FERPA is:

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202-5901*

## **Who is protected under FERPA?**

FERPA protects the education records of students who are currently or formerly enrolled, regardless of their age or status in regard to parental dependency, are protected. The education records of students who have applied to, but have not attended an institution and deceased students, do not come under FERPA guidelines.

Parents of students termed as "dependent" for income tax purposes may have access to the student's education records. A request for the specific records desired along with a copy of the parent's most recent federal income tax return, on which the parents declared the student as dependent, must be submitted to the Office of Admissions and Records to document "dependency". The student will be notified of the request made by the parent and allowed adequate time (10 days) to question the request.

## **What are education records?**

With certain exceptions, an education record is any record

1. From which a student can be personally identified, and
2. That is maintained by the School.

A student has the right of access to these records.

Education records include any records in whatever medium (handwritten, print, magnetic tape, film, diskette, etc.) that is in the possession of any school official. This includes transcripts or other records obtained from a school at which a student was previously enrolled.

## **What information is not considered part of an education record?**

- ❖ Sole possession records or private notes held by school officials that are not accessible or released to other personnel;
- ❖ Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;
- ❖ Records relating to individuals who are employed by the institution (unless contingent upon attendance);
- ❖ Records relating to treatment provide by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment; and
- ❖ Records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution, i.e., alumni records.
- ❖ Financial information submitted by parents.

- ❖ Confidential letters and recommendations placed in students' files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which specifically collected.
- ❖ Confidential letters and statements of recommendation, placed in students' records after January 1, 1975, to which the student has waived his or her right to inspect and review and that are related to the students' admission, application for employment or job placement, or receipt of honors.
- ❖ Education records containing information about more than one student; however, in such cases the institution must permit access to that part of the record which pertains only to the inquiring student.

## **What is directory information?**

Morehouse School of Medicine may disclose information about a student without violating FERPA if it has designated that information as “directory information”. At MSM this includes a student’s:

- ❖ Complete name
- ❖ Local address and associated telephone number
- ❖ Parent/spouse name, address and associated telephone number
- ❖ Mailing address and associated telephone number
- ❖ E-mail address
- ❖ Photographs, video or electronic image
- ❖ Participation in recognized activities
- ❖ Dates of attendance
- ❖ Degrees and awards received
- ❖ Most recent previous educational agency or institution attended
- ❖ Place of Birth
- ❖ Academic awards received

## **How does a student authorize release of his/her educational record in the form of an academic transcript?**

Students must authorize the release of their transcript by written request with signature, by completing and signing a transcript request form available in the Office of the Registrar or by submitting the request online via a secured portal. The receipt of a written request with signature to release an education record via fax is permissible.

## **Who may have access to student information?**

- ❖ The student and any outside party who has the student's written request
- ❖ School officials (as defined by MSM) who have "legitimate educational interests"
- ❖ Parents of a dependent student as defined by the Internal Revenue Code
- ❖ A person in response to a lawfully issued subpoena or court order, as long as the university first makes a reasonable attempt to notify the student. Normally, MSM will comply with a subpoena after two weeks have elapsed from the day the subpoena was received.

## **When is the student's consent not required to disclose information?**

When the disclosure is (one or more of the following):

- ❖ To school officials who have legitimate educational interest
- ❖ To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs
- ❖ In connection with financial aid (this includes veteran's benefits)
- ❖ To organizations conducting studies for or on behalf of educational institutions
- ❖ To accrediting organizations
- ❖ To parents of a dependent student
- ❖ To comply with a judicial order or subpoena
- ❖ In a health or safety emergency
- ❖ Releasing directory information except as excluded by the student
- ❖ Releasing the results of a disciplinary hearing to an alleged victim of a crime of violence

## **How does increasing technology impact FERPA on campuses?**

The use of computerized record keeping systems is increasing at a fast pace. We can anticipate that the distribution of electronic data eventually will replace most paper documents and provide much information about students to school officials through desktop terminals. It is the responsibility of each school official to understand his or her legal responsibilities under FERPA. The same principles of confidentiality that apply to paper records also apply to electronic data.

For more information on Morehouse School of Medicine's policies concerning release of records, please contact the Office of the Registrar.



## **FAQs - Release of Student Information**

### **What is considered directory information?**

Directory information includes: whether or not the student is currently enrolled; the school or division in which the student is or was enrolled and his/her class year; dates of enrollment including full-time or part-time status; degree or degrees earned (if any), date of degree, major area of concentration and academic honors received; awards of merit and participation in officially recognized activities and sports; addresses and telephone numbers; and electronic mail address and can be provided without the written consent of the student. NOTE: The University does not furnish lists of students to persons, organizations, or companies who wish to solicit our students. However, we will release directory information on any individual if the student has not directed otherwise and the request for this information appears "legitimate."

### **If you do not want to be included in the ecampus directory, what do I do?**

Each student has the option of choosing to be included in the student directory or to be excluded from the student directory. The student directory includes both the printed Emory University Campus Directory and the on-line directory. If you want to be excluded from the directory, the student must submit a written request to the Office of the Registrar. Unless the Office of the Registrar is notified in writing, the student will be included in the campus directory.

### **What does it mean to "Release No Information"?**

If you choose to release no information (known as information suppression) your name, address and any other directory information will not be disclosed to any third party. Potential employers will not be able to find out that you attended the University or that you graduated. Your hometown newspaper will not be notified of any achievements that you have accomplished such as Dean's List, Phi Beta Kappa or Graduation. Your name will not appear in the Commencement Program. Your name will not appear in the campus directories.

While some students have valid reasons for withholding directory information, choose this option with thought and care as it will apply to your academic records permanently or until you rescind your request by writing to the Office of the Registrar.