

## Sherbet, Sue

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**From:** Sherbet, Sue  
**Sent:** Monday, February 12, 2007 4:58 PM  
**To:** studentbody@utdallas.edu  
**Subject:** Annual Notice of Your Rights Under FERPA  
**Importance:** High

Dear Student:

The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 to protect the privacy of FERPA forms can be found at <http://www.utdallas.edu/student/registrar/forms/> (click on FERPA packet).

Complaints of alleged violations may be addressed to:  
 Family Policy Compliance Office  
 US Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-5920

The UTD FERPA violation link is located at <http://www.utdallas.edu/legal/ferpa/>

FERPA defines an eligible student as a student who has reached 18 years of age or is attending an institution of p

Students have **four primary rights under FERPA**:

1. To inspect and review their education records.
2. To seek to amend those education records they believe to be inaccurate or misleading.
3. To have some control over the disclosure of information from those education records.
4. To file a complaint concerning alleged failures by an institution to comply with FERPA regulations within 180 days.

More information regarding education records and the procedure for amending records can be found at <http://www.utdallas.edu/student/registrar/faq.html#FERPA>

What is an **education record**?

FERPA defines an education record as information in any format that directly identifies an individual and is maintained by the institution or a party acting for the institution. There are two kinds of records:

1. **Directory or public information** is information that is not generally considered harmful or an invasion of privacy if released. Directory information includes student's full name, address (local and permanent), UTD email, phone numbers, date and place of birth, major field of study, dates of attendance, degrees/awards received, most recent previous school attended, enrollment status (classification, under/grad, part/full-time), participation in officially recognized activities and sports, weight/height of members of athletic team, and photograph.
2. **Non-directory information** is information that is not considered to be directory information, such as enrollment records, grades, schedules.

Students may choose to withhold release of directory information. A student may do so by completing the "Request for Confidentiality of Directory Information" form at <http://www.utdallas.edu/student/registrar/forms/> (click on FERPA packet).

There are **five exceptions to education records**:

1. **Sole Possession Records**  
 Records kept in someone's "sole possession" and never shared with anyone else.

## 2. **Law Enforcement Records**

Records that are created by and maintained by a law enforcement agency for the purposes of law enforcement.

## 3. **Employment Records**

These records are not education records unless employment is conditional upon the individual being a student.

## 4. **Medical Records**

Records created, maintained and used by professional healthcare workers for the purposes of providing healthcare services. Medical records, however, can become education records when they are used to justify, support, or elucidate some situation connected with an individual's student status.

## 5. **Alumni Records**

Records that are created and maintained by an alumni association, usually for social and fund-raising purposes.

There are some **disclosure exceptions**. Prior written consent is not required when disclosure is made under the following conditions:

1. To UTD officials who have a **legitimate educational interest**.<sup>\*</sup> This includes the following:
  - a. A person employed by UTD in an administrative, supervisory, academic or research, or other support staff position
  - b. A person serving on an institutional governing body
  - c. A person employed by, or under contract to, the institution to perform a special task, such as an attorney or auditor
2. To schools in which the student seeks or intends to enroll
3. To authorized state and local representatives, subject to the requirements in Sec. 99.35
4. In connection with financial aid for which the student has applied or received
5. To certain state and local officials or authorities, subject to the requirements in Sec. 99.38
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions
7. To accrediting organizations to carry out their accrediting functions
8. To parents, as defined in Sec. 99.3, of a dependent student, as defined in Sec. 152 of the Internal Revenue Code of 1986
9. To comply with a judicial order or lawfully issued subpoena
10. In connection with a health or safety emergency
11. Information the educational agency or institution has designated as "directory information"
12. To the parent of a student who is not an eligible student or to the student
13. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements in Sec. 99.39
14. In connection with a disciplinary proceeding at an institution of postsecondary education, subject to the requirements in Sec. 99.39
15. To a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use of possession of alcohol or a controlled substance if
  - a. The institution determines that the student has committed a disciplinary violation with respect to that use or possession and
  - b. The student is under the age of 21 at the time of the disclosure to the parent.
16. The Solomon Amendment which requires institutions to release certain directory information to military recruiters. (If a confidentiality request was made by the student, then information will not be released.)

<sup>\*</sup>UTD defines **legitimate educational interest** as a school official's need to review student education information to fulfill a responsibility as part of his/her contract.

More information regarding FERPA can be found at <http://www.ed.gov/policy/gen/guid/fpco/index.html>

Sincerely,  
Office of the Registrar

