

Policy on Family Educational Rights and Privacy Act (FERPA)

Policy Number	ACA-036
Effective Date	9-1-2018
Responsible Office/Person	Office of University Registrar
Related Policies	
Additional History	This policy updates and replaces STU-012, STU-013 and STU-014 December 2007

I. POLICY STATEMENT:

FERPA is the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) which is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA affords eligible students certain basic rights with respect to their education records including:

- The right to inspect and review the student's education records within 45 days after the day UMass Dartmouth receives a request for access.
- The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- The right to provide written consent UMass Dartmouth discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by UMass Dartmouth to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA are:

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

II. PURPOSE:

The University of Massachusetts Dartmouth respects the privacy of student educational records and complies with the Family Educational Rights and Privacy Act. In accordance with this act, this policy communicates student rights with respect to their educational records and presents the University's specific institutional FERPA policies.

III. DEFINITIONS:

Student: According to the law, a person becomes a student for purposes of FERPA when they are "in attendance" at an institution. This includes attendance in person or remotely by videoconference, satellite, Internet, or other electronic and telecommunications technologies. At UMass Dartmouth, we define a student as someone currently or previously enrolled in any academic offering of the University. At UMass Dartmouth, FERPA becomes effective on the first day of classes for those newly admitted students who have scheduled at least one course. A student who accepted an admission offer but did not schedule at least one course, or a newly admitted student who canceled his/her registration either before or after the semester begins, is not covered by FERPA.

Education records: Defined as records, files, documents, and other materials that contain information directly related to a student and are maintained by UMass Dartmouth or by a person acting for the University. Education records take many forms, including paper and electronic. Education records include:

- Grades
- Class lists
- Student course schedules
- Disciplinary records
- Student financial records
- Payroll records for employees who are employed as a direct result of their status as students (e.g. work study, assistantships, resident assistants)

The following records are excluded from the definition of education records:

- "Sole possession" records made by faculty and staff for their own use as reference or memory aids and not shared with others
- Personal observations
- University law enforcement records
- Medical and mental health records used only for the treatment of the student
- Alumni records
- Peer graded papers and exams prior to the grade being recorded in the instructor's grade book

University Official: Defined as any individual employed by the University of Massachusetts' ("System Office") or one of its campuses, (the University of Massachusetts, Amherst, including the Mount Ida Campus of UMass Amherst; the University of Massachusetts, Boston; the University of Massachusetts, Dartmouth, (including its school of law, University of Massachusetts School of Law, Dartmouth); the University of Massachusetts, Lowell; the University of Massachusetts Worcester, a/k/a the University of Massachusetts Medical School,) (individually a "Campus") who has a legitimate educational interest in the student information. These individuals include; but, are not limited to instructors; faculty; advisers; admissions counselors; academic advisers; employment placement personnel; deans; department chairpersons; individuals serving on an official committee, such as a disciplinary or grievance committee; individuals assisting a University Official; directors; law enforcement personnel; health staff; counselors; attorneys; Advancement Office employees; the president; members of the University of Massachusetts' Board of Trustees; auditors; collection agents.

A University Official may also be an outside contractor or other agent of the University of Massachusetts' Campus or the System Office, where the Campus or the System Office or both are outsourcing institutional services or functions, and:

- a. The outside contractors or other agents are under the direct control of the Campus or the System Office or both with respect to the use and maintenance of the education records; and
- b. The outside contractor or other agent may not disclose the information to any other party without the student's consent, and may not use the information for any purpose other than the purpose for which the disclosure was made. In addition, further disclosures may only be made upon the prior written authorization of the respective Campus or System Office.

IV. PROCEDURES:

Disclosure of Education Records

Under FERPA, student education records may be disclosed only with the student's prior written consent. The prior written consent must:

- Specify the records to be released
- State the purpose of the disclosure
- Identify the party(ies) to whom disclosure may be made
- Be signed and dated by the student

UMass Dartmouth students who wish to have information released must complete the FERPA Authorization To Release Confidential Information Form found at <https://www.umassd.edu/registrar/forms/>

Prior written consent is not required when disclosure is made under the following conditions:

- To "University Officials"* who have a legitimate educational interest.
- To schools in which the student seeks or intends to enroll.
- To authorized state and local representatives, subject to the requirements in Sec. 99.35.
- In connection with financial aid for which the student has applied or received.
- To certain state and local officials or authorities, subject to the requirements in Sec. 99.38.
- To organizations conducting studies for, or on behalf of, educational agencies or institutions.
- To accrediting organizations to carry out their accrediting functions.
- To parents, as defined in Sec. 99.3, of a dependent student, as defined in Sec. 152 of the Internal Revenue Code of 1986.
- To comply with a judicial order or lawfully issued subpoena.
- In connection with a health or safety emergency.
- Information the educational agency or institution has designated as "directory information".
- To the parent of a student who is not an eligible student or to the student.
- 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.
- In connection with a disciplinary proceeding at an institution of postsecondary education, subject to the requirements in Sec. 99.39.

- 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 or possession of alcohol or a controlled substance if:
 - The institution determines that the student has committed a disciplinary violation with respect to that use or possession and
 - The student is under the age of 21 at the time of the disclosure to the parent.
- 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.)

FERPA permits university employees to have access to student education records in which they have "legitimate educational interest." Such access does not require prior written consent of the student. A University Official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University of Massachusetts.

Directory Information

FERPA permits each institution to define a class of information as "directory information." FERPA permits public disclosure of directory information without the student's consent. UMass Dartmouth's directory items include the following:

- Name
- Address (permanent residence and electronic mail)
- Telephone number
- Class level (semester class or level: first-year, sophomore, junior, senior, etc.)
- Major field of study
- Acknowledgment of a student's participation in officially recognized activities and sports
- Weight/height (athletic teams)
- Dates of attendance
- Enrollment status (full-time, part-time, or not enrolled)
- Date of graduation
- Degrees, certificates and awards received
- Most recent educational institution attended
- Graduate students who are teaching credit courses only: work department, office address, and employment category

Note: Although the above items are designated by UMass Dartmouth as directory information, only a limited amount of this information is disclosed by UMass Dartmouth officials. The University retains the discretion to refuse to disclose directory information if it believes such disclosure would be an infringement of the student's privacy rights. Lists of students including directory information above are not normally allowed to be released for non-UMass Dartmouth purposes.

Preventing the Release of Directory Information

FERPA requires each institution to allow students to block disclosure of their directory information. The following are consequences of a student placing confidentiality on their record:

- Student name will not appear in the commencement program.
- Verification of enrollment, graduation, or degrees awarded will not be provided to third parties, including potential employers and insurance companies.
- No information will be released to any person on the telephone or via email.

To block disclosure of directory information, students must download the FERPA Restriction of Release of Directory Information Form available on the UMass Dartmouth Registrar's website at <https://www.umassd.edu/registrar/forms/> Requests for confidentiality are permanent until removed in writing by the student.

Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the Office of University Records. The student should submit a written request that identifies as precisely as possible the record or records he or she wishes to inspect. The Registrar's Office will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five (45) days or less from the receipt of the request. When a record contains information about more than one student, the student may inspect and review only the portion of the records that relate to him/her.

For additional information on FERPA, visit <https://studentprivacy.ed.gov/> and UMass Dartmouth FERPA information at <https://www.umassd.edu/registrar/>

V. **RESPONSIBILITY:**
Office of University Registrar, University Registrar

VI. **ATTACHMENTS:**
None

VII. **APPROVAL and EFFECTIVE DATE:**

Approved: _____

Dr. Robert E. Johnson, Chancellor

Date: _____

10/22/18