



Family Educational Rights and Privacy Act (FERPA) Information for Faculty and Staff

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that helps protect the privacy of student education records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records.

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 the day the college receives a request for access.
- The right to request an amendment to the student's education records that the student believes is inaccurate or misleading.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by Smith College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the college has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. **A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.** However, a school official may not share education records with third parties, including parents, without written permission of the student (except as allowed by FERPA), and may not share information with other school officials unless they also have legitimate educational interest.

Who has FERPA protections?

At colleges and universities, FERPA rights are afforded to the student. There is no age requirement, and FERPA rights begin once a student is in attendance and continue until the student's death. Rights are not afforded to parents of students; however, parents who claim a student as a dependent may have access to education records, unless the student specifically prohibits it.

It is the policy of the college to notify both the dependent student and her parents/guardians in writing of probationary status, dismissal and certain academic warnings. In communications with parents concerning other matters, it is normally college policy to respect the privacy of the student and not to disclose information from student education records without the prior consent of the student. At the request of the student, such information will be provided to parents and guardians. Students may authorize the release of information from their educational records to their parents/guardians by completing the appropriate form at the registrar's office.

What are education records?

With certain exceptions, an education record is any record (1) directly related to the student and (2) maintained by the college or any party acting on the part of the college. A student has the right of access to these records.

Education records include any records in whatever medium (handwritten, print, film, computer media, email, etc.) that are in the possession of any school official. The same principles that apply to paper records also apply to electronic data. Examples of education records include (but are not limited to) class schedule; grades, GPA, and academic standing; transcripts; and disciplinary, financial and student employment records. **Education records may not be released to a third party without the written consent of the student, except as allowed by FERPA.**

What is *not* considered an education record?

- sole possession records or private notes held by school officials that are not accessible or released to other personnel;
- public safety records that are solely for law enforcement purposes and maintained solely by the Office of Public Safety and not shared with other campus officials;

- records relating to students who are also employed by the college unless employment is contingent upon enrollment as a student;
- health records created and maintained in connection with treatment and disclosed only to individuals providing treatment;
- records that contain information obtained only after the individual is no longer a student (i.e., Alumnae records).

What is directory information?

Directory information is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may be disclosed without a student's prior written consent.

A student is given the opportunity each year to request that directory information be withheld by informing the registrar's office. This means that no college publications will include personally identifiable information and no such information may be released to a third party. **If the student has opted to withhold directory information, the word "Confidential" will appear by the student name in every BannerWeb view.** If the student has not indicated that directory information be withheld, Smith College may, but does not have to, release the information.

Smith College has designated the following items as directory information:

- name
- home address and telephone (while enrolled)
- college address and telephone
- Smith email address
- date of birth
- dates of attendance (current and past)
- enrollment status (full-time or part-time)
- academic/class level
- fields of study (major[s], minor, concentration, certificate)
- degrees, honors and awards received (and dates)
- college extra-curricular activities (if known)
- height/weight of members of athletic teams
- previously attended educational institution(s)
- identification number (provided that it cannot be used, standing alone, by an unauthorized individual to obtain non-directory information from education records)
- photographs and digital images

All other personally identifiable student information that does not fall within the designation of directory information is considered confidential and may not be disclosed to a third party, except as allowed by FERPA.

Who may have access to student information?

The college may only release education records if the student has provided prior written consent, unless permitted by a FERPA exception. The most common of these exceptions are:

- releasing directory information (unless the student has requested otherwise);
- to school officials who have a legitimate educational interest, including faculty members who, in order to advise or otherwise fulfill their professional responsibilities, require access to a student's record;
- to parents of a dependent student as defined by the Internal Revenue code;
- in response to a lawfully issued subpoena or court order, as long as the college makes a reasonable attempt to notify the student;
- to federal, state, and local authorities involving an audit or evaluation of compliance with education programs;
- in conjunction with financial aid, including veteran's benefits;
- in a health or safety emergency;
- releasing the results of a disciplinary hearing to an alleged victim of a crime of violence;
- to parents of students under the age of 21 information relating to violations of drug or alcohol laws or policies by the student.

It is the responsibility of all faculty and staff to understand and abide by the rules governing access to and privacy of student records. The [official Smith College policy concerning access to and privacy of student records](#) is published annually in the Student Handbook and can be found online at the registrar's office web page (registrar.smith.edu). Additional information may also be found at [the U.S Department of Education Family Policy Compliance Office](#) website.

Faculty or staff members with questions regarding FERPA or student information should contact the Office of the Registrar at 315-585-2561 or registrar@smith.edu.