



FERPA FOR STUDENTS

Rights Afforded to Students under FERPA

1. The right to inspect and review the student's education record within 45 days of the day Tulane University receives a request for access.
2. The right to request an amendment to the education record that the student believes is inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA.
3. The right to provide written consent before Tulane University discloses personally identifiable information from the student's education record, except to that extent that FERPA authorizes disclosure without consent
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Tulane University to comply with the requirements of FERPA

When do FERPA rights begin?

A person becomes a student under FERPA when the person is "in attendance" at the institution. At Tulane, a student is "in attendance" when the student has deposited and registered for an academic term.

What are education records?

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution. Education records can exist in any medium, including: handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

Withholding the Release of Information

According to FERPA, a student can request, while still enrolled, that the institution not release any directory information about the student. Institutions must comply with this request. At Tulane, students who wish to restrict the release of directory information about themselves can do so by updating the "Confidentiality Flag" under Records on Gibson.

Please consider your decision to restrict directory information carefully, as ANY and ALL requests for directory information will be refused. When Tulane faculty, staff, and students attempt to send you an email via Tulane's email network, your email address will not auto-populate in the address bar.

Are my admission application materials considered education records?

FERPA affords admitted students who matriculate at the university the right to access their education records. Persons who apply to the university and are not admitted are not covered by

FERPA. Persons who are admitted to the university but do not matriculate are not covered by FERPA.

Parent's Access to Students' Records

At the postsecondary level, parents have no inherent rights to access or inspect their child's education records. This right is limited solely to the student. At Tulane, records may be released to parents only if they have been given a written release by the student or in compliance with a subpoena.

Health and Safety Emergencies

Under FERPA, an institution may disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.



FERPA FOR PARENTS

How can a parent access their student's education records?

Records may be released to parents if:

- The parents have been given a written release by the student, or
- In compliance with a subpoena.

What about access to grades, progress reports, and exams?

Final grades, grades on exams, and other information about academic progress are examples of the confidential information that makes up part of the student's education record. This information is protected under FERPA and parents do not have access to it unless the student has provided express, written authorization.

If parents have permission to access the education records, does that mean that grades will be automatically sent to them?

No, a parent will still need to request grades, they will not automatically be sent to parents.

Will parents be contacted in a health or safety emergency?

If non-directory information is needed to resolve a health or safety emergency situation, an educational institution may release that information if the institution determines that the information is necessary to protect the health or safety of the student or other individuals.

Will parents be contacted if their student is involved with the conduct process?

The Office of Student Conduct does not routinely contact parents when their student has violated University rules. We will notify parents when their student is involved in the conduct process in the following cases:

- If a student is under the age of 21 and has been found responsible for an alcohol violation;
- If a student has been found responsible for a drug violation;
- If a student is placed on deferred suspension, suspension, or expulsion;
- If a student is found to have engaged in conduct involving violence, sexual misconduct, or a violation of our weapons policy;
- If a student's health or safety is at risk.



FERPA FOR FACULTY AND STAFF

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, is a Federal law that protects the privacy of education records for eligible students. FERPA applies to all educational institutions that receive funds under the Department of Education. It allows students to:

- Inspect and review records that Tulane has on the student
- Seek amendment to those records and in certain cases append a statement to the record
- Withhold the disclosure of a student's educational records except for situations involving legitimate educational interest or as may be required by law.
- Right to file a complaint with the U.S. Department of Education concerning alleged failures by Tulane to comply with the requirements of FERPA.

Faculty and Staff Responsibility under FERPA

Faculty and Staff have the legal responsibility to protect the confidentiality of student educational records in your possession. Access to student information is limited only to the legitimate use in the completion of your responsibilities as a university employee.

Can I discuss a student's education record with their parents?

As a student of a post-secondary institution, FERPA rights belong to the student. Generally, education records are considered confidential and may not be released to third parties (including parents) without the written consent of the student.

Course progress, deficiencies in a subject area and grades are examples of items included in the student's education record. This information is protected by FERPA, and a student's written consent is required for release of such information.

Is it bad that I left my grade book open on my desk and a student could see grades for the whole class?

Everyone who handles protected student information should be cautious about unintended releases of information. This includes leaving information visible on your desk or walking away from a computer screen that displays student information.

Can I leave a pile of graded papers and allow students to sort through the pile to retrieve their own paper?

No, allowing students to have access to the papers or grades of others in this manner violates FERPA. Students should not have access to other students' papers or grades.

Can I share a student's education record with other school officials at Tulane?

FERPA allows for the disclosure of student information to other school officials within Tulane without the student's consent, if that school official has a legitimate education interest in the information. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill the official's professional responsibility.

What should I do if I'm concerned about a student's health or safety, or the health or safety of those around the student?

You should speak with your department chair, dean, director or Counseling Services anytime you have a health or safety concern. FERPA allows you to make disclosures of education records to others within the University who have legitimate educational interests in the information, which interests include the performance of services to students, the effective functioning of the University, and safety and security of the campus. FERPA also permits disclosures of information in a health or safety emergency, if in light of the circumstances and information available at the time, the knowledge of the information is necessary to protect the health or safety of a student or other individuals.

Is written permission required to release a letter of recommendation?

Written permission of the student is required to release a letter of recommendation if any information included in the recommendation is part of the "education record" (grades, GPA, and other non-directory information) or is an assessment of a student's performance, such as the student's rank in a class. Statements made from personal observation or knowledge do not require a signed release.

What should I do if receive a subpoena for a student's record?

The Office of the General Counsel should be notified immediately of every subpoena. The Office of the General Counsel will then determine the appropriate course of action, including whether and how to comply with the subpoena and if student notification of the subpoena is required.

What happens if a student has a financial hold?

Students always have the right to inspect and review their education records, regardless of their financial status with Tulane. However, if the student has a financial hold, Tulane is not required to release an official transcript.

DO NOT:

- Leave graded tests, papers or other student materials for students to pick up in a stack that requires sorting through the papers of all students
- Request or access an education record without a legitimate educational interest and the appropriate authority to do so.
- Disclose information without authenticating the identity of the person you are speaking with.

