WHAT YOU SHOULD KNOW ABOUT FERPA
(Family Educational Rights & Privacy Act)

Guidelines for Faculty and Staff at Georgetown University Law Center

Georgetown University Law Center
Office of the Registrar
202-662-9220 phone
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http://www.law.georgetown.edu/campus-services/registrar/index.cfm
WHAT IS FERPA?

The Family Educational Rights and Privacy Act of 1974 as amended (FERPA) affords students certain rights with respect to their education records:

1) A student has the right to inspect and review his or her education records within 45 days of the day the Law Center receives a request for access. To do so, a student should submit to the Registrar a written request that identifies the record(s) he or she wishes to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.

2) A student has the right to request the amendment of the education records that the student believes are inaccurate. To do so, a student should submit to the Registrar a written request clearly identifying the part of the record he or she wants changed, and specify why it is inaccurate. If the Law Center decides not to amend the record as requested by the student, the Registrar will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3) A student has 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, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official can be a person 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 Law Center has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Directors; or a student serving on an official committee, such as the Committee on Professional Responsibility, 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.

4) A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the Law Center 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 20202-4605.

WHO IS PROTECTED UNDER FERPA?

Students who are currently or formerly enrolled, regardless of their age or status in regard to parental dependency. Students who have applied to but have not attended an institution and deceased students do not come under FERPA guidelines.
At the postsecondary level, parents have no inherent right to inspect a student’s education records. The right to inspect is limited solely to the student. Records may be released to parents only under the following circumstances: (1) through the written consent of the student, (2) in compliance with a subpoena, or (3) by submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form. An institution is not required to disclose information from the student’s educational records to the parent of a dependent student. It may, however, exercise the discretion to do so.

**WHAT ARE EDUCATION RECORDS?**

With certain exceptions, an education record is any record (1) from which a student can be personally identified and (2) maintained by the college. 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 are 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 ARE NOT EDUCATION RECORDS?**

- 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 provided 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.

**WHAT IS DIRECTORY INFORMATION?**

Georgetown University Law Center considers the following information as "directory information", or information that can be made available to the general public: name, address, telephone number, date and place of birth, photographs, parents' names, major field of study, full time or part time program, dates of attendance, expected graduation date, degrees and awards received, and previous educational institutions. No other items of student information will be released to any person or organizations outside of Georgetown University without the written consent of the student, except for certain categories of outside persons or organizations specifically exempted by federal law.
Under the provisions of FERPA, students have the right to instruct the University to withhold even the "directory information" listed above. To do so, students need to fill out a "Request to Prevent Disclosure of Directory Information" form available at the Office of the Registrar. Note: *The form must be submitted within the first two weeks of the Fall semester of their matriculation if they also wish their information to be excluded from the online directory.*

Students should consider very carefully the consequences of a decision to withhold "Directory Information," which means that the Law Center will not release this information and any future requests for such information will be refused, unless excepted by law. The Law Center assumes no liability for honoring instructions that such information be withheld.

**YOUR RESPONSIBILITIES AS AN EMPLOYEE**

All employees of Georgetown University Law Center (academic, administrative, staff and student workers) are required to abide by the policies governing review and release of student education records. Employees must understand and accept the responsibility of working with confidential student records.

**Examples of inappropriate use of student records are:**

1. Accessing or reviewing a student’s record without a legitimate educational interest.

2. Releasing confidential student information (non-directory) to another student, University or Law Center organization, any person who does not have a legitimate educational interest, or parents of a student without confirmation that they have declared the student as a dependent on their most recent tax return, without the student’s written authorization.

3. Leaving reports or computer screens containing confidential student information in view of others who do not have a legitimate educational interest in the data.

4. Using the student information for personal business.

5. Discussing the information contained in the student record outside of the University or while on the job with individuals who do not have a legitimate educational interest in the information (need-to-know).

Under no circumstances should confidential information about students be given to any other students, to other employees, or to any other person who has not been authorized to receive such information by his/her position or educational need to know. Although directory information may be released without prior consent, any requests coming from students or from anyone off campus should be referred to the Law Center Registrar’s Office.