



Policy Title: AA3022 - Privacy of Education Records (Compliance with FERPA)

Subject Area: Academic

Responsible Official(s): Executive Vice President and Provost

Responsible Office(s): Office of the Provost

Policy

The Family Education Rights and Privacy Act of 1974, with which the University intends to comply fully, is designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with The Family Policy Compliance Office (FPCO) concerning alleged failures by the institution to comply with the Act.

Definitions

Education Record – Education Records is defined as those records, files, documents, and other materials that

1. contain information directly related to a student; and
2. are maintained by the University or by a person acting for the University.

They do not include

1. personal notes;
2. records maintained by law enforcement personnel solely for law enforcement purposes;
3. employment records (except those as student employees);
4. medical, psychological, and psychiatric records (these are accessible to the student's physician);
5. and records containing only information relating to a person after that person is no longer a student at the University. An example would be a record of accomplishments of an alum of the University.

Student – A student is any person who is or has been enrolled at the University of Memphis. Persons who have applied for admission but have never matriculated are not students of the University of Memphis. Wherever "student" is used in reference to personal rights, an eligible parent of a dependent student has similar rights.

Directory Information – Directory Information is defined as: The student's name, address, telephone listing, e-mail address, University ID number, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received (e.g., Dean's List, Graduation Honors), the most recent previous education agency or institution attended by the student, the student's full or part-time status, the student classification (level), earned hours, student employment status, expected date of graduation, and actual date of graduation.

Access – To have access to an Education Record is to be allowed to see the original record. It implies that right to obtain copies of that record. A charge for the copies may be required.

School Officials – School officials are those University employees with general or specific responsibility for promoting the educational objective of the University. Employees whose responsibilities place them within this category include teachers; faculty advisors; admissions counselors; academic advisors; therapeutic counselors and vocational counselors; degree analysts; employment placement personnel; deans, department chairs, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; administrative and faculty sponsors of officially recognized clubs, organizations, etc.; members, including student members of committees appointed by the President; clerical personnel employed to assist University officials in discharging professional responsibilities; vendors and volunteers of the University. Access by these officials is restricted where practical only to that portion of the student record necessary for the discharge of assigned duties.

Legitimate Educational Interests – Legitimate educational interests are defined as those interests that are essential to the general process of higher education prescribed by various legislative acts and the body of policy adopted by the governing board. Legitimate educational interests would include teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, and academic assistance activities. In addition, the University officially recognizes appropriate co-curricular activities which are generally supportive of overall goals of the institution and contribute to the general well-being of the entire student body and specifically to include varsity and intramural sports, social fraternities and sororities, honorary and academic fraternities and sororities, departmental clubs, professional fraternities, special interest clubs and student government.

Procedures

Disclosure of Records-Release of Personally Identifiable Student Education Records

- A. The University of Memphis shall not permit access to or release any information in the Education Records that is specifically identifiable as referring to any student, other than Directory Information, without verification of the written consent of the student to any party other than the following:
- a. University of Memphis officials and staff who have legitimate educational interests, including academic excellence, honor societies, and fraternities and sororities.
 - b. Officials of other schools in which the student seeks or intends to enroll.
 - c. Appropriate persons in connection with a student's application for or receipt of financial aid.
 - d. Federal or State officials as defined in the regulations concerning this law.
 - e. State and local officials authorized by State statute adopted prior to November 19, 1974.
 - f. Organizations conducting studies for or providing service for, or on behalf of, the University of Memphis for the purpose of assisting in accomplishing the University's mission, and when such information will be used only by such organizations and subsequently destroyed when no longer needed for the intended purpose. (For example: the National Student Clearinghouse, collection agency, bookstore, etc.) The Registrar or designee must approve requests of this nature. Note: University offices initiating a contract with a person or company performing professional, business, and similar services, must include the following statement in the contract: Information disclosed by the University to (name of company/person) will be used only for the purpose stated in the contract and will not be disclosed to a third party.
 - g. Accrediting organizations to carry out their accrediting functions.
 - h. Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986. (Note: A husband or wife cannot get records of his/her spouse regardless of dependency.)
 - i. The courts, in compliance with judicial order or subpoena, after the University has made a reasonable effort to notify the student.
 - j. Appropriate persons in connection with an emergency if knowledge is necessary to protect the health or safety of a student or other persons. Verification of the conditions involved will be fully documented.
- B. Record of Disclosure - All individuals and agencies that have requested or obtained access to a student's record (except as stated in A. Disclosure of Record) will be noted in a record that is kept with each student's closed file. A request must be in writing stating the purpose of the request. This record will also indicate specifically the legitimate interest that the person or agency had in obtaining the information, and the information made available will be limited to that necessary to satisfy such demonstrable needs.

- C. No University office receiving student information shall and all agencies receiving student information will be advised not to, release the information to another party without the written consent of the student.
- D. The University retains all rights to the student's academic record and may withhold transcripts of the record because of unfulfilled obligations to the University.
- E. Eligible students and parents have the right to file a complaint with the Department of Education concerning an alleged failure by the University to comply with the "Privacy Rights of Parents and Students" Act. Students may also file a complaint against the University in the Office of the Registrar. A copy of the Act may be read in the Office of the Registrar or the University Counsel.
- F. A list of the Custodians of records is available in the Office of the Registrar.

Access to Education Records

To gain access, the student must request the custodian to allow him/her to peruse the "Education Record". This request will be granted within a reasonable period of time (45 days). The student may ask for an explanation and/or copy of his/her "Education Record".

Examination will be permitted under conditions that will prevent alteration or mutilation of the record. A student must present proper identification upon request. Documents submitted by or for the student in support of his/her application for admission or for transfer credit will not be returned to the student nor sent elsewhere. Right of Access does not include:

1. Financial records of parents or any information therein.
2. Confidential letters and statements of recommendation, which were placed in the "Education Records" prior to January 1, 1975.
3. "Records" to which access has been waived by a student.

Correction to Records

If the student believes the "Record" content to be inaccurate, he/she may submit a request for amendment of his/her record. Normally such matters will be satisfactorily settled in the course of informal discussion with the student. When this is not the case, the request and the challenge must be presented in writing to the record custodian who will inform the student of his/her decision within 45 days and of his/her right to a hearing. The student may then submit a written request for a hearing to the Registrar or designee who will

1. appoint an Appeals Committee consisting of four "Record" custodians (none of whom is custodian of the "Record" in question), with one of the four designated as chair, and
2. designate a time and place for the first meeting and inform the student of the same.

The Appeals Committee will convene with the student within 45 days from the date of the request, allowing the student, or his/her parents if the student is a dependent, to present relevant evidence. A written decision based solely upon evidence presented at the hearing will be given to the student within 45 days after the conclusion of the hearing, including a summary

of the evidence and reasons for the decision and notification of his/her right to place a statement in the "Education Record". Thereupon, the student may submit to the Committee a written explanation to be inserted into the "Record". Note: This procedure does not provide for a hearing to contest an academic grade.

File a Complaint

Written complaints concerning failure by the University to comply with FERPA should be submitted to The University of Memphis, Office of the Registrar, 003 Wilder Tower, Memphis, TN 38152-3520 or the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605. For further information visit [the U.S. Department of Education website](#).

Restrict Release of Directory Information

After registering for courses, a student may file a written request with the Registrar's Office that directory information not be released. (See [Request for Restricting the Release of Directory Information form](#)). Such information will also be withheld from the campus telephone directory if the form is completed within the first two weeks of classes. Note: The campus telephone directory is published in the fall semester.

Related Documents, Policies and Forms

[Office of the Registrar](#)

[U. S. Department of Education](#) (Topics/Privacy)

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