

# FERPA Overview

## HR Supervisor Meeting

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THE UNIVERSITY OF ARIZONA

Office of the Registrar

# Agenda

## Overview of FERPA

- Education Records
- Student's Rights
- Faculty & Staff Responsibilities

## Available Training

## Where to go for support

## Questions



# FERPA

The Family Educational Rights and Privacy Act of 1974, commonly referred to as FERPA or the Buckley Amendment, is a federal law designed to protect the privacy of a student's education records and governs the rights of students and institutional responsibilities with respect to student records.

FERPA applies to all educational agencies or institutions that receive federal funding for any program administered by the Secretary of Education, including the University, and their employees.

Education records are considered confidential, and may not be released without the written consent of the student.



# What is an Education Record?

An "education record" for purposes of FERPA includes **any record** that contains personally identifiable information (broadly conceived) about one or more students and that is **maintained by the University or by any person acting for the University – regardless of whether the record is "educational" or "academic" in nature.**

The term also encompasses any such information or data recorded in any medium, including not only traditional printed paper records, but also electronic files and data, handwritten documents and notes, photographs, audio and video tapes, email messages, microfilm, and microfiche.

## Common examples (not comprehensive):

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admissions files for students who are accepted and enrolled, including applications, recommendations, high school transcripts, and rater evaluations

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biographical information about students such as date and place of birth, gender, nationality, race, ethnicity, and identification photographs

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communications in typed, handwritten, emailed, or other recorded form to, from, or about students

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course work including papers, exams, grades, and evaluations

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disciplinary records

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internship program records

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personal information shared through course assignments, class discussions, evaluations, and office hour visits

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student financial and financial aid records

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student identification number (SID)

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details about student status such as academic specialization and activities, class schedules, and courses taken



# What is NOT an Education Record?

In a few limited circumstances, and for certain limited purposes, records that otherwise would meet the definition above are not considered to be “education records” under FERPA:

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Most University of Arizona Police Department records about law enforcement issues

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Employment records about non-student staff and faculty members who take courses at the University; however, records pertaining to their student status and activities, as well as employment records about student employees, are subject to FERPA

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Campus Health records concerning the diagnosis and treatment of student physical and mental health

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Alumni and Development Office records about former students that do not relate to or contain information about the subject as a student (e.g., information collected by the University pertaining to post-graduation alumni accomplishments)

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Records that are kept in the sole possession of their maker, that are used only as personal memory aids or reference tools, and that are not shared with or made accessible to others (e.g., personal reminder or summary notes about a meeting with a student).

**More information about these exceptions and how they are handled is available from the Office of the Registrar and/or the Office of General Counsel.**



# Student's Rights Under FERPA

FERPA grants all University students (including minors), the following specific rights:



The right to inspect and review their own "education records" (as defined by the statute), with certain limited exceptions, within 45 days after the University's receipt of a request

The right to seek the amendment of their "education records" in certain circumstances

The right to consent to the disclosure of personally identifiable information contained in their "education records" in many circumstances

The right to file a complaint with the U.S. Department of Education about alleged failures to comply with FERPA.



# Faculty & Staff Responsibilities

Faculty or staff members have a legal responsibility to protect student records in their possession from unauthorized disclosure, access, or use.

Faculty or staff members may access student information only when and to the extent that it is needed for legitimate completion of their responsibilities as a university employee

With only limited exceptions, students have a right to see our records about them, including even casual and informal records such as emails and handwritten notes to the file; with that in mind, *all* records about students should be created deliberately and thoughtfully

**If you have any questions about FERPA, please do not hesitate to contact the Office of the Registrar and/or the Office of General Counsel**



# FERPA Health or Safety Emergency Exception

## When is it permissible to utilize FERPA's health or safety emergency exception for disclosures?

In some situations, school administrators may determine that it is necessary to disclose personally identifiable information (PII) from a student's education records to appropriate parties in order to address a health or safety emergency. FERPA's health or safety emergency exception permits such disclosures **when the disclosure is necessary to protect the health or safety of the student or other individuals**. See [34 CFR §§ 99.31\(a\)\(10\) and 99.36](#). This exception to FERPA's general consent requirement **is limited to the period of the emergency and generally does not allow for a blanket release of PII from a student's education records**. Rather, these disclosures must be related to an **actual, impending, or imminent emergency**, such as a natural disaster, a terrorist attack, a campus shooting, or the outbreak of an epidemic disease.

## What does this mean?

- The health or safety emergency exception is specific to the University's school officials sharing information externally (e.g., with law enforcement) when requisite conditions are met.
- School officials with a legitimate educational interest can share information between each other without relying on the health or safety emergency exception.
  - If you have concerns about a student harming themselves or others – please submit a CARE Report to the Dean of Students
  - **As a school official, you can receive and share confidential education records/information about a student with other school officials to ensure the safety of yourself, your colleagues, and other students.**





# Health or Safety Continued

Utilizing the health or safety emergency exception for external reporting is the responsibility of school officials in these units:

- UAPD
- Campus Health
- Dean of Students (via submitted CARE reports)
- Other units as authorized by the Office of the Registrar

Examples:

- Reporting a health crisis to a parent (ex: a student has been hospitalized because of a sudden illness while living in a dorm)
- Reporting a threat to law enforcement outside of UAPD (ex: an online student living outside of Tucson has made threats about a local community organization via email, and UAPD contacts that local entity)

Resources:

CARE Report: [https://arizona-advocate.symplcity.com/care\\_report/index.php/pid423338?](https://arizona-advocate.symplcity.com/care_report/index.php/pid423338?)

UAPD: <https://www.uapd.arizona.edu/>

Critical Incident Response Team: <https://cirt.arizona.edu/>



Questions or  
Guidance

[registrar@arizona.edu](mailto:registrar@arizona.edu)



Office of the Registrar

# FERPA Training

## Faculty/Staff Training

- Training for Instructors and Instructional Support Teams
- Training for Staff

## Additional Resources

- University Privacy Statement
- National Center for Education Statistics — Protecting the Privacy of Student Records: Guidelines for Education Agencies
- The Chronicle of Higher Education — The Family Rights and Privacy Act: 7 Myths & the Truth

## Unit or Department Trainings

- We'd love to come to your team meetings!
- Contact [registrar@arizona.edu](mailto:registrar@arizona.edu)



Questions?



# THANK YOU

Please visit our website at [registrar.arizona.edu/FERPA](https://registrar.arizona.edu/FERPA) for additional information and resources available to the campus community.

Contact us at: [registrar@arizona.edu](mailto:registrar@arizona.edu)



Office of the Registrar