

University of Maine System
ADMINISTRATIVE PRACTICE LETTER
SUBJECT: FERPA Guidelines

Purpose

Under federal law, the Family Educational Rights and Privacy Act (FERPA), students are given primary rights regarding personally identifiable information about the student maintained by the University. The University should conform to fair information practices meaning those who are subjects of data systems (i.e. students at the University) must:

- Be informed of the existence of such systems.
- Be apprised of what information about them is on record.
- Be given assurances that such information is used only for intended purposes.
- Be given the opportunity to request an amendment or correction to their records.
- Be certain that those responsible for data systems take reasonable precautions to prevent misuse of the information.
- Know that the institution will reasonably respond when an alleged misuse of, or access to, information is brought to the attention of those responsible for data systems.

This APL provides guidelines for following the requirements set forth by FERPA.

FERPA Requirements

1. The Application of FERPA
 - a. FERPA applies to the education records of persons who are, or have been, in attendance in postsecondary institutions, including students in cooperative and correspondence study programs and in any non-traditional educational delivery processes, such as distance learning, regardless of age.
 - b. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, never attend the institution.
 - c. The University of Maine System has established dates by which a person is considered a “student” and at which time, FERPA applies.
 - i. For fall terms, any person enrolled on or after August 15 is considered a “student.”
 - ii. For spring terms, any person enrolled on or after January 1 is considered a “student.”
 - iii. For summer terms, any person enrolled on or after May 1 is considered a “student.”
2. Directory Information
 - a. FERPA requires institutions to give public notice to students in attendance of the

categories of personally identifiable information which the institution has designated as directory information. The University of Maine System has designated the information below as directory information for purposes of FERPA. Such directory information may be publicly shared unless the student has taken formal action to restrict its release.

Directory information includes:

- i. Name
- ii. Address
- iii. Phone
- iv. University Email Address
- v. Date of Birth
- vi. Program of Study
- vii. Dates of Attendance
- viii. Degrees and Awards received (including dates)
- ix. Most recent previous educational institution attended
- x. Participation in sports and activities
- xi. Class Level
- xii. Enrollment status (full/part-time)
- xiii. Appropriate personal athletic statistical data

3. Annual Notification

- a. Each institution is required to notify students in attendance annually of their FERPA rights. The University of Maine System institutions shall all use the notification below as recommended by the American Association of Collegiate Registrars and Admissions Officers (AACRAO).

4. Modifications to this Policy

- a. This APL provides guidelines for the consistent application of FERPA across the University of Maine System. Future modifications would be permissible based on recommendations from the appropriate student service area (typically, Student Records), and supported by advice from General Counsel, to the UMS Vice Chancellor for Academic Affairs and the Council of Chief Academic Officers. Final authority for the approval of such modifications sits with the VCAA and the Council of Chief Academic Officers.

Annual FERPA Notification

The Family Educational Rights and Privacy Act (FERPA) affords University students certain rights with respect to their education records.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the University receives a request for access. A student should submit to the registrar, dean, head of

the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's 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. The right to provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the university who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Office of the Chief Privacy Officer ("OCPO")
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

5. Students can make a request that their directory information not be released. Students must submit a [Request to Suppress Directory Information form](#) to the Registrar's Office or through

MaineStreet. The request will be honored until such time as the student requests otherwise in writing. In the event that such written notification is not filed, the University assumes that the student does not object to the release of directory information. Students also have the option to have all directory information released except address, which also excludes email address.

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in 34 CFR § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To other school officials, including teachers, within the university whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as “directory information” under § 99.37. (§ 99.31(a)(11))

Directory information includes:

- Name
 - Address
 - Phone
 - University Email Address
 - Date of Birth
 - Program of Study
 - Dates of Attendance
 - Degrees and Awards received (including dates)
 - Most recent previous educational institution attended
 - Participation in sports and activities
 - Class Level
 - Enrollment status (full/part-time)
 - Appropriate personal athletic statistical data
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
 - To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
 - To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

Alternative Notification to Students

To simplify the process for providing the annual FERPA notification, the University may use the following information for its annual notification:

The Family Educational Rights and Privacy Act of 1974 (FERPA) helps protect the privacy of students’ education records. The Act provides students:

1. The right to inspect and review their education records
 - a. A request to access a record shall be made in writing to the office which maintains the record
2. The right to seek to amend those records that the student believes to be inaccurate, misleading,

or otherwise in violation of the student's privacy rights

- a. The student must submit the request in writing to the office where the records are maintained.
3. The right to provide written consent to disclosures of personally identifiable information, except when released to school officials with a legitimate educational interest.
 - a. School officials include: An employee of the University, a person or company contracted by the University, a Board of Trustees member, a University volunteer working under the supervision of another school official, and a student serving on an official committee.
 - b. A school official has legitimate educational interest if the official needs to review a record to fulfill professional responsibilities.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures of the University to comply with FERPA. The name and address of the office that administers FERPA is:

Office of the Chief Privacy Officer ("OCPO")
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

The University may not disclose protected or confidential information from a student's education record, with some exceptions, including: Student's Written Consent; Valid Subpoenas; Search Warrants; Ex Parte Order (Patriot Act); or Emergency/Crisis Situation.

All information not listed in Directory Information (below) is considered Non-Directory and must remain confidential, with the above noted exceptions. Only Directory Information may be released to non-University Officials without the student's permission, unless the student has requested suppression of their Directory Information.

Directory information includes:

- Name
- Address
- Phone
- University Email Address
- Date of Birth
- Program of Study
- Dates of Attendance
- Degrees and Awards received (including dates)
- Most recent previous educational institution attended
- Participation in sports and activities
- Class Level
- Enrollment status (full/part-time)
- Appropriate personal athletic statistical data

Students can make a request that their directory information not be released. Students must submit a Request to Suppress Directory Information form to the Registrar's Office or modify their Privacy Settings through their MaineStreet Student Center. Students also have the option to have all directory information released except address (for the purpose of this exclusion, address is defined as both physical and email address).

Detailed information regarding FERPA is available at: *[insert campus FERPA website here]*