



## FERPA POLICY

### Purpose

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that sets out requirements for the protection of privacy of students and their parents. This policy is designed to help students and, in some cases, their parents understand how to access their education records, how to amend them, and, if they wish, how to prevent their disclosure to third parties.

Tufts University complies with FERPA through this policy and other school-specific practices.

### Scope

This policy applies to all schools and divisions at Tufts University.

### Definitions

**Student** is defined, for purposes of this policy, as someone who is (or someone who has) officially matriculated at the University, and who attends (or has attended) classes at Tufts. This definition does not include prospective students or applicants.

**Education Records** are records that are directly related to a student and that are maintained by the University or by a party acting on its behalf. Common examples of education records include: grades, transcripts, class lists, course schedules, disciplinary records, disability accommodation or accessibility service records, date and place of birth, parent/guardian address, contact information, work study/fellowship records, and, in some cases, email sent by faculty and staff.

**Exclusions to Education Records.** However, not all records maintained by the University are considered education records. The following are generally **not** considered education records:

- Records created by a school official as a personal memory aid (such as notes of a private telephone conversation).
- Records of the Tufts University Police Department (TUPD) which are maintained separately and solely for law enforcement purposes.
- Most records created and maintained by a physician, psychiatrist, psychologist or other healthcare provider for treatment purposes. Even though these records are not considered education records under FERPA, they may still be made available to students following completion of a HIPAA release form.
- Records pertaining to a former student other than those generated when that person was a student, such as alumni records.

**Personally-Identifiable Information** includes a student's name, address or other information that would allow a student to be identified. FERPA generally prohibits the University from disclosing personally identifiable information from a student's education record without the student's consent unless the information has been designated as directory information or another exception applies.

**Directory Information** consists of the following:

- Student's name
- Address (both local and permanent)
- Telephone number (local, cell and permanent)
- Date and place of birth
- Academic program (school, degree, major, minor)
- Enrollment status (dates of attendance, full-time/part-time status)
- Degrees, honors and awards received
- Participation in athletics and student activities
- Most recent educational institution attended
- E-mail address
- Photo

**Privacy Blocks** are available to students who wish to prevent the University from disclosing their directory information (in student directories and commencement programs, for example) by selecting the appropriate privacy settings through SIS. For additional information about privacy blocks, please contact the Registrar's Office.

**Parent** is defined, for the purposes of this policy, as a parent of a student and includes a natural parent, a guardian or an individual acting as a parent in the absence of a parent or a guardian.

Tufts encourages families to discuss and establish clear expectations for how they will share information from students' education records *before* classes start and *well before* grades come in. In general, parents have greater access and play a more active role in managing education records where the student is (i) a minor child (under the age of 18), (ii) enrolled in a primary or secondary program (rather than a post-secondary or graduate-level program), and (iii) a tax dependent. However, we recognize that parents' level of involvement varies from family to family, student to student, and year to year. Students who wish to provide parents with access to their education records, can do so through the privacy settings on SIS.

### **Policy Statement**

FERPA provides students and, in some cases, their parents\* certain rights with respect to their educational records. In general, these rights include:

- 1) *The right to inspect and review education records (with certain limited exceptions) within 45 days of the day Tufts receives a student's request for access.* A student should submit any such request to the Registrar's Office in writing, identifying the specific records that the student wishes to inspect. The Registrar's Office will make arrangements for access and notify the student of the time and place where the records may be inspected.

Many education records (including transcripts) can be requested online through the Student Information System (SIS), without having to file a formal FERPA request. For more ways to access your education records, see the “Academic” tab on SIS.

- 2) *The right to request the amendment of education records if the student believes they are inaccurate.* Students should submit any such request to the Registrar’s Office in writing, clearly identifying the records that the student wants to have amended and specifying the reasons the student believes those records to be inaccurate. The Registrar’s Office will notify the student of the University’s decision whether to amend the student’s records. If the University decides not to amend the student’s records, the Registrar’s Office will inform the student of the right to a hearing regarding the student’s request for amendment.
- 3) *The right to require Tufts to obtain the student’s written consent before releasing personally identifiable information from the student’s education records unless an exception applies.*

### ***Release of Your Records to Third Parties***

Any request or authorization to allow material from your files to be shown to third parties should include: (1) a specification of the records to be disclosed; (2) the purpose of the disclosure; and (3) the party or class of parties to whom disclosure may be made. A copy of your request to obtain and disclose information to a third party will be retained. For additional information about authorizing disclosures from your education records, please contact the Registrar’s Office.

Personally-identifiable information (“PII”) from your education records may not be given to third parties without your written consent, with the following exceptions:

- **Directory information** may be published and made available to third parties even if it includes PII (such as your name, email and photo); to prevent disclosure of your directory information to third parties, you must register for an official Privacy Block through SIS.
- PII may be disclosed to **Tufts officials** such as employees and members of faculty and trustee committees, or to vendors and contractors who have a need to know or who are required to work with your records to carry out their duties.
- PII may be disclosed to officials of **other educational institutions** in which you seek to enroll. If your record is transferred to another institution, however, you will be entitled, upon request, to a copy of such records. This applies to other schools and colleges within the University and to programs in which you may be cross-registered or enrolled at the University.
- PII may be disclosed to **authorized representatives** of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local authorities or other professional organizations in connection with an audit or evaluation of federal or state supported education programs.
- PII may be disclosed to an individual or organization required to be informed in connection with your application or receipt of **financial aid**.

- PII may be disclosed to **state and local officials** to whom information is specifically required to be reported by state laws enacted prior to November 19, 1974.
- PII may be disclosed to appropriate parties in a **health or safety emergency** if necessary to protect your health or safety or that of another.
- PII may be disclosed in compliance with a **subpoena**, or in response to other legal action involving the student and the University.
- PII may be disclosed when the information is a record of a campus **disciplinary proceeding**. For students under the age of 21, the University may also inform parents and legal guardians about violations of any federal, state, or local law, or any University rule or policy that governs the **use or possession of alcohol or a controlled substance**.
- PII may be disclosed to **accrediting organizations** that are legally authorized to evaluate the quality of educational training in institutions or programs.
- PII may be disclosed when releasing information to appropriate parties conducting **educational studies**. De-identified student data from education records may be released for this purpose. Procedures are taken to ensure that personally identifiable information cannot be traced back to a particular student or their parents.

## **Record Retention**

FERPA does not require the University to preserve students' education records in perpetuity. In fact, there is no specific record retention requirement. As a general matter, most education records are not maintained for more than 7 years after a student's expected date of graduation. For specific questions about record retention, please contact the registrar's office.

## ***Complaint Procedure***

*A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Tufts to comply with the requirements of FERPA. A complaint must be submitted to the Department within 180 days of the date of the alleged violation or of the date that the student knew or reasonably should have known of the alleged violation. The name and address of the office that administers FERPA and accepts such complaints is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.*

## **Compliance Training and Tracking**

See TTS Training Module

## **Approval Entities**

Office of University Counsel

Academic Council

Office of the President

**Approval Date**

May 2015

**Revised Effective Date**

October 31, 2019

**Executive Sponsor(s)**

Mary R. Jeka, Senior Vice President and General Counsel

**Responsible Office(s)**

Office(s) of the Registrar

**Revision**

The University reserves the right to change this policy from time to time. Proposed changes will normally be developed by those responsible for the policy with appropriate stakeholders. The approval entities have sole authority to approve changes to this policy.

**Review Cycle**

Annually

**Related Policies**

Not applicable