8.2.1 Privacy of Student Records and FERPA: Policy

Summary

The Family Educational Rights and Privacy Act of 1974 (FERPA) and other regulations afford students certain rights with respect to their education records. Notice of these rights \[1\] is contained in the Stanford Bulletin.

Rationale

Stanford University will comply with all applicable laws and regulations governing the privacy of student information. These regulations are explained in the Stanford Bulletin.

Authority:

- Office of the Registrar \[2\] via Stanford Services & Support (policy)
- Departments and degree programs (implementation)

Applicability:

Applicable to all graduate students.

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1. Family Educational Rights and Privacy Act of 1974 (FERPA)

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

1. The right to inspect and review the student's education records within 45 days of the date the University receives a request for access.

   The student should submit to the Registrar, Dean, chair of the department, or other appropriate Stanford official,
a written request that identifies the record(s) the student wishes to inspect. The Stanford 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 Stanford 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 may ask Stanford University to amend the record that he or she believes is inaccurate or misleading. The student should write the Stanford official responsible for the record (with a copy to the University Registrar), clearly identify the part of the records he or she wants changed, and specify why it should be changed.

If Stanford University decides not to amend the record as requested by the student, Stanford 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 is provided to the student when notified of the right to a hearing.

3. 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.

FERPA contains various exceptions to the general rule that Stanford University should not disclose education records without seeking the prior written consent of the student. The following circumstances are representative of those in which education records (and information drawn from education records) may be disclosed without the student's prior written consent:

a. Upon request, Stanford University may release Directory Information.

b. School officials who have a legitimate educational interest in a student's education record may be permitted to review it. A school official is: a person employed by the University 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 University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, 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 best fulfill his or her professional responsibility.

c. Stanford University may disclose education records without consent to officials of another school, in which a student seeks or intends to enroll, upon request of officials at that other school. Stanford may also provide records to institutions previously attended to confirm authenticity of records.

d. Stanford University may choose to disclose education records (and information drawn from education records) to either supporting parent(s) or guardian(s) where the student is claimed as a dependent under the Internal Revenue Code.

e. Stanford University may inform persons including either parent(s) or guardian(s) when disclosure of the information is necessary to protect the health or safety of the student or other persons.

f. For students under the age of 21, Stanford University may notify either parent(s) or guardian(s) of a violation of any law or policy relating to the use of alcohol or controlled substances.

g. Stanford University must provide records in response to lawfully issued subpoenas, or as otherwise compelled by legal process.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Stanford
University to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

2. Family Educational Rights and Privacy Act (FERPA) and Tax Dependent Status

Students are encouraged to maintain an ongoing, open dialogue with parents throughout their careers at Stanford about academic progress and personal development. Most student difficulties are resolved at Stanford without involving parents. The University does recognize, however, that there are some exceptional situations where parental involvement may be appropriate to assist a student through a difficult circumstance. Under those circumstances, Stanford may (but is not required to) choose to disclose information to parents if permitted by law.

Under the Family Educational Rights and Privacy Act (FERPA), Stanford is permitted to disclose information drawn from education records to parents if one or more parent claims the student as a dependent for federal tax purposes. Some laws, especially those relating to medical and mental health care, prohibit the disclosure of information without the student's consent, even where the student is a tax dependent.

3. Directory Information

The Stanford Bulletin lists “directory information,” i.e., information that the University may make available to any person upon specific request (and without student consent). For more information, see Stanford's FERPA web page on the Registrar’s Office web site [3].

Students may prohibit the release of any of the items listed on the web page above (except name and SUNet ID) by designating which items should not be released using the Privacy function of Axess. Students may prohibit the release of their SUNet ID and/or name (and consequently all other information) after an appointment with the Office of the Registrar to discuss the ramifications of this action.

Students, faculty, and others with questions regarding student records should contact the Office of the Registrar.

Related Content:
Related Policies
- GAP 8.1, Principles for Handling Student Data [4]
- GAP 8.3, Retention of Student Records [5]
• Notification of Rights under FERPA [1]
• FERPA and Tax Dependent Status [1]
• Directory Information [1]

Related Information and Forms
• Registrar's Office information regarding privacy of records [6]

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