

Buckley Amendment/FERPA

(Excerpt from Academic Policies and Procedures Manual)

3.4.12 Buckley Amendment/FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA), commonly referred to as "The Buckley Amendment," may affect a faculty member's activity and relationship with students in several areas. The Act gives students and/or parents certain rights of access to, and control over, certain educational records. In particular, the student (18 years of age or over) has acquired the right to exclude information which the student believes to be misleading, inaccurate, or unfairly damaging to the student's interests. The following general comments are intended to provide a superficial review of the relevance of the Act to faculty members. More detail may be found in Connections: Campus Life Handbook.

(1) Personal References and Recommendations: Such letters or forms which become a part of a student's permanent file are available for the student to inspect, if they were prepared after December 31, 1974. A student may choose to waive the right of access by signing an appropriate statement; however, such a waiver possibly would not prevent the latter's being subpoenaed in the event of legal proceedings (e.g., the student is denied admission to a school and institutes civil action).

(2) Access to Information About Students: The law states that persons with a "legitimate educational interest" may look at a student's records without the prior consent of the student. This implies that if a faculty member believes that he or she can help a student academically by knowing, for example, the student's SAT scores or grades or other information contained in University records, the faculty member may request such information from the appropriate office, and that request may be given consideration by the responsible persons. The student's permission for release of such data to the faculty member is not required. The faculty member may not release this information to a third party.

(3) Grade Books: The Act indicates that the student has no right to demand to inspect the grade books or other notes about the student which the faculty member keeps strictly for his or her own use.

(4) Grades: The regulations pertaining to the execution of the Act provide that a student has the right to challenge a grade and to request a hearing before a University official regarding such a challenge. If the hearing upholds the grade, the student still has the right to place a statement in his/her academic file indicating disagreement with the grade. This provision suggests that the faculty member would be well-advised to retain adequate information regarding the giving of grades and to keep in the file copies of the final exams of students for at least twelve (12) months after the administration of the exam. This right to a hearing applies to all educational records which the student believes to be inaccurate, misleading, or in violation of his or her rights.

(5) Directory Information may be unconditionally released without the consent of the student, unless the student has specifically asked that prior consent be obtained. Directory Information includes the student's name, campus and home address, and telephone listing, date and place 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, and the most recent previous educational institution attended by the student.