

THE FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT OF 1974, AS AMENDED

Annual Notice to UNH Students

Each year, the University of New Hampshire, in compliance with the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment), informs students of their rights under the act. The Buckley Amendment was designed to protect the privacy of student education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students may also have the right to file complaints with the Family Policy and Compliance Office concerning alleged failures by the institution to comply with the act.

Family Educational Rights and Privacy Act Guidelines

The Family Educational Rights and Privacy Act (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 day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or another appropriate official, written requests that identify the records(s) they wish to inspect. The University 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 University 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 or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record, the University will notify the student of the decision and advise students of their rights to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are 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. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is 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 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 students serving on an official committee, such as a disciplinary or grievance committee, or assisting school officials in performing their tasks. School officials have a legitimate educational interest if they need to review an education record in order to fulfill their professional responsibility.

Upon request, the University discloses education records including records of disciplinary action, without consent, to officials of another school in which a student seeks or intends to enroll. Students may authorize persons of their choosing to access UNH billing, financial aid, and certain academic history information through the Parent Portal.

4. The University occasionally receives court orders and grand jury subpoenas requiring it to produce a student's educational records. The University usually makes reasonable efforts to notify the student of the order or subpoena before complying, except when the order or subpoena itself requires that the student not be notified.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failure by the University of New Hampshire to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Avenue, SW
Washington, DC 20202-4605

Under the guidelines of FERPA (as amended), exceptions to the prohibition against disclosures permits Community Standards to discretionarily release notification to a parent or legal guardian the first time and every subsequent time a student under the age of 21 is found responsible for violating any law or University policy governing the use or possession of alcohol or controlled substances.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which students' education records and personally identifiable information (PII) contained in such records – including their Social Security Number, grades, or other private information – may be accessed without the student's consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to student records and PII without the individual's consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to a student's education records and PII without prior consent to researchers performing certain types of studies, in certain cases even when UNH objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive students' PII, but the authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without prior consent PII from students' education records, and they may track students' participation in education and other programs by linking such PII to other personal information that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

Directory Information About Students

The act provides that "directory information" may be made available to third parties without requiring the permission of the student. However, public notice must be given of the intent to publish the information, so that students can request that all or part of this information not be made public. "Directory information" (other than that for specialized programs

and activities) should be requested from the Registrar's Office and consists of the following item:

1. Student's name, address, telephone listing, and email address;
2. Major field of study;
3. Participation in officially-recognized activities and sports;
4. Weight and height of members of athletic teams;
5. Dates of attendance;
6. Degrees and awards received;
7. Most recent previous educational institution or agency attended by the student;
8. Class;
9. Honor rolls;
10. Enrollment status.

Note: Grades are considered "directory information" to the extent that honor rolls may be published. Also, transcripts of students' academic records or students' grade-point averages may be released to the faculty advisers of officially-recognized honor societies on campus upon request.

Note: The right to opt-out of the public release of directory information does not include the right to refuse to wear or use a student identification card or badge that contains identifying information if university officials have determined that such student identification is necessary.

For general information concerning the Family Educational Rights and Privacy Act of 1974, as Amended or for assistance in locating individuals or offices maintaining a student's education records, please contact the Dean of Students or the Provost and Vice President for Academic Affairs.

Copies of the Family Educational Rights and Privacy Act of 1974, as Amended are available in the Dimond Library at the Reference Desk, and on the Web site for the Department of Education: www.ed.gov.