



**MIDDLE TENNESSEE STATE UNIVERSITY**  
Office of Compliance and Enterprise Risk Management

**Compliance Tips of the Month**

**FERPA Compliance, Access to Student Data, and Privacy**

Technology has increased the intersection of the student educational record with University employees who work daily with student success program software; recruitment and advising tracking mechanisms; financial aid databases; athletics team information; student enrollment systems; and internal audit and investigatory databases. In addition, the advent of Cloud-based storage and people-management platforms have made it easier to access all kinds of data for all University students and employees, regardless of the user's legitimate educational interest and need to know the information.

When requesting access to student data, and/or when utilizing University systems and databases that interface with student data in Banner, Argos, and other systems, please remember the following:

1. Access to, and use of, student educational records are provided to MTSU employees who have a need to know the information for legitimate educational purposes with legitimate educational interests.
2. Directory Information of a student can be disclosed without the student's consent unless the student requests to opt-out of the Directory. As a reminder, Directory Information includes the following:
  - a. Name
  - b. Address (physical)
  - c. Email Address
  - d. Telephone listing
  - e. Photograph
  - f. Year of birth and place of birth
  - g. Major field of study
  - h. Enrolled hours
  - i. Student level (freshman, sophomore, junior, senior)
  - j. Dates of attendance
  - k. Degrees conferred (and dates of conferral)
  - l. Honors and awards, as well as dates received.
  - m. Participation in University-related, officially recognized activities (e.g. sports, etc.)
  - n. Most recent educational agency attended by the student

3. There are exceptions to FERPA related to the University's ability to provide access to, or release of, students' educational records without their consent. These exceptions include, but are not limited to:
  - a. A health or safety emergency or crisis for which it is determined that the student is at risk (documentation is required for this exception).
  - b. A judicial order or lawfully issued subpoena.
  - c. A lawsuit brought by the student against MTSU.
  - d. Final results of a disciplinary proceeding against the student for violation of an institutional rule or policy, as determined by a University official.
  - e. Requests made by a federal, state, or local educational agencies in connection with an audit of federal- or state-supported education programs.
  - f. Requests made by accrediting organizations to perform their accreditation duties (whether regional or programmatic).
  - g. Information that concerns sex offenders pursuant to federal law.
  - h. Final results of a disciplinary proceeding against a student who is under the age of 21 (at the time of the disclosure) in connection with an institutional determination that the student has violated any of MTSU's drug or alcohol rules.
4. Mere curiosity, for any reason, is not considered a legitimate educational purposes for needing access to a student's educational record even if the student is related to you or someone whom you know.
5. If there is not a FERPA exception for the release of a student record, and/or the student information is not a part of the University's Directory Information, written consent by the student is required to release information.

Separately, and in the case of access to, and use of, employee records, please be mindful of the privacy and confidentiality of employee files and other employee Personal Identifying Information (PII). Similar to the student educational records, access to employee data and records should only be provided to those who have a need to know the information as part of their legitimate job function.

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