

## **MEMORANDUM**

**TO:** All University of New Mexico Students, Faculty and Staff

**FROM:** UNM Compliance Office and The UNM Registrar

**SUBJECT:** Annual Notification of Rights Under FERPA

**DATE:** October 1, 2020

As part of UNM's series of annual policy notifications, and in compliance with federal law, the following guidance provides general information about the Family Educational Rights and Privacy Act (FERPA).

FERPA is a federal law that is administered by the U.S. Department of Education. Under FERPA, an eligible student has the right to have access to his or her education records, seek to have the records amended, have control over the disclosure of personally identifiable information from the records (except in certain circumstances specified in the FERPA regulations), and file a complaint with the U.S. Department of Education or institution.

FERPA affords students certain rights regarding their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days from the day the university receives a request for.

A student should submit a written request to the registrar that identifies the record(s) the student wishes to inspect. A UNM 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 official to whom the request was submitted, that official shall advise the student of the correct person to whom the request should be addressed.

2. The right to request an 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 who wishes to ask UNM to amend a record should write the official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be.

If the university decides not to amend the record as requested, the university will notify the student in writing of the decision and the student's right to appeal. While a school is not required to amend education records in accordance with an eligible student's request, the school is required to consider the request. If the school decides not to amend a record in accordance with an eligible student's request, the school must inform the student of his or her right to appeal the matter. If, as a result of an appeal, the school still decides not to amend the record, the eligible student has the right to insert a

statement in the record setting forth his or her views. That statement must remain with the contested part of the eligible student's record for as long as the record is maintained.

3. The right to provide written consent before the university discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. Under FERPA, a school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the eligible student has provided written consent. However, there are a number of exceptions to FERPA's prohibition against non-consensual disclosure of personally identifiable information from education records. Under these exceptions, schools are permitted to disclose personally identifiable information from education records without consent, though they are not required to do so.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of FERPA. Complaints can be sent to:

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

5. This email provides general information about FERPA. For additional information, please see the FERPA statement available in the UNM Catalog under STUDENT SERVICES (<http://catalog.unm.edu/catalogs/2019-2020/student-services-information.html>).

Questions and comments regarding FERPA may be directed to the Office of the Registrar at [registrar@unm.edu](mailto:registrar@unm.edu).