

### Authorization to Release Education Information

The impact of the Family Educational Rights and Privacy Act (FERPA) upon the preparation of letters of reference based upon information obtained from education records was discussed in a previous issue of *LegalWatch*. In the course of that discussion, preparers of such letters were advised to obtain the student's prior written authorization for access to and use of such information. A form entitled "Authorization to Release Information from Education Records for Letter(s) of Recommendation" (herein, "suggested Authorization Form"), which is suggested for use in obtaining a student's authorization, is available from the Office of Counsel website under "Campus Legal Issues." This form and others will in coming months be moved to a "Forms" section on the office website.

In order for the authorization to best serve its intended purpose, it is recommended that duplicate copies of each authorization be prepared for and signed by the student. This will permit the faculty member providing the letter of recommendation to keep a signed copy for his/her records and permit the University to maintain a signed copy as well. It is suggested that the University's copy be filed in the preparer's department or elsewhere as the dean of the preparer may direct. Authorizations should be retained for a reasonable time, not less than two years.

In forwarding the letter of recommendation, the faculty member must note in the cover letter whether the student has or has not waived the right to see the letter of recommendation (paragraph 3, suggested Authorization Form). The faculty member must also note whether the student has or has not authorized further distribution of the letter of recommendation by the recipient (paragraph 4, suggested Authorization Form).

Use of the suggested form, as outlined above, should insure that privacy rights of students are protected and the University meets its obligations under FERPA.