



# FERPA

## Family Educational Rights and Privacy Act

Protect our Students...Protect Ourselves

To be allowed to access student records, you must understand the material presented in this tutorial. Maintaining confidentiality of student records is everyone's responsibility whether you are faculty, staff or student. This tutorial is designed to give you a base level knowledge of the rules governing release of student information.

Why?

Because it's the right thing to do!

Because the federal government requires us to do so!



# What is FERPA

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◆ FERPA stands for Family Educational Rights  
◆ and Privacy Act (sometimes called the  
◆ Buckley Amendment). Passed by Congress in  
◆ 1974, the Act helps protect the privacy and  
◆ accuracy of student educational records.

◆ The Act has been amended several times and may be  
◆ amended again.  
◆



# What Rights Does FERPA grant students with respect to their educational records?

- ◆ 1. The right to see the information that the institution is keeping on the student
- ◆ 2. The right to seek amendment to those records and, in certain cases, append a statement to the record
- ◆ 3. The right to consent to disclosure of his/her records
- ◆ 4. The right to file a complaint with the Family Policy Compliance Office, US Department of Education



# What are the Basic Rules?

- Student educational records are considered confidential and may **not** be released without the written consent of the student.



# Who is protected under FERPA?

- ◆ • Students who are, or were, registered in an institution of higher education...  
◆ regardless of their age or status with  
◆ regard to parental dependency.  
◆ Students who have applied, but have  
◆ not yet registered, as well as deceased  
◆ students, do not fall under FERPA  
◆ guidelines.

**E**



# What is an Educational Record?

- ◆ • Just about any information provided by a student to the university for use in the educational process is considered a student educational record:
  - ◆ – Personal information
  - ◆ – Enrollment records
  - ◆ – Grades
  - ◆ – Schedules
- ◆ • Any records maintained by an institution that are directly related to a student or students are part of the educational record. (A few exceptions exist.) This record can contain a student's name(s) or information from which an individual student can be personally (i.e. individually) identified.



# “Personally Identifiable” Defined

- ◆ • Personally identifiable means data or information which includes:
  - ◆ – The name of the student, the student’s parent, or other family members
  - ◆ – The student’s campus or home address
  - ◆ – A personal identifier (such as a social security number or student number)
  - ◆ – A list of personal characteristics or other information which would make the student’s identity easily traceable.





# Formats of Educational Records

- ◆ • These records include: files, documents, and materials in whatever medium (electronic, handwriting, print, tapes, disks, film, microfilm, microfiche) which contain information directly related to students and from which students can be personally (individually) identified.
- ◆ • The storage media in which you find this information does not matter. Student educational record may be:
  - ◆ – A document in the registrar's office
  - ◆ – A computer printout in your office
  - ◆ – A class list on your desktop
  - ◆ – A computer display screen
  - ◆ – Notes you have taken during an advising session



# What an Educational Record is NOT!

- “Sole possession” - notes made by one person as an individual observation or recollection, are kept in the possession of the maker.
  - Once shared with anyone, they become educational records
  - Best advice – If you don’t want it to be subject to review, don’t write it down.
- Law enforcement unit records
- Records maintained exclusively for individuals in their capacity as employees
  - Records of individuals who are employed as a result of their status as students (e.g. student employees) ARE educational records.
- Doctor-patient privilege records
- Alumni records



# Public/Directory Information

- Some information is considered public (sometimes called “Directory Information”). This information can be released without the student’s permission. The student may, however, opt to consider this information confidential as well.



# What is directory information?

- ◆ • Information contained in an educational record that generally would not be considered harmful or an invasion of privacy if disclosed.
- ◆ • Items that may be included in publications or disclosed upon request without consent.



# Directory information at EMU

EMU continues to review our directory information to ensure we are keeping our students' data safe.

## EMU has designated “Directory Information” to be:

- name,
- email address,
- place of birth,
- major,
- participation in officially recognized activities/sports,
- height and weight of athletes,
- dates of attendance,
- enrollment status (graduate or undergraduate, full-time or part-time) but not credit hours,
- grade level (e.g. freshman or junior),
- candidacy for degree,
- degrees, honors and awards received (e.g. Dean’s List),
- most recent previous educational institution attended



**HOME ADDRESS IS NOT  
DIRECTORY INFORMATION!**



# What cannot be directory information?

- Directory information is determined by each institution, but may never include:
  - Race or country of citizenship
  - Religion
  - Gender
  - Social Security Number/Institutional Identification Number (EID#)
  - Grades or GPA



# Everyone must follow FERPA.

- As a faculty or staff member, you have a responsibility to protect educational records in your possession.



- You have access to information only for legitimate use in completion of your responsibilities as a university employee. Need to know is the basic principle.





- If you are ever in doubt, do **not** release any information until you contact the Office of Records and Registration at (734) 487-2128.



# Special Information for Faculty

- To avoid violations of FERPA rules:
  - Do NOT, at any time, use the entire social security number, or university ID number, of a student in a public posting of grades.
    - This includes email announcements to the entire class.



- Never link the name of a student with that student's social security number or university ID number in any public manner.
  - This includes class lists or email lists.



- Never leave graded tests in a stack for students to pick up by sorting through the papers of all students.



- Never circulate a printed or electronic class list with student name and social security number, university ID number, or grades as an attendance roster.



- Never discuss the progress of any student with anyone other than the student (including parents and spouses) without the written consent of the student.



- Never provide anyone with lists of students enrolled in your classes for any commercial purpose.



- Never provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.





# FERPA

(Family Educational Rights and Privacy Act)

## QUIZ

1. If a student's parent calls asking how a student is doing in a class, can you give out that information?

YES

NO





◆ 3. A person comes up to the College  
◆ Dean's Office with a letter containing a  
◆ signature that gives consent to release  
◆ the transcript of a student. Do you give  
◆ the transcript to them?

◆ YES

◆ NO

◆ **E**







◆ 6. Is it wrong for professors to leave  
◆ exams, papers, etc. outside their office  
◆ for students to pick up?  
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YES

NO

**E**



- ◆ 7. An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution liable?

YES

NO



- ◆ 8. Educational records include only those records contained in a student's permanent file.

YES

NO





◆ 9. Faculty have the right to inspect and  
◆ review the educational records of any  
◆ student.  
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YES

NO



◆ 10. An adviser does not have to allow a student to inspect and review his/her personal notes about the student that are held in a file in the desk of the adviser's office.

◆ YES

◆ NO



- ◆ 11. If a student discloses in an open
- ◆ forum that he has been suspended and
- ◆ that he feels the suspension is
- ◆ unwarranted, the school may infer that
- ◆ he has given implied consent for openly
- ◆ discussing the issue.

◆ YES

◆ NO



◆ 12. We should provide data to an  
◆ accounting firm who asks for a list of all  
◆ of the College of Business accounting  
◆ students who are in the top 10% of the  
◆ graduating class.

◆ YES

◆ NO



◆ 13. Admissions records are “educational records” and are covered under FERPA.  
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YES

NO



# FERPA

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## QUIZ ANSWERS

- ◆ 1.NO – Even though the person inquiring may be the student's parent, FERPA recognizes students in post-secondary education as adults, regardless of age. Therefore, you cannot give out grades, or any other non-directory information.
- ◆
- ◆
- ◆
- ◆
- ◆
- ◆ We must assume that the student is an adult who is entitled to privacy, even from parents. Parents may assert their rights to the records if the student is dependant according to the tax code, but that is determined by the Office of Records and Registration.
- ◆



- ◆ 2. NO – While we all want to help students to get good jobs, that request should not be handled by an academic department.
- ◆
- ◆
- ◆ Do not give out student information that pertains to GPA, or is based on GPA, to anyone without prior written consent of that student. In this case, the request should be forwarded to the Legal Affairs Office. ALL outside requests for any information such as Dean's List should be referred to the Office of Legal Affairs. Information about the recruiting firm could be provided to students in the appropriate major and/or to the Office of Career Services.



- ◆ 3. NO – Transcripts and records
- ◆ information can only be released by the
- ◆ Office of Records and Registration.
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- ◆ 4. NO – The police should be first directed to the Office of the Ombudsman (734-487-0074).
- ◆
- ◆
- ◆ Information about whether or not a student was enrolled in a particular semester is directory information and can be obtained through the Office of Records and Registration. If the police require more information, a subpoena may be required. Contact Legal Affairs at 734-487-1055. Additionally, FERPA requires notification of the student, unless it is specifically stated on the subpoena that the student must not be notified.
- ◆



- ◆ 5. NO - For the safety of the student, you cannot tell another person where a student is at any time. Inform the caller they should contact the Office of the Ombudsman (734-487-0074) for more information.



- ◆ 6. YES – That is a violation of the privacy rule because it is inappropriate for students to have access to other students' information.
- ◆
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- ◆
- ◆ You cannot leave personally identifiable materials in a public place.



- ◆ 7. YES – Information on a computer screen should be treated the same as printed reports.
- ◆
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- ◆
- ◆
- ◆ The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.
- ◆



- ◆ 8. NO – With specific exceptions,  
◆ “educational records” are those  
◆ maintained by the institution in any  
◆ formats that are identifiable to the  
◆ student.  
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- ◆ 9. NO – All faculty and staff must show a
- ◆ “legitimate educational interest/need to
- ◆ know” within the context of their role to
- ◆ have appropriate access to education
- ◆ records.
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◆ 10. YES – “Sole possession” records are  
◆ an exception to the definition of  
◆ “educational records” and are therefore  
◆ not accessible by the student.  
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◆ 11. NO – There is no implied consent in  
◆ FERPA, so you need to follow regular  
◆ guidelines for releasing this student's  
◆ educational record information.  
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- ◆ 12. NO – Remember, grades and GPA
- ◆ can never be directory information. The
- ◆ question of top 10 percent of graduates
- ◆ falls under the release of “GPA
- ◆ information” as it is based on such non-
- ◆ directory information.
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- ◆ 13. MAYBE – If the student has not yet registered for classes, there has not yet been an educational record created at the institution. If the student HAS registered for classes, all admission records are “folded into” the educational record.



◆ Thanks to Indiana University East for their  
◆ permission to adapt their FERPA  
◆ tutorial.

◆ (<http://www.iue.edu/administration/registrar/ferpa.shtml> )  
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