

FERPA – MAINTAINING THE PRIVACY OF STUDENT RECORDS

PRESENTED BY THE REGISTRAR'S OFFICE

A.T. STILL UNIVERSITY

ATSU

What is FERPA?

- The Family Education Rights and Privacy act of 1974, also known as the Buckley Amendment, is a federal law designed to protect the privacy of educational records and guarantees students the following:
 - The right to inspect and review education records
 - The right to seek to amend education records
 - 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
 - The right to file a complaint with the Department of Education against any institution for an alleged violation of their FERPA rights. The office that administers FERPA and investigates violations is the Family Policy Compliance Office, located in Washington, D.C.

Who is required to comply with FERPA and why?

- All educational institutions which receive federal funds are required to comply
- It's the Law (see the Code of Federal Regulations 34, Part 99)
- Failure to comply could result in the withholding of federal funds, including federal financial aid

What are/are not Education Records?

- An education record is **any** record which is maintained by the University or agency or party acting for the University and from which a student can be personally identified. Records may be in any form and include, but not limited to: written documents, computer media, video or audio tape, photographs, electronic files, etc.
- **Exceptions to education records include the following:**
- Sole possession records – a record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other
- Law enforcement records – maintained solely for the law enforcement purposes & revealed only to law enforcement agencies
- Employment records – of those whose employment is not contingent upon being a student. Records created as a result of being a student (work study, graduate assistant, etc.) are education records
- Medical records – created by a health care professional used only for the medical/health treatment of the student
- Alumni records – created after student has left the institution

Who is and is not covered under FERPA? When do rights begin and end?

- Students who are or have been in attendance are covered under FERPA

For ATSU, “in attendance” means a student is officially registered for a class and that class has started.

- Applicants who are denied admission or who never attend are not covered under FERPA
- FERPA rights continue after the student leaves the institution and are only terminated upon written request or death.

What information can be released?

- Directory designated information
- Information that the student has provided written consent to release
- Information requested by University officials who have a “legitimate educational interest”
- Information requested by certain government agencies

Directory Designated Information

- That information which is not considered harmful or an invasion of privacy if released.
- Can be released without the written consent of the student, unless the student has a FERPA “hold” on their record. It is our policy not to release information outside the institution unless we deem it to be in the best interest of the student to do so.

Directory Designated Information

- ATSU designates the following as *Directory Information*:

Name, local address, local phone number, campus email address, dates of attendance, class, full-time/part-time status, name of spouse, previous institution(s) attended, major, field of study, awards, honors, degree(s) conferred (including dates), class roster/class schedule and photographs.

Student request for non-disclosure

- Students have the right under FERPA to request that their directory information not be released.
- To request a FERPA hold, the student must complete the “Request for Nondisclosure” form available at the Registrar’s Office or on the ATSU website.

Non-Directory Designated Information

- This is any type of information that is not identified by the University as “directory” information.
- Social security number, student ID number, race, ethnicity, nationality, gender, number of registered credits, etc.

Non-Directory designated information **cannot be released without prior written consent by the student, unless the request meets one of the following exceptions, allowed under FERPA.**

When can student information be released without obtaining prior written consent?

- FERPA permits disclosure of information from a student's education record under the following exceptions:
- To schools in which the student seeks or intends to enroll
- To federal, state and local authorities involved in the audit or evaluation of compliance with educational programs.
- To comply with a judicial order or subpoena
- In connection with financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- To organizations conducting studies for or on behalf of educational institutions
- To accrediting organizations
- To the parents of a student, who are considered a dependent student under the Internal Revenue Code.
- When a health or safety emergency is apparent
- To an alleged victim of a crime of violence (con't)

When can student information be released without obtaining prior written consent?

- To school officials with *a legitimate educational interest*. A school official is a person employed by the University in an administrative, supervisory, academic or 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 the National Clearinghouse, an attorney, an auditor, etc.
- In accordance with FERPA, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. This includes purposes such as:
 - Performing appropriate tasks that are specified in his or her position description or by a contract agreement.
 - Performing a task related to a student's education.
 - Performing a task related to the discipline of a student.
 - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.

Helpful hints for faculty

- **It is a violation of FERPA to post student grades by name, social security # or student ID. FERPA permits the posting of grades only if the student is assigned a unique identifier known only to the student and faculty member. Grades should be listed randomly, not in alphabetical order.**
- Never circulate a class list with the student name linked to their SSN or Student ID#.
- When using Blackboard or online teaching tools, ensure that only “directory” designated information is posted, and ensure that students have the opportunity to request a restriction of such information.
- Always double check the email address when sending electronic communications.

Letters of Recommendation

- Letters which include the student's gpa, grades, or any other non-directory information, require the written consent of the student. The consent should: (1) specify the records that may be disclosed, (2) state the purpose of the disclosure, and (3) identify the party or class of parties to whom the disclosure can be made. The Registrar's Office can provide you with the appropriate form to use when writing a letter of recommendation which requires student consent. <http://www.atsu.edu/registrar/forms.htm>
- Letters which contain statements based on the writer's personal observation or knowledge, do not require a written release from the student.

Sample – Letter of Recommendation consent

I give permission for Dr. Reid to write a letter of recommendation to:

Northeast Regional Medical Center
315 S. Osteopathy
Kirksville, MO 63501

Dr. Reid has my permission to include my grades, GPA, and class rank in this letter.

I waive/do not waive my right to review a copy of this letter at any time in the future.

Student Signature

Date

How to avoid violations of FERPA

- Prior to releasing “directory” designated information on a student, ensure that they do not have a FERPA hold on their information.
- Ensure that student information is shredded when no longer needed.
- Do not leave confidential information displayed on an unattended computer.
- Cover or put away papers that contain confidential information if you are going to step away from your desk. (con't)

How to avoid FERPA violations

- Do not discuss confidential student information in a manner in which others who do not have a legitimate interest in knowing such information can hear.
- Do not share student educational record information with other ATSU school officials unless a *legitimate educational interest* exists.
- Refer requests for student information to the Registrar's Office.

For additional FERPA information

- Visit the Registrar's Office webpage to view the University FERPA policy, FERPA powerpoint and "helpful hints" page.
- An online tutorial is also available under HR's Management Training section in the ATSU portal.
- Family Policy Compliance Office - U.S. Dept. of Education, www.ed.gov.
- **FERPA Contacts:**
 - Deanna Hunsaker, Registrar
 - Amy McCarty, Associate Registrar