Family Educational Rights and Privacy Act (FERPA)

Training for Staff and Faculty
What is FERPA?

- Federal law that protects the privacy rights of students and families.
  - At the elementary/secondary level, parents have the right to inspect and review their children’s educational records when their children are under 18 years old.
  - At the postsecondary level or at the elementary/secondary level when their children are over 18 years old parents are permitted to view children’s educational records if certain conditions are met.
- This training guide will only focus on issues at the postsecondary level.
Defining Educational Records

- Related to the student
- AND
- Maintained by the institution.
  - If it meets both conditions it is considered an educational record. This includes, but is not limited to, data in Student Information System, Banner, e-mail communications, files maintained in shared areas, photographs, and videos.
Not Educational Records

› Personal notes;
   › That are NOT shared with or accessible to others.

› Observations or personal knowledge;
   › Example: overhearing a student making a threatening comment, a student’s demeanor or mood, etc.

› Law enforcement/public safety records;
   › Maintained solely for law enforcement purposes.

› Employment records;
   › As long as employment is NOT connected to student status.

› Treatment records;
   › Maintained by a health care professional as part of medical/psychological treatment.
Disclosure

Generally, the University must have written permission from the student before releasing information from a student’s record.

Exceptions include, but are not limited to,

- Subpoena or court order which specifically states not to notify the student;
- **Directory** information (public information); or
- **School official** with legitimate educational interest.

- Health or safety emergency.
Directory Information

Information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. (1988 Final Regulations)

Directory information defined at UCR can be found on screen 011 in SIS:

- Name
- Local Address
- Permanent Address
- Telephone Number
- Place of Birth
- Date of Birth
- E-mail Address
- Dates of Attendance
- Previous Schools Attended
- Degrees Awarded
- Major
- Honors
- Sports Participation
- Height/Weight of Athlete
Directory Information, continued.

- Students may opt to restrict the release of their Directory information to the public.
  - FERPA flags will not exclude the student from appearing on reports used by school officials with legitimate educational interest.
    - The only exclusion that applies to school officials is the release related to internal mailing lists based on ethnicity.
  - Students may set these flags by going to Growl and clicking on Privacy.
    - Please note that any requests for directory information on individual students should be sent to the Registrar’s Office.
    - Requests for directory information on groups of students should be sent to www.data-request.ucr.edu.
Legitimate Educational Interest

Non-directory (confidential) education records can be released without the student’s prior consent to a **school official with legitimate educational interest**, which is defined as:

- Performing a task that is specified in his/her position description or contract;
- Performing a task related to a student’s education or a student’s discipline;
- Providing a service or benefit to the student; or
- Maintaining safety and security on campus.
Health and Safety

FERPA’s health and safety emergency provision permits disclosure without the consent of the student if it is necessary to protect the health and safety of the student or other individuals.

At UCR, the Registrar will make the determination to disclose information without the student’s consent during a health and safety emergency.

Faculty and Staff should refer any requests for information to the Registrar’s Office.
Parents

FERPA permits institutions to disclose educational records to parents without the student’s consent under the following conditions:

- Student is a dependent for income tax purposes.
- Health or safety emergency.
- If the student, under age 21, has violated any law or policy concerning the use or possession of alcohol or controlled substances and the institution has determined that the student has committed a disciplinary violation.
- Information is based on a school official’s personal knowledge or observation of the student.
Parents, continued.

- At UCR we do NOT release information to parents based solely on the student being listed as a dependent for tax purposes.
  - (FERPA only says that institutions *may* release based on this – it does not mandate that we *must* do so.)

- We will only release information to parents with the student’s written consent.
  - Students can use the Authorized Users function on Growl to identify parties that are authorized to discuss their information with the following offices: Financial Aid, Student Business Services and Housing. This consent does NOT include the Registrar’s Office or any other college, department or unit at UCR.
Students Rights

- Inspect and review educational records;
- Seek amendment of educational records;
- Consent to the disclosure of educational records;
- Obtain a copy of the school’s FERPA policy;
  - UCR FERPA policy: http://registrar.ucr.edu/QuickLinks/FERPA+Students.htm
- File a complaint with the FERPA office in Washington, D.C.
Student Employees

- Student employees may have access to SIS, provided that job responsibilities require it.
- If you supervise a student employee it is your responsibility to insure that they understand FERPA and the importance of keeping student records confidential even if they do not have access to SIS.
- The Student Employee FERPA Statement of Understanding must be signed by both the student employee and supervisor.
Securing Sensitive Data

- Password protect files that contain student data or share the information over a secure network (iShare).
- Delete files that you do not need to maintain.
- Insure that your databases and systems have appropriate security measures in place.
- Use discretion when sending data via e-mail.
  - Never include the SID/SSN in the subject line of an e-mail.
  - Do not send student information to non-UCR e-mail addresses.
Review

- The next set of slides will take you through various scenarios you might encounter. Try to answer each question before reviewing the correct answer in order to test your knowledge.
You receive a call from a recruiting firm asking for the names and addresses of students with a GPA of 3.0 or better. They want to contact the students about exciting job opportunities. Should you give out this information?

- No, a student’s GPA is not directory information and cannot be released in any form without the student’s written consent. In addition, you should refer them to [www.data-request.ucr.edu](http://www.data-request.ucr.edu) to fill out a request for data that will be reviewed for any exceptions that may make the release of this information permissible.
A person walks into your office with a signed letter giving consent to release the grades of a current student. Do you release the information contained in the letter to him/her?

- No, you should direct the individual to the Registrar’s Office at the Highlander One Stop Shop in the Student Services Building.
A person comes into your office and retrieves information about a student from a computer that you left unattended. Under FERPA, are you responsible?

Yes, the medium in which the student information is maintained is unimportant. The same answer would apply to a report or file on a student that you left on your desk. It is your responsibility to insure that no student information is left accessible or unattended, including data on your computer.
When do the FERPA rights of a student begin? At application? Admission? Payment? Enrollment?

- The FERPA rights of a student begin when the student enrolls in courses.
To be an “educational record” the information must be 1) directly related to the student and maintained by the institution or 2) kept in the Registrar’s Office?

- An educational record is information that is directly related to the student and maintained by the institution. Information does not need to be kept only by the Registrar’s Office in order to be considered an educational record.
At UCR, directory information contains all of the following except: 1) dates of attendance, 2) major, 3) local and permanent mailing address, 4) date of birth, 5) classification level (fr, so, jr, sr, etc.) or 6) honors.

The answer is number 5, classification level. This information is not considered directory information at UCR. All other items listed are considered directory (public) information that may be released, providing the student has not set any restrictions on the release.
Which of the following situations would be a violation of FERPA? 1) releasing the title of a congressman’s degree to a local newspaper or 2) a faculty member placing graded essays on a table for students to pick up at their convenience?

The situation that would be a violation of FERPA would be the second scenario with the graded essays. Title and graduation information are directory information. Grades are not. Education records, in ANY FORM, must be kept safe and secure at all times. Placing results to exams, quizzes, etc in a publicly accessible area is a violation of FERPA.
Which of the following are not considered educational records? 1) student’s traffic violation, 2) the grade from a student’s term paper, 3) date of birth, 4) work-student student employment record?

The correct answer is number 1, a student’s traffic violation. A traffic violation would be a record kept by UCR Police Department for law enforcement purposes only and would not be covered by FERPA. All of the other items would be considered educational records, and therefore would be covered by FERPA.
At UCR do parents have the same rights as students to access the student’s educational record? What if they are the one who pays for the student’s books and housing meal plan?

- No, parents do not have the same rights as students to access the student’s educational record. UCR requires written consent from the student to release information to any party – including the parent. Students may authorize their parents (or any party) to view grades and other information on GROWL on a very granular level but UCR staff should not speak to a parent about what they see on GROWL even if the student has set them up as an authorized user.
A special agent with the FBI arrives at your office with a subpoena for educational records? Should you comply with their request?

- No, you should not. You should refer them to the Registrar’s Office at the Highlander One Stop Shop in the Student Services Building who will handle the processing of the subpoena, including coordinating the collection of any educational records from your department or unit.
Is it permissible for a professor to post student grades on an office door if none of the student’s social security number or student identification number is used?

- UCR faculty and staff are responsible for controlling accessing and protecting student records in their possession. If there is a way for the student to be personally identifiable (via a crosswalk table from SID or name to another identifier) that still falls under personally identifiable information and may be a violation of FERPA.
True or False: FERPA says that UCR must release to anyone, upon request, any information identified as directory information.

- False. UCR considers the PURPOSE or USE of the data in determining if releasing such information is necessary. FERPA states that institutions may release directory information not that we have to release directory information. In addition to FERPA there are other policies by which we must abide, including, but not limited to, UCOP privacy policies and practices and the California Privacy Act.
A faculty or staff member has the right to inspect the educational records of any student attending UCR without giving a reason.

- False. FERPA states that you must have a legitimate educational interest when you access or view a student’s educational record without their consent. This means that you can only access the information on those students that is required to fulfill any professional responsibility you have to the student or University.
You receive a phone call from an upset parent claiming that there is a family emergency and they need to get in touch with their son/daughter. Can you tell the parents the day, time and location of their son/daughter’s class?

- No. Course schedules are not directory information. You should put them in contact with the UCR Police Department or the Dean of Students.
The father of a student states that his son received a letter saying that he is “academically deficient” and after reviewing the report the father and son have some questions. Can you answer their questions?

No. Academic deficient and grade information are not directory information and should not be discussed over the phone. You may opt to invite the father and son to meet with you, and at that time ask the student to provide you written consent to discuss his grades with his father. You should do this even if the student will be present during the discussion.
A department chair asks for a list of names and addresses for students enrolled in a specific course. The list will be used to mail out a survey about the quality of the course. Can you provide this to them?

Yes. It is permissible to use the Student Data Query System (SDQS) to pull this list for the professor. The list will be used by a school official (department chair) for a legitimate educational interest.
An academic department is preparing a mailing to students about a critical deadline. Is the department allowed to send this mailing to students who have requested that directory information not be released?

Yes. Information for a student who has requested a FERPA restriction on his/her information may be disregarded if the information is being used by a school official with a legitimate educational interest.
A student calls you and asks what grade she received in a course that you taught. Can you tell her what grade she received over the phone?

- No. You should never discuss educational records over the telephone. Encourage students to log into their GROWL account or iLearn to view their grades.
In Review

- Check screen 011 before you answer any questions. If there is a restriction, you may not release the information.

- Non-directory information may be released to third parties with a signed and dated written consent from the student. The consent must specify:
  - What educational records are to be disclosed;
  - The purpose of the disclosure;
  - Identify the party or class of parties to whom the disclosure may be made.
Consequences

- The consequences of how we handle or mishandle student information are significant.
  - Access to SIS does NOT authorize unrestricted use of student data.
  - Records should only be used in the context of official business and in conjunction with the educational needs of the student.
  - Curiosity does not qualify as a legal right to know.
  - Information should NEVER be released to third parties that do not have a legitimate right to know.
REMEMBER

› Your job is to protect the rights of the student…when in doubt…don’t give it out!

› WHO TO ASK:
  › Your immediate supervisor
  › Registrar’s Office (2-7284)
  › Enrollment Management Systems (2-5791)

› Other Resources:
  › University of California: http://www.ucop.edu/irc/itsec/infoprotect.html
  › University of California, Riverside FERPA policy: http://registrar.ucr.edu/QuickLinks/FERPA+Students.htm
  › FERPA Guide for Faculty and Staff: http://registrar.ucr.edu/QuickLinks/FERPA+Faculty+Staff+and+student+employees.htm
Thank you for completing the online FERPA training for Faculty and Staff at the University of California, Riverside.