Family Educational Rights and Privacy Act (FERPA)

Training for Student Employees
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).
  - 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
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](http://www.data-request.ucr.edu).
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.

- Student employees should refer any requests for information to the Registrar’s Office.
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](http://registrar.ucr.edu/QuickLinks/FERPA+Students.htm)
- File a complaint with the FERPA office in Washington, D.C.
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.
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.
Your Responsibilities

Security and Confidentiality

- You may not release or otherwise disclose any information to any third party and/or other University official who does not “need to know”.

- You are not permitted to seek personal benefit or allow others to benefit personally by knowledge of any confidential information which has comes to you as a result of your work assignment.

- You should report any violations of FERPA to your supervisor IMMEDIATELY.
Consequences

- The consequences of how you handle or mishandle student information are significant.
  - Any intentional disclosure, written, oral, or otherwise, by you of this information to any unauthorized person could subject you to **criminal and civil penalties** imposed by law and could lead to **termination of employment**.
  - Willful unauthorized disclosure also violates UCR’s student conduct policies and could constitute cause for **disciplinary action**, including, but not limited to, being placed on **disciplinary probation, loss of privileges, exclusion from campus activities, suspension, or dismissal regardless** of whether criminal or civil penalties are imposed.
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.
Your friend calls you and asks if you can make a copy of her transcript because her insurance company needs it. Can you do your friend this favor?

No. You should refer your friend to GROWL to make a request for a transcript online. Even if your job responsibility includes making copies of transcripts for this reason, your friend should go through the proper process to request it.
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.
You are concerned about a friend as he has not been going to classes this quarter. You have access to see matriculation information as part of your duties and decide to look to see if he is on academic action. You find out that he is and you confront your friend with this information. Is this a violation of FERPA?

Yes, this is a violation of FERPA. Even if you do not disclose this information to anyone else, simply looking up this information could result in serious consequences such as loss of employment and possible disciplinary action by Student Conduct and Academic Integrity Programs.
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.
Your friend stops by to see you during your break and asks you if you can look up their class schedule. Can you do this?

- No. Direct your friend to look up their class schedule on GROWL.
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 that are other policies by which we must abide, including, but not limited to, UCOP privacy policies and practices and the California Privacy Act.
Because you have access to SIS that means that you have 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.
Your coworker doesn’t have her access to SIS yet and asks you if she can use yours. Can you give it to her?

No. You should never allow another person to use your access. You are responsible for any action that is taken with your User ID and many actions in SIS are tracked. It is also a violation of the security policy you signed when you were given your access and abuse of your access to any system can be permanently revoked for misuse.
There is a box of old transcripts in your department and you are asked to throw them away. Is it okay for you to put them in the recycle bin in the hallway?

- No. Any papers containing personally identifiable information should be shredded and not placed in a recycle bin or trash bin.
A student calls you and asks what grade she received in a course. 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.
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 Student Employees: http://registrar.ucr.edu/QuickLinks/FERPA+Faculty+Staff+and+student+employees.htm
Thank you for completing the online FERPA training for Student Employees at the University of California, Riverside.