Understanding and Complying with FERPA

Walla Walla University

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Updated August 26, 2010
What is FERPA?


- Also known as the Buckley Amendment.
Family Educational Rights and Privacy Act of 1974

This act is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, DC.
The Essence of the Act

0 College *students* must be permitted to inspect their own *education records*.

0 *School officials* may not disclose *confidential or personally identifiable* information about students nor permit inspection of their records without their written permission, unless such action is covered by certain exceptions permitted by the Act.

0 FERPA gives students rights and universities responsibilities.
Why comply with FERPA?

0 It’s the Law.

0 Failure to comply could result in the withholding of Federal Funds, including Student Financial Aid.

0 Lawsuits caused by violations cost time and $$$.
Who should be educated about FERPA?

- Students
- Board Members
- Administrators
- Faculty
- Advisors
- Mentors
- Staff
- Student Employees
Who is and is not covered under FERPA?

- Students who are or have been in attendance at a postsecondary institution are covered under FERPA.
- Applicants who are denied admission or who never attend; or deceased former students, are not covered under FERPA.
What are Education Records?

All records that directly relate to a student and are maintained by an institution.

- Academic Records
- Student Life Records
- Financial Records

These records can be in any media form:

- handwritten
- print
- film
- electronic
- microfiche
What information might need to be handled in a secure way?

- Change of Registration
- Transcripts
- Grades
- Class assignments
- Class Rosters
- Student schedules
- Addresses
- Cell phone numbers
- Student employment and payroll information
- Financial Records pertaining to the student
- Student information displayed on a computer screen
- Any paper with the student’s SSN or WWU ID on it.
What are *not* considered to be Education Records:

0 Personal Notes – kept by a faculty/staff member if kept in the sole possession of the one who made the record.

0 Personal Notes taken in conjunction with any other person are not sole possession notes.

0 Sharing personal notes with another person or placing them in an area where they can be viewed by others makes them “educational records”.
What are *not* considered to be Education Records, cont.:  

- Law Enforcement Unit Records – maintained solely for law enforcement purposes & revealed only to law enforcement agencies.

- Employment Records – of those whose employment is not contingent upon being a student.

- 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.
What information can be released without student permission?

- Directory Information.
- Information that the student has given written consent to release.
- Information needed by University officials who have a legitimate educational interest.
- Information needed by certain government agencies.
Directory Information at Walla Walla University includes:

- Name
- Enrollment status (full-time, part-time, or less than part-time)
- Telephone number – other than cell
- Campus email address
- Date and place of birth
- Dates of attendance
- Class standing
- Awards
- Honors
- Degree(s) conferred
- Previous educational institutions attended
- Field of study, including majors, minors, certifications, and pre-professional areas of study
FERPA Holds

- Students have the right under FERPA to request that their directory information *not* be released.
- To institute a FERPA hold, the student must complete a form in the Registrar’s Office.
Legitimate Educational Interest is defined as the need to know in order to:

- Perform a supervisory or instructional task directly related to the student’s education
- Perform an administrative task outlined in persons official job duties
- Perform a service or benefit for the student such as health care, job placement, financial aid, etc.
University Official

- A person employed by the University in an administrative, supervisory, academic, research, or support staff position.
- A member of the Board of Trustees.
- A person or company with whom the University has contracted (such as an attorney, auditor, or collection agent).
- Temporary employees.
- Student workers.
- Graduate assistants employed by the university.
Qualifying legitimate “Need to Know”

- Instructors do not need to know a student’s grade in all classes, but advisers do.
- All instructors do not need to know who is on academic probation, however an instructor of a current probation student does.
- Students grading papers do not need access to GPA’s of these students or their class schedule etc., but they may need to calculate grades for a given class.

- Most faculty and staff do not need to know whether a student has financial aid.
- Housing staff do not need to know a student’s academic status.
- Board members do not need to know specific student GPA’s, but they may ask to study the grading practices of a department.
Parents’ Rights

0 Parents may obtain directory information.

0 Parents may obtain non-directory information only with written consent from their child.
Spousal Rights

- Under FERPA, the spouse has no inherent rights to access the student’s educational record.
- A spouse must produce written consent from the student for access.
The Do’s of FERPA

- Use randomly assigned numbers or codes to display scores or grades.
- Keep any personal notes related to individual students separate from educational records.
- Keep only those individual student records necessary for fulfillment of your responsibilities.
- Refer information requests to the proper educational custodian.
- When in doubt, contact the Registrar.
The Don’ts of FERPA

To Avoid FERPA Violations –

Please Don’t:

- Access or request information from the student education record without a legitimate educational interest and the appropriate authority to do so.
- Share student education record information, including grades or grade point averages, with other faculty or staff members, unless their official responsibilities identify their legitimate educational interest.
- Send grade information via intercampus mail.
More Don’ts of FERPA

To Avoid FERPA Violations –

Please Don’t:

- Leave graded tests in a stack, or other public accessible place, for students to pick up.
- Circulate or otherwise share a printed class list.
- Print any electronic file document for the purpose of giving it to the student or others. (If printing is necessary, remove documents from printer immediately.)
- Give your login or password to anyone else.
- Release non-directory information over the phone.
- Release non-directory information via email unless to a WWU email account.
More Don’ts of FERPA

To Avoid FERPA Violations –

Please Don’t:

0 Provide anyone with student schedules.
0 Help a frantic relative locate a student.
0 Provide anyone with lists of students enrolled in your classes.
0 Include confidential information (i.e. grades, GPA, etc.) in a recommendation letter without the written consent of the student.
0 Leave confidential information displayed on an unattended computer.
Letters of Recommendation

0 If non-directory information is included in a letter of recommendation, you must have a signed consent from the student.

0 The signed consent should include the following:
  0 Who has permission to write the letter
  0 Where the letter should be sent to
  0 What non-directory information should be included
Permission for Release of Confidential Information
Letter of Recommendation

I give permission for ______________________________ to write a letter of recommendation.

Professor/Instructor/Adviser

Organization ______________________________________
Contact Person ____________________________________
Street Address _____________________________________
PO Box ___________________________________________
City, State, Zip _____________________________________
Phone _____________________________________________
Email _____________________________________________
Fax _______________________________________________

☐ I give permission for this recommendation to include grade/GPA information.*
☐ I waive my right to review a copy of this letter at any time in the future.

_________________________________________  ______________________
Student name – Printed                          ID Number

_________________________________________  _________________
Student Signature                              Date

*It is the student’s responsibility to provide an unofficial transcript for GPA/grade information purposes. (Available on Oasis)
Release of Confidential Information form

http://www.wallawalla.edu/academics/student-academic-services/academic-records/ferpa-family-educational-rights-and-privacy-act/
Retention of Records

0 5 years after graduation or date of last attendance
  0 Academic Action authorizations (dismissal, etc.)
  0 Grade books (5 years after class was taught)
  0 Relevant Correspondence
  0 Placement tests and scores
  0 Test Scores
Retention of Records, *cont.*

- Records to be kept permanently:
  - Release of information forms
  - Competency Assessments
  - Narrative Evaluations
  - Requests for formal hearings
  - Written decisions of formal hearings
Records Disposal

- Records containing Social Security numbers, grades, or other non-directory information should be shredded, not just thrown in the garbage or placed in an unsecured recycling bin.
Test Time
If a former student has applied for a position in my department, may I view his or her account?

- No. Accessing a WWU student’s record for non-educational purposes, such as potential employment, is not permissible.

- Request a transcript from the student.
A student calls on the phone and asks for his/her own GPA or major GPA. Do you tell them?

0 No. Even if they give you their name, date of birth, student ID number, or SSN (you can’t ask for this one).

0 You can’t always be sure who is on the other end of the line.
A student emails you from his/her PIN protected WWU email account and asks for GPA or other grade information. Can you send it back?

Yes. By FERPA regulation, if the request is completely within the university secured* email system, you may share confidential information.

* Note the secured. Some students have their email forwarded to a preferred address. This has the potential of liability for the university.
A student comes to your office and asks to see his/her folder, then asks for copies of transcripts you have used for advising purposes. Can you give them copies?

0 No. Students have the right to view, not the right to copy.

0 Refer the student to the Registrar’s Office.
How will I know if a student has requested that "Directory Information" not be disclosed?

- The student's request to restrict "directory information" will be reflected in People Soft.
Should we provide data to an accounting firm which asks for a list of all the accounting students who are in the top 10 percent of the senior class?

- No.

- Although potentially beneficial for the student, this information cannot be shared without student’s permission.
Do student representatives on committees have the right to see other students’ education records during the deliberations of that committee if they have been designated as school officials?

Yes, students should be instructed as to the confidentiality of all information learned in these types of committees.
For Additional Information

- Visit the web at or contact:
  - Carolyn Denney, Registrar