FERPA

Guidelines for the Release of Student Information under the
Family Educational Rights and Privacy Act

Introduction

The Office of the Registrar has been designated to administer the requirements of the Family Educational Rights and Privacy Act (FERPA), a federal law passed in 1974.

It is important that you understand the purpose, requirements, and personal and institutional responsibilities of FERPA; the procedures regarding inquiries about student records; and the consequences of noncompliance. Any institution that has programs that are federally funded (such as Pell Grant and GSL programs) must comply with this law or be subject to loss of those funds.

Purpose of FERPA

The purpose of FERPA is to afford eligible students certain rights with respect to their education records. (An eligible student is defined as any matriculated individual who is currently attending or who formerly attended Walla Walla University. Applicants who are either refused admission or decline to matriculate do no fit the definition of “eligible student.”) Parents of students attending post-secondary institutions have no rights under FERPA. The law places responsibility on educational institutions to maintain appropriate security for the confidentiality of its students’ educational records.

Student Rights Under FERPA

FERPA guarantees students the following rights regarding their educational records:

- The right to inspect and review their educational records
- The right to seek amendment to their educational records
- The right to control disclosure on their educational records or personally identifiable information from their records
- The right to the assurance that their records are protected from access by persons who do not have a legitimate educational interest
- The right to obtain a copy of an institution’s FERPA policy
- The right to file a complaint with the U.S. Department of Education (DOE), Family Policy Compliance Office.
Definition of Education Records

The law and regulations (section 99.3) define education records as those records, regardless of medium (e.g., electronic, paper), that are directly related to a student and maintained by an educational agency or institution or by a party acting for an educational agency or institution. Personally identifiable information from academic records, such as social security number and student ID number, are also under the purview of FERPA.

Records Exempted by Statutes:

• Records of instructional, administrative, and educational personnel that are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute

• Records of a law enforcement agency

• Student health records; however, these records may be reviewed by physicians and other appropriate health personnel of the student’s choosing

• Employment records

• Alumni records

Definition of Legitimate Educational Interest:

Any school official who needs information in the course of performing instructional, supervisory, advisory, or administrative duties for Walla Walla University has a legitimate educational interest.

If you feel that the person making the request does not have a legitimate educational interest, do not release the information without written permission from the student. If in doubt, either call or refer the individual to the Registrar, Carolyn Denney, at (509) 527-2811.

FERPA Exemptions to Privacy: Directory Information

Provisions of FERPA allow the institution to define directory information, that is, information which is public. Walla Walla University determined that the following student information is directory information:

• Student’s name

• Telephone listing

• Participation in officially recognized activities and sports

• Major field of study
• Dates of attendance
• Degrees and awards received
• Previous educational institution attended
• Registration status (full-time or part-time enrollment)

Students May Request Nondisclosure of Directory Information

By completing a request form at the Academic Records Office, a student can formally request and receive a nondisclosure-of-directory-information status. The student must request nondisclosure within the first ten class days of a term. Once requested, the nondisclosure status remains on the student’s records until the student is no longer enrolled at the University or formally requests that it be removed. If the word “PRIVATE” is displayed on the education records contained in the Student Information System database, inquirers (other than the institutional members with a legitimate educational interest) will be informed that “there is no available information on this person.”

Confidential Student Information

All student information, other than directory information, is confidential. Some common examples of confidential information include:

• Student’s address
• Student’s GPA
• Anything related to student’s grades
• Student’s schedule / classes taken
• Student’s social security number
• Year of birth / student’s age
• Student’s ethnicity

FERPA Exceptions to Student Consent for Release of Educational Records

FERPA allows the institution the right to disclose student records or identifiable information without the student’s consent under the following circumstances. These disclosure exceptions are optional, not mandatory:

• With the receipt of a signed, dated, written consent from the student, which must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party to whom the disclosure may be made. (Mere presentation of another student’s ID card, without an accompanying note, does not provide sufficient consent for release.)
To University employees who are in the process of carrying out their specifically assigned educational or administrative responsibilities and are acting in the student’s educational interest

To schools in which a student seeks or intends to enroll

To parents of a dependent student, as defined by the Internal Revenue Code

In connection with financial aid for which the student has either applied for or received aid, if the information is necessary to determine eligibility for aid, amount of aid, conditions for aid, or to enforce the terms and conditions of the aid

To organizations conducting studies on behalf of state and federal educational agencies

To federal or state educational authorities

To accrediting organizations

In compliance with a lawfully issued subpoena or judicial order; however, the institution must make a reasonable effort to notify the student of the order or subpoena in advance of compliance (20 U.S. C. 1232 g and 34 C.R.F., Part 99)

In connection with a health or safety emergency
(These can only be disclosed through the Walla Walla/ College Place Police Department.)

Note: Education records disclosed through the above circumstances must include the condition that further disclosure to a third party may not be made without the prior consent of the student.

Responsibilities of the Institution

FERPA places the following responsibilities on educational institutions:

To comply with the laws of FERPA

To have a written institutional FERPA policy that is available for review

To provide adequate security of students concerning their educational records

To provide information to institutional faculty and staff on the FERPA rights and responsibilities

To provide a procedure for students to review and inspect their records and to seek amendment(s) to their records

To provide a timely hearing/appeal process if an amendment-to-record request is denied

To disclose student educational records as requested by the student
Procedure for Students to Review Their Records

The Academic Records Office has been designated to coordinate the inspection and review procedures for students’ educational records. Students wishing to review their educational records must present adequate identification and then prepare a signed and dated written request to the registrar’s office listing the item or items of interest. Records will be made available as soon as possible, but no later than 45 days from the date of request. Students may receive copies of their records, with certain exceptions. If your department wishes our office to coordinate the review and inspection of students’ records kept by your office, please call Carolyn Denney, at 527-2811.

Enforcement of FERPA

Within the institution, the Academic Records Office, with assistance that may be necessary from the University Counsel, will investigate any alleged FERPA violations. FERPA complaints submitted to the DOE are investigated by the Office of Compliance. The penalty for noncompliance is loss of federal funding.

Consequence of Personal FERPA Violations

Institutional members who do not comply with this law may be subject to disciplinary sanction.

Common Situations and Suggested Responses

Parent requesting the grades of their child:

Response: Refer them to the Academic Records Office, Transcript Department, 527-2541. Be courteous, but do not release any information. The Transcript Department may be able to meet their needs.

Request for disclosure to third parties based on telefaxed or telephone consent from the student:

Response: An institution may release information based on telefax signature. Telephone request to release information require questions verifying that the student is in fact the same person making the request.

Disclosure to the public or media:

Response: Institutions are not allowed to discuss a student’s educational records publicly, even if a law suit has made the information a matter of public record. The correct response to a member of the media by a school official who wishes to respond in these circumstances is that we will comply only if the inquirer presents a properly executed consent form from the student or former student.

Disclosure of information on deceased student:

Response: Under common law, the privacy rights of an individual expire with that individual’s death. Although FERPA does not provide survivors the right to obtain disclosure, the institution may exercise discretion in deciding whether or not to disclose information.
Disclosure to law enforcement officials, the Federal Bureau of Investigations (FBI), and military recruiters:

Response: Directory information may be disclosed provided the student hasn’t requested privacy. No other information may be provided without the student’s prior written consent unless the disclosure falls within one of the exceptions.

References for Students by Faculty

FERPA’s prohibition on disclosure of personally identifiable information from the education records of a student applies as well to any kind of non-directory information (e.g., performance in class, grades, attitude, motivation, abilities, background) conveyed in writing, in person, or over the telephone to third parties.

Although such information is usually conveyed by faculty members at the informal request of the student and is usually positive, the better practice would be to request a written consent form, meeting the FERPA requirements, before providing the information. (See sample “Permission for Release of Confidential Information” attached.)

Disposal of Student Educational Records

Information about individuals should be retained only so long as it is valid and useful. Those responsible for academic information have an obligation to destroy information when conditions under which it was collected no longer prevail. Therefore, the intent of the Act would probably be well served if files were regularly purged of such items as letters of recommendations and other items that have been used for their original purpose. The Academic Records Office has a confidential document-disposal procedure established. If you need additional information, contact Carolyn Denney, at 527-2811.

Document Contains Interpretive Guidelines Only

For clarification and further detail on specific questions, please contact:

Carolyn Denney, Registrar
Walla Walla University
Academic Records
204 South College Avenue
College Place, WA 99324
Walla Walla University  
Institutional Employees’ Responsibility for Security and Confidentiality of Education Records

Security and confidentiality of student education records is a matter of concern for all employees who have access to files or the computerized data bases owned by University offices. The data bases are a repository of computerized information stored in the centralized computer system of the University and maintained by the owners.

Since a person’s conduct either on or off the job may threaten the security and confidentiality of the information, any employee or person with authorized access to the system is expected:

- To protect each student’s right to privacy and confidentiality.
- To deny information to individuals who have no legitimate educational interest in students’ records.
- To keep personal passwords private. Passwords are not to be written down or shared with others.
- Always sign off of your terminal when leaving the immediate area.
- Not allow any operator to use a terminal which has been signed on under any other operator’s use ID and password.
- Not to make or permit unauthorized use of any information in the files.
- Not to seek personal benefit or permit others to benefit personally by any confidential information which has to come to them through their work assignment.
- Not to exhibit or divulge the contents of any records or report to any person except in the conduct of their regular work assignment.
- Not to include knowingly or cause to be included in any records or report a false, inaccurate, or misleading entry.
- Not to remove any official record or report (or copy) from the office where it is kept except in performance of regular duties or in cases with prior approval.
- Not to operate or request others to operate any University data equipment for purely personal business.
- Not to aid, abet, or act in conspiracy with any other person to violate any part of this code.
- To report any violation of this code to the supervisor immediately.
- Violation of this code may lead to suspension or dismissal consistent with the general personnel policies of the University.

I have read the Guidelines for the Release of Student Information Under the Family Educational Rights and Privacy Act (FERPA) for employees who have access to the facilities of the various University student data bases or other student records and agree to comply with its provisions.

Signed ________________________________ Date __________________

This form should be maintained for all employees and kept on file with the appropriate office administrator of each department.
Permission for Release of Confidential Information
Letter of Recommendation

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

Professor/Instruction/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)