

FERPA



Faculty

Administrators

Students

Staff

FERPA



Faculty and Staff Guide to the Family Educational Rights and Privacy Act of 1974

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974



“A federal law designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.”

KEY TERMS



**EDUCATION
RECORD**

**PERSONALLY
IDENTIFIABLE**

**DIRECTORY
INFORMATION**

**SCHOOL
OFFICIAL**

**ELIGIBLE
STUDENT**

EDUCATION RECORD



Any record with certain exceptions, maintained by an institution that is directly related to a student or students. This record can contain a student's name or students' names or information from which an individual student, or students, can be personally (individually) identified.

These records include files, documents and materials in whatever medium (handwriting, print, tapes, disks, film, microfilm, microfiche) which contain information directly related to students and from which students can be personally (individually) identified.

EDUCATION RECORD



An Education Record Is Not:

❖ “Sole Possession” Notes

❖ Law Enforcement Records

❖ Records Maintained Exclusively for Individuals in their Capacity as Employees (note: records of individuals who are employed as a result of their status as students (work study) **ARE** education records

❖ Doctor-Patient Privilege Records

❖ Alumni Records

SOLE POSSESSION NOTES



Notes made by one person as an individual observation or recollection; are kept in the possession of the maker; and are only shared with a temporary substitute.

- ❖ This term has always been narrowly defined
- ❖ Notes taken in conjunction with any other person are not sole possession notes (advisor notes, interview notes)
- ❖ Sharing these notes with another person or placing them in an area where they can be viewed by others makes them “education records” and subject to FERPA

Best Advice: If you don't want it reviewed, don't write it down

EDUCATION RECORDS



If you have a record that is:


- ☒ maintained by USA
- ☒ Personally identifiable to a student (directly related to a student and from which a student can be identified)
- ☒ Not one of the excluded categories of records


Then you have an **education record** and IT IS
SUBJECT TO FERPA


PERSONALLY IDENTIFIABLE




Data or information which includes:

 The student's name, the student's parent or other family members **OR**

 The student's campus or home address **OR**

 A personal identifier such as social security number or student (JAG) number **OR**

 A list of personal characteristics or other information which would make the student's identity easily traceable

DIRECTORY INFORMATION



Directory Information at USA includes:

- ☒ Student Name
- ☒ Dates of Attendance (not daily)
- ☒ Degree Program/Major/Minor/Concentration
- ☒ Degrees and Awards Received
- ☒ Enrollment Status (half time/full time only)
- ☒ Date of Graduation
- ☒ E-Mail Address
- ☒ Participation in Official Activities/Sports
- ☒ Most Recent Previous School Attended
- ☒ Weight/Height of Athletic Team Members

DIRECTORY INFORMATION



Directory Information Can Never Include a Student's:

-  Race
-  Gender
-  Social Security Number
-  Grades
-  GPA
-  Country of Citizenship
-  Religion
-  Class Schedule

DIRECTORY INFORMATION



Directory information is defined by USA.

If a data element is not defined as “directory information” then *it is not* directory information and can only be released with the student’s written permission.

NON-DISCLOSURE OF DIRECTORY INFORMATION



- ❑ Student may opt for non-disclosure of **directory information**.
- ❑ Student files a “Confidentiality” form with the Registrar’s office.
- ❑ The Non-Disclosure option remains in effect until the student ends it.
- ❑ The student’s PAWS record will indicate that there is a “Confidentiality” flag on the record.

NON-DISCLOSURE OF DIRECTORY INFORMATION



Faculty Student Information - Mozilla Firefox

File Edit View History Bookmarks Tools Help

https://paws.usouthal.edu/prod/bwlkgstu.P_FacStuInfo

Most Visited Customize Links Free Hotmail Windows Marketplace Windows Media Windows

Banner PROD homepage Faculty Student Information

Personal Information Student Services & Financial Aid Faculty Services

Search Go RETURN TO MENU SITE MAP HELP EXIT

Faculty View of Student Information

If the word "Confidential" appears beneath a student's name, his/her personal information is to be kept confidential.

Confidential Information for [Melissa M. Wold](#)

Student Information effective from Summer Quarter 1979 to The End of Time

Registered for Term: No

First Term Attended: Winter Quarter 1974

Last Term Attended: Summer Quarter 1979

Status: Inactive

Matric Term: Summer Quarter 1979

Residence: In State Resident

Citizenship: Citizen

Student Type: Non Degree

Class: Senior

Expected Graduation Date: May 07, 1979

Curriculum Information

Current Program

Done paws.usouthal.edu

start 2 Firefox 2 HiPath ProCe... Agent - HiPath Pr... Microsoft PowerP... 2 Novell Group... 11:24 AM

If you see this warning on a student's PAWS record no directory information can be released

SCHOOL OFFICIALS



Each University determines who is a **School Official**. **School Officials** must have a legitimate educational interest in the student record and are acting within their limitations of their need to know.

At USA **School Officials** include faculty, administrators and staff who individually or collectively meet the above criteria. This includes personnel in academic offices and student support offices such as Admissions, Student Accounting, Financial Aid, Registrar, Academic Advisors, etc.

LEGITIMATE EDUCATIONAL INTEREST



The justifiable need of a University official (**School Official**) to view an education record in order to complete his or her job responsibilities as defined by USA.

In order to view a student's record, you must be performing a duty or service related to a professional responsibility as outlined in your contract.

ELIGIBLE STUDENT



At USA, a student is defined as an individual who is attending or has attended the University. It does not include applicants for admissions or prospective students.

FERPA applies to any eligible student (someone who has matriculated (registered for classes) at USA).

FERPA DO's



DO lock desks, file cabinets and rooms that contain student records before leaving them unattended.

DO guard student records on your computer.


DO keep your personal professional notes regarding students separate from education records. These “sole possession” notes must be kept private, not accessible by any other person except for a designated substitute.


DO procure a written release from a student if you are accessing an education record to write a recommendation. Referencing grades or GPA requires written permission from the student


DO refer all third party requests for information from education records to the Registrar office.


FERPA DON'Ts



 **DON'T** post grades by name, Jag number, or any portion of social security number. USA discourages public posting of grades even if identity codes are used. USA does not permit e-mailing of grades. Final grades are posted on PAWS and students use their secure website to view them.

 **DON'T** put transcripts, degree audits, grades, etc. in the trashcan. Shred any paper containing personally identifiable information.

 **DON'T** leave graded papers with student names or Jag numbers on a table for students to collect. You must not allow students access to other student's grades or personal information.

 **DON'T** discuss student daily attendance, academic progress, or grades with a student's parent or guardian. Refer all inquiries to the proper records official (Registrar office; VP Academic Affairs; VP Student Services)



FERPA



**When in doubt, err on the side of caution
and do not release the requested
information. Refer the requestor to the
Registrar's Office**

**Registrar Office
Meisler Hall, Suite 1100
251-460-6251
E-mail registrar@usouthal.edu**