

FERPA Guidelines for Faculty & Staff

What is FERPA?

Family Educational Rights and Privacy Act (1974) or 'Buckley Amendment'

- Federal law designed to protect the privacy of student education records
- Applies to all educational agencies or institutions that receive funds by the Secretary of Education
- Provides guidelines for appropriately using and releasing student education records
- Students are the "owners" of their education records, and the institution is the "custodian" of the records

Student Rights

Students have the right to:

- Inspect and review everything in their records except:
 - Information about other students
 - Financial records of parents
 - Confidential letters of recommendation if they waived their right of access
 - Records cannot be destroyed when a request to view them has been made.
 - Institution has 45 days to comply with request.
- Seek amendment to records they believe are incorrect
- Consent to disclose academic records
- File a complaint with the Family Policy Compliance Office:

U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605
- Institutions must annually notify students of their rights under FERPA.

Types of Student Information

Education Records - Any record maintained by the institution related to a student, including:

- Personal information (name, ID, etc.)
- Enrollment records
- Grades
- Class Schedules and Rosters
- Student exams or papers
- Student financial records
- Student employment information (work study, assistantships, etc.)

Storage Media - may include the following:

- Electronic document or email
- Computer printout
- Class list on a desktop
- Notes taken during an advising session
- Database
- Documents and materials that are handwritten, taped, saved on disks, film, etc.

Exceptions to Education Record Definitions:

- Records in the "sole possession of the maker"
- Law enforcement records created for a legal purpose
- Employment records, not based on student status
- Medical/psychological treatment records — protected under HIPAA

Directory vs. Non-Directory Information

Directory Information: Releasable items that are not generally considered sensitive or confidential:

- Name, Address, E-mail address, Phone number
- Height, weight and photos of athletic team members
- Date and Place of birth (use with caution)
- Major and Minor field of study
- Class level
- Dates of attendance
- Enrollment status
- Names of previous institutions attended
- Participation in officially recognized activities and sports
- Honors/awards received
- Degree earned and date of earned degrees
- Photographic, video or electronic images of students taken and maintained by the institution

Non-directory Information: Confidential data that may not be released without a student's written consent.

- Race
- Gender
- SSN
- Student ID number
- Grades
- GPA
- Country of Citizenship
- Religion

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Education Record Access

Who May Access Education Records?

- Student
- Third party authorized in writing by the student
- School officials with a legitimate educational interest
- Parents of dependent students (most recent federal tax return required)
- A person in response to a court-ordered subpoena
- Institution where student seeks to enroll or is enrolled
- Education Departments, state/local officials for legislative requests
- Accrediting agencies (i.e., ABET)
- Health/safety emergency personnel
- Those representing the University's legal interests in matters where student record is relevant
- Those who plan, conduct or review research related to University educational programs (i.e., OIRA)
- Those employed or contracted by institution to perform their designated job functions (i.e., National Student Clearinghouse)

Right to Consent to Disclosure

- A student has the right to control to whom his/her education record is released.
- *Consent to Release* form available on Registration & Records and Bison Connection web sites
- *Student Reference Request & FERPA Release* form available on Attorney/General Counsel site
- ND Open Records Laws requires release of directory information that is not suppressed by student

“No Release”

- Students are given opportunity to suppress directory information from public release
- Everyone within the institution must respect a student's No Release on his or her record.
- Must be done in writing in Registration and Records
- No Release requests are coded in Campus Connection with a blue window shade symbol

When Do FERPA rights begin and end?

- When students become 18 years of age or enroll in a higher education institution at any age
 - NDSU considers 'enrollment' the point of registration
- FERPA rights do not apply to alumni activities
- FERPA rights end at death, unless otherwise specified by state law

Guidelines for ALL Employees

- Federal regulations allow electronic signatures; *signed* releases are still required by NDSU for most transactions.
- All NDSU employees are responsible for protecting the confidentiality of student education records.
- “Need to Know”- Access to student data is to perform job responsibilities and role with University.
- Court-ordered subpoenas for records are first run through the NDSU General Counsel Office.
- Data stored/transmitted electronically must be secure and only available to those entitled to it.
- Be vigilant and report any FERPA violations.

Important Reminders-NEVER:

- Use SSN or Student ID in posting grades or other information
- Release non-directory student information without written consent of student
- Release class schedule to locate a student
- Release directory information if student has a No Release
- Leave sensitive information on desk/desktop when away from office
- Discard documents with sensitive information without proper destruction and disposal
- Leave graded papers in a stack for student pick up
- Circulate printed lists with student IDs, SSNs or grades for attendance, verification or distribution
- Discuss student progress with anyone other than the student without consent on file with NDSU
- Access student records for personal reasons or reasons not related to job responsibilities
- Release lists with sensitive student information to third parties outside your department

Key Resources / Additional Information

- Office of Registration and Records, 110 Ceres, 231-7981, www.ndsu.edu/registrar, ndsu.registration.records@ndsu.edu
- AACRAO (Federal Relations)-www.aacrao.org
- Family Compliance Office, Dept of Education — www.ed.gov/policy/gen/guid/fpco/index.html
- Student Health Services-HIPAA, covers medical treatment records of students (health, counseling, disability)
- Student Reference Request and FERPA form - http://www.ndsu.nodak.edu/general_counsel/WebForms/StudentRefRequestandFERPARel.pdf