FERPA TUTORIAL

for faculty and staff



What is FERPA?

- The *Family Educational Rights and Privacy Act of 1974* is a federal law that governs the disclosure and access of education records maintained by an educational institution.
- Any educational institution or agency that receives funds under any program administered by the U.S. Secretary of Education must comply with FERPA.
- It is a requirement for UMW to notify students annually of their FERPA rights.



The goal of FERPA is to:

protect the privacy of education records

- establish the right of students to inspect and review their education records
- provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings



Students are entitled to submit to the Registrar written requests that identify any education record(s) that they wish to inspect.

Students have the right to inspect and review these records within 45 days of when the University receives a request for access.

Arrangements for access and inspection will be made and students will be notified. If the records are not maintained by the Registrar, the student will be advised of the correct official to whom the request should be addressed.

Students also have the right to request an amendment of their education records if there is a belief that they are inaccurate or misleading.



Why Comply with FERPA...?

- ALL university employees are obligated by law to protect student records.
- Failure to comply could result in:
 - Formal complaints being submitted by students to the Department of Education
 - Potential withholding of Federal funds including Student Financial Aid
 - Lawsuits



FERPA vs. FOIA

Do not confuse FERPA with the Freedom of Information Act (FOIA). The FOIA guarantees access to PUBLIC records held by public bodies, officials, and employees—not a student's private education record.





Who is covered under FERPA?

All students, regardless of age, in attendance at UMW are covered under FERPA. Former students are covered as well.

Current or former UMW students have the following rights:

- To inspect and review their education record
- To request to amend their education record
- To limit disclosure of "directory information"
- To file a complaint with the Department of Education concerning an alleged failure by UMW to comply with FERPA

Applicants who are denied admission or who never attended are not covered under FERPA.



What is an Education Record?

All records that directly relate to a student and are maintained by an institution are considered education records. These records can be in any form (electronic, handwritten, print, film, etc.).

Education records are <u>not</u> sole possession notes, law enforcement unit records, employment records, medical records, or post-attendance records.



What are Sole Possession Notes?

Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(Example: Faculty member writing a reminder about a student on post-it note or in personal planner and not sharing it with anyone else)



Sole Possession Notes (cont.)

- Narrowly defined.
- Notes taken in conjunction with another person are NOT sole possession notes.
- Sharing or placing these notes in an area where they can be viewed by others makes them "education records."
- Emails can never be sole possession.
- Best Advice: If you don't want it reviewed, don't write it down!





Personally Identifiable Information

- Data or information, which includes, but is not limited to:
 - A) Student Name
 - B) Name of the Student's Parent of other Family Members
 - C) Address of the Student or Student's Family
 - D) A Personal Identifier such as a SSN or Student ID #
 - E) Indirect Identifiers such as student DOB, place of birth, or mother's maiden name

F) Other information that, alone or in combination, could be linked to a specific student that would allow a reasonable person to identify the student with reasonable certainty

G) Information requested by a person who UMW believes knows the identity of the student to whom the education record relates

Tips for Faculty & Staff

- Never Post Grades by name, SSN, or Banner ID #.
- Do not discuss a student's academic performance, grades, or other information from a student's education record with anyone other than the student, a school official with a "legitimate educational interest," or an individual that has been designated by the student to have access to his or her education records.
- Do not leave grades, assignments, papers, files, transcripts, etc. where other individuals may have access to view them.



- Respect the rights and privacy of students.
- Do not post personal information about students on websites or share personal information via email.
- Be careful about sharing private information via wireless technology (cell phones and wireless internet).
- Take caution in the use of social media and never reveal information that compromises privacy.



Legitimate Educational Interest

A demonstrated "need to know" by those officials of an institution who act in students' educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information including student employees or agents.





Directory Information

At UMW, Directory Information is considered the following:

- Student's Name and University Email Address
- Campus Mailbox #
- Class Level
- Previous Institutions Attended
- Major Fields of Study
- Awards and Honors (including Dean's List and President's List)
- Degree(s) conferred (including dates)
- Dates of Attendance
- Past and Present Participation in officially recognized sports and activities
- Physical factors (height and weight of athletes)



Must vs. May

When it comes to FERPA, there are some things that an educational institution MUST do, and there are some things that an educational institution MAY do.





Directory Information *may* be disclosed to anyone, and by any means, on those students who did not choose to withhold their directory information. For example, it could be released over the telephone regardless as to why it is being requested. You are not REQUIRED to release it, but you *may*.





At any time, a student may submit a request to restrict the release of Directory Information. A restriction on the release of Directory Information will remain in effect even if the individual is no longer a student, unless the restriction is removed by written request made to the Office of the Registrar.

The **Withhold Directory Information Request Form** can be found on the Registrar's Office website or a student can stop by in person to complete one.





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Parents and Legal Guardians

When a student turns 18 years old <u>or</u> enters a postsecondary institution at any age, all rights afforded parents or legal guardians under FERPA transfer to the student, regardless of who is financially responsible for tuition & fees associated with the student's education.

Should they choose to do so, students are able to come to the Registrar's Office to complete & sign a Release of Information (ROI) form designating individuals other than themselves to have access to their education records.



UMW will not permit access to, or the release of, educational records without the consent of the student or eligible parent or legal guardian to anyone other than the following:

- University officials with legitimate educational interests.
- Officials pursuant to their statutory responsibilities (the Comptroller General of the United States, the Secretary of Education, the Commissioner, the Director of the National Institute of Education or the Assistant Secretary for Education, and/or state educational authorities).
- Any party legitimately connected with a student's application for, or receipt of, financial aid.
- State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
- Accrediting organizations, for the purpose of carrying out their accrediting functions.
- Parents of dependent students as defined in section 152 of the Internal Revenue Code of 1954.
- Parties acting under authority of a judicial order or pursuant to any lawfully issued subpoena, upon condition that the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution.
- Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

"I pay the bills!"

Often parents, legal guardians, or anyone who supports a student financially may feel that they are entitled to have access to that student's education record.

They are not.

To have access to a student's record, the student must sign a ROI form at the Registrar's Office. Should faculty or staff have questions about a particular student granting this access to someone, please contact the Registrar's Office.



TEST TIME!!!





True or False?

A Student is entitled at any time to come to the Registrar's Office and have immediate access to their education record.





FALSE. Students are entitled to inspect their education records, but the University has 45 days from the date of the request to allow access. Arrangements for access and inspection will be made and students will be notified. If the records are not maintained by the Registrar, the student will be advised of the correct official to whom the request should be addressed.



True or False?

Once a student graduates from UMW, they lose the right to inspect their education records.





FALSE. Current AND former students are entitled to inspect their education records. The same time frame of 45 days from the date of the request applies.

Scenario #1

A faculty advisor places personal notes about a student in a file in the desk at their personal office. At the end of the semester, the student—unhappy about his final grade in a course—demands that under FERPA the advisor must allow them to review any personal notes the advisor may have kept about him during the semester. Does the advisor have to allow a student to inspect and review the personal notes she kept about the student?





No. Records that are kept in the sole possession of the maker and are not accessible or revealed to any other person are considered "sole possession notes." Students are not entitled to have access to sole possession notes as these are not considered part of the student's education record.

Scenario #2

Professor Dylan in the Department of History & American Studies visits Professor Harrison in the Department of Music to tell him about how a student he knows is a Music major "took" his parking spot over the weekend at a local restaurant. Curious about what kind of grades the student receives, Professor Dylan asks Professor Harrison to print out a degree evaluation for the student so he can review it. Is Professor Harrison allowed to release this information to Professor Dylan?





No. Personal or private interest in a student's education record, even by a school official, is NOT considered "legitimate educational interest" and should not be released to the individual.

True or False?

An irate individual calls you on the phone demanding that under FERPA you must release ALL directory information to her about a specific student. The student does not have a withhold directory information form on file, but your instinct tells you that providing the person on the phone with this information would not be in the best interest of the student. However, since it is Directory Information the person is asking about and not personally identifiable information, you must under the FERPA regulations provide this information.





False. Directory Information *may* be disclosed to anyone, but you are not REQUIRED under FERPA to release it. If you find yourself in a situation where you are unsure about releasing directory information to a specific person, contact the Registrar's Office for assistance. Like many issues related to FERPA, it's usually best to use common sense.





For more information about our FERPA policies, please visit our website at <u>http://www.umw.edu/registrar</u> or call us at 540-654-1063









@UMWRegistrar

