FERPA Basics

Family Educational Rights and Privacy Act
What is FERPA?

A federal law designed 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
Who is covered by FERPA?

- “Eligible” student under FERPA is any student who attends a postsecondary institution, regardless of age
- Includes continuing education students, students auditing a class, distance education students and former students
- Does not include students who are denied admission or who apply but do not attend
What are education records?

- Any record, with certain exceptions, maintained by institution that is directly related to student(s)
- May contain student name or information from which individual student can be personally identified
- Records include: files, documents, materials in any medium (handwritten, email, etc.)
- Does not include those records which are “sole possession” (i.e. kept only in the possession of the maker)
1. School officials may not disclose personally identifiable information about students nor permit inspection of their records without written permission unless such an action is covered by certain exceptions permitted by The Act.

2. Students MUST be permitted to inspect their own education records.
Part I: Protect the privacy of education records

Under FERPA, a student must provide written consent before the university may disclose personally identifiable information from the student’s education record, except to the extent that FERPA authorizes disclosures without consent.
**Exceptions** (not an exhaustive list)

- School officials with **legitimate educational interest** may review personally identifiable information without consent.
- UAA **may** release, without consent, “directory information” (unless student requested information to be withheld—“directory hold”).
- UAA **may** release to accrediting organizations carrying out their accrediting functions.
- UAA **may** release to appropriate parties in connection with a health or safety emergency.
Directory Information @ UAA

- Name of student
- Dates of attendance
- Program/major field of study
- Degrees/certificates earned, including dates
- Participation in officially recognized university activities
- Academic and co-curricular awards, honors and scholarships received, including dates
- Weight and height of students on athletic teams
- Student’s electronic mail address
- Hometown city and state
- Enrollment status
Please note that it does not include mailing address or photos.

Additionally, FERPA indicates directory information can **NEVER** include: race, gender, SSN, grades, GPA, country of citizenship or religion.
Students **must** be given the opportunity to request that directory information not be released.

If student has elected to place a directory hold on their record, you may not release directory information to anyone other than the student (e.g. cannot include name in departmental publications).
# Directory Hold

## Summary Class List

<table>
<thead>
<tr>
<th>Record Number</th>
<th>Student Name</th>
<th>ID</th>
<th>Reg Status</th>
<th>Level</th>
<th>Credits</th>
<th>Grade Detail</th>
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</tbody>
</table>
Must have written and signed consent to release education record information to anyone other than student if not covered by exception. Verbal exchange is not sufficient.

Written and signed release must include:
- What records
- To whom
- Purpose
- Signed and dated

Should be obtained in non-coercive environment

When in doubt, don’t give it out.
What about parents?

When student reaches age of 18 or begins attending postsecondary institution, regardless of age, FERPA rights transfer to student

FERPA allows for disclosures to parents under certain conditions but does not require it.
- Must have authorization to release

Alternatives? Speak in generalities or request contact information for the student.

Good to remember that just because you can does not mean you should.
Part II: Right of students to inspect and review their educational records

- Guaranteed access
  - Request made in writing to University Registrar. Must provide ability to inspect and review within 45 days of receipt of written request.
  - Includes all educational records – any information or data recorded in any medium (handwritten, email, tape, film, etc.) directly related to student and maintained by institution

- Does not include
  - Parental financial records
  - “Sole possession” records
  - Education records containing information about more than one student; however, must permit access to part that pertains only to inquiring student
Frequently Asked Questions

- UPD contacted me to inquire if a student has been attending. May I tell them?
  - All officers with UPD are employed by the institution and likely have a legitimate educational interest.
- Another faculty member has contacted me to inquire how their child is doing in my class.
  - The faculty member does not have a legitimate “need to know.”
- What is there is health or safety concern?
- UPD/APD showed up with a subpoena requesting information. What do I do?
  - Still required to notify student before we release. Refer to Registrar’s Office immediately.
Frequently Asked Questions

- I’ve been given a request for a deposition.
  - Contact the Registrar’s Office and inform your supervisor. Do not sit for a deposition without direct consult from General Counsel.

- I’m interested in viewing student data for a study.
  - Not necessarily a “legitimate educational interest.” Need to go through IRB and receive permission from Vice Chancellor for Student Affairs.

- What do I need to know about using ePortfolios in class?
  - Student academic work cannot be made public without the student's consent. If your course requires that student ePortfolios be public, you must make it clear from the beginning of the course and provide alternative if student expresses concern.
Can I make my online course management pages publicly accessible?
- No. Specific course registration and personally identifiable class materials from students are not directory information. Therefore, they should not be publically accessible. There may also be students who have chosen to enable a directory hold on their records.

I would like to podcast my entire course, which includes class discussion.
- Student participation in class discussions cannot be made public without their written consent.
Helpful Hints for Faculty

Please do not:

• Use SSN/student ID number to post grades
• Post students' grades in a public setting viewable by anyone but student
• Leave graded tests/papers in stack for students to sort through
• Circulate a printed class roster with student name and SSN/student ID number
• Provide non-directory information (i.e. grades, GPA) in recommendation letter without written consent of student
Reference UA’s records retention schedule. You should not keep duplicates of documents maintained by Enrollment Services/record custodians.

- Your department *may* have records retention requirements specific to accreditation.

Make sure student records and information are secure. Always lock computer.

- Social Security Numbers should not be included on documents.
If a violation occurs...

If student information is released in error, please contact the University Registrar immediately.

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