

FERPA 101

INTRODUCTION TO FERPA
OFFICE OF THE REGISTRAR
UTICA UNIVERSITY

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of the student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

The essence of FERPA is to give a student the right to inspect his or her education records and to protect the privacy of these records. Utica University fully complies with the Family Education Rights and Privacy Act and its implementing regulations, each as amended (collectively known as FERPA) and with guidelines recommended by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). This website provides general information about FERPA, answers to questions that are frequently asked by students, parents, faculty, and staff.

Maintaining confidentiality of student records is everyone's responsibility at Utica University.

Who is protected under FERPA?

FERPA protects the education records of any student who has ever enrolled at Utica University.

Check Your Understanding

Whose record is confidential and protected by FERPA?

- a) A current Utica University student
- b) An alum who got a UC degree in the 1950s
- c) A community member who audited a non-matriculated class at Utica University (Utica College) in the 1990s just for fun
- d) An applicant who has applied to a degree program but has never taken a class

Check Your Understanding

Answers (a), (b), and (c) are correct.

FERPA applies to anyone who has ever taken a class at Utica, even if it was a long time ago or a non-graded course. Answer (d) is incorrect because an applicant has never taken a class at Utica.

What does FERPA require us to do?

Keep student records confidential by ensuring that:

- Only school officials with legitimate educational interest have access to students' education records
- School officials do not disclose information without students' written permission, except under certain exceptions (e.g., subpoena)

Allow students to inspect, and when incorrect, amend their education records.

Notify students of these rights annually.

What is a school official?

Those members of an institution who act in the student's educational interest within the limitations of their "need to know." Although the Act does not define "school officials," it states that institutions must establish their own criteria, according to their own procedures and requirements, for determining them. At Utica University, a "school official" is any person employed by the university in an administrative, supervisory, academic, research or support staff position (including law enforcement unit, health staff, and student workers); a person of a company with whom Utica University has contracted (such as an attorney, auditor, researcher, software consultant, a company which provides student helpdesk assistance, or collection agent); a person serving on the Board of Trustees; a person assisting another school official in performing his or her tasks.

Check Your Understanding

Which of the following is a school official?

- a) A student worker in the bookstore
- b) A member of the housekeeping staff
- c) The spouse of a student
- d) A Utica accountant
- e) The President of the University
- f) An employee at Sodexo
- g) A faculty member
- h) The student's parent
- i) A student intern in a campus office
- j) A member of the Board of Trustees
- k) A temporary worker in Student Financial Services
- l) A Success Coach

Check Your Understanding

All answers are correct except (c) and (h).

A school official is any employee or agent of the University including, but not limited to: faculty, staff, volunteers, interns, alumni mentors, student workers, and the Board of Trustees.

What are education records?

An education record is any record directly related to a student and maintained by the University or by any party acting for the University.

Education records may be in any medium including, but not limited to: handwriting, print, and computer media (e.g., electronic databases, learning management systems, and email).

FERPA protects the education records of any student who has ever enrolled at Utica University.

Check Your Understanding

Which of the following is an education record?

- a) An email about a student sent from an adviser to Student Financial Services
- b) A student's schedule displayed on a computer monitor
- c) A class list/roster
- d) A student's grades
- e) The semester's Schedule of Courses
- f) A student's phone number, which s/he has written down and handed to a classmate

Check Your Understanding

Answers (a), (b), (c), and (d) are correct.

These are records that are directly related to students and maintained by the University. Answer (e) is incorrect because the Schedule of Courses does not contain information about specific students. Answer (f) is incorrect because the record was neither created nor maintained by the University.

What is 'legitimate educational interest'?

A school official has a legitimate educational interest in accessing or reviewing a specific education record if the school official is:

- Performing a task that is specified in his or her position description or contract;
- Performing a task related to a student's education or to student discipline;
- Providing a service or benefit related to the student or student's family (e.g., job placement, health insurance); or
- Maintaining safety and security on campus.

Although you are considered a school official because you are an employee or agent of the University, you might not have a legitimate educational interest to view any educational records.

Check Your Understanding

Which of the following constitutes legitimate educational interest?

- a) A staff member heard that a student is ill and wants to mail her a card. He looks up her address in the student information system (Banner)
- b) An instructor emails the Dean of Students with concerns about a student
- c) The Office of Alumni and Parent Relations wants contact information so they can invite certain graduates to speak at an alumni event
- d) An instructor conducting research for her doctoral dissertation wants contact information for students who have taken her classes in the past

Check Your Understanding

Answers (b) and (c) are correct.

The shared or requested information is necessary for those involved to carry out their assigned duties at the University. Answers (a) and (d) are incorrect because those involved do not have need to know the information in order to fulfill their duties at the University.

Why comply with FERPA?

It's the law.

It protects our students from potential harm.

It's a requirement of your job.

Check Your Understanding

Who could be negatively impacted if you violate FERPA?

- a) You
- b) One or more students
- c) Utica University
- d) FERPA Bureau of Investigation

Check Your Understanding

Answers (a), (b), and (c) are correct.

As a school official, it is your responsibility to uphold FERPA. Not doing so could result in disciplinary action or termination for you, a privacy violation for the student, lawsuits for the University, and even loss of federal financial aid. (We're not sure about answer (d)...)

How can I make sure I'm complying with FERPA?

Part I: Student Records

Access only records you need. Having access to student information does not give you unrestricted rights to *view* that information. Only access what you need to do your job, and avoid reading records that may be lying on an employee's desk or pulled up on a computer.

Handle student information in a secure way. Do not leave student records on copy machines, in classrooms, pulled up on your computer screen, or laying face up on your desk where others can see it.

Release information only as needed – even with coworkers. Share student information with your colleagues only when they have a legitimate educational interest in that particular information.

Check Your Understanding

You find a printout of a student's course schedule on a desk in an empty classroom. You should:

- a) Leave it where it is in case the student needs it
- b) Pick it up and shred it
- c) Give it to the Office of the Registrar
- d) "Think Green" – grab it and use the back for scratch paper (before recycling it)

Check Your Understanding

Answers (b) and (c) are both acceptable.

If you are unsure whether the document is easily replaceable, give it to the Office of the Registrar so they can contact the student if needed.

How can I make sure I'm complying with FERPA?

Part II: Requests for Information

If someone contacts you for information about a student:

Contact the Office of the Registrar. Refer all requests for student information to the Office of the Registrar. Never give student information to someone who is not the student.

Keep a student's class schedule confidential. Do not provide anyone with information about which classes a student is taking or where the student might be found, not even law enforcement officials.

Err on the side of caution. If you are unsure about a situation, contact the Office of the Registrar for Guidance.

Check Your Understanding

A uniformed police officer approaches your desk and indicates that a student is needed for immediate questioning. The officer asks you to look up the student's schedule and tell him where the student may be located. You should:

- a) Tell the officer to get lost
- b) Call the student's academic adviser – he'll probably know where the student is
- c) Mention that you saw the student going into Hubbard 208 an hour ago
- d) Call the Office of the Registrar
- e) Send/Bring the officer to the Office of the Registrar (122 White Hall)
- f) Give the officer the phone number for the Office of the Registrar and let them know when the office will next be open

Check Your Understanding

Answers (d), (e), and (f) are correct.

There are no FERPA emergencies, and FERPA does not include exceptions for law enforcement officials. Our responsibility is to the student. Answer (f) is appropriate if the Office of the Registrar is closed.

In Summary...

FERPA is a federal law requiring the University to maintain privacy of student records.

FERPA is everyone's responsibility.

Access or view student records only as necessary to do your job.

Share student information only within the expectations outlined in this training.

When in doubt, don't give it out!

How can I learn more?

<http://www.utica.edu/academic/registrar/ferpa.cfm>

Contact the Office of the Registrar:

Phone: (315) 792-3195

E-mail: registrar@utica.edu

Office Location: 122 White Hall