



FERPA

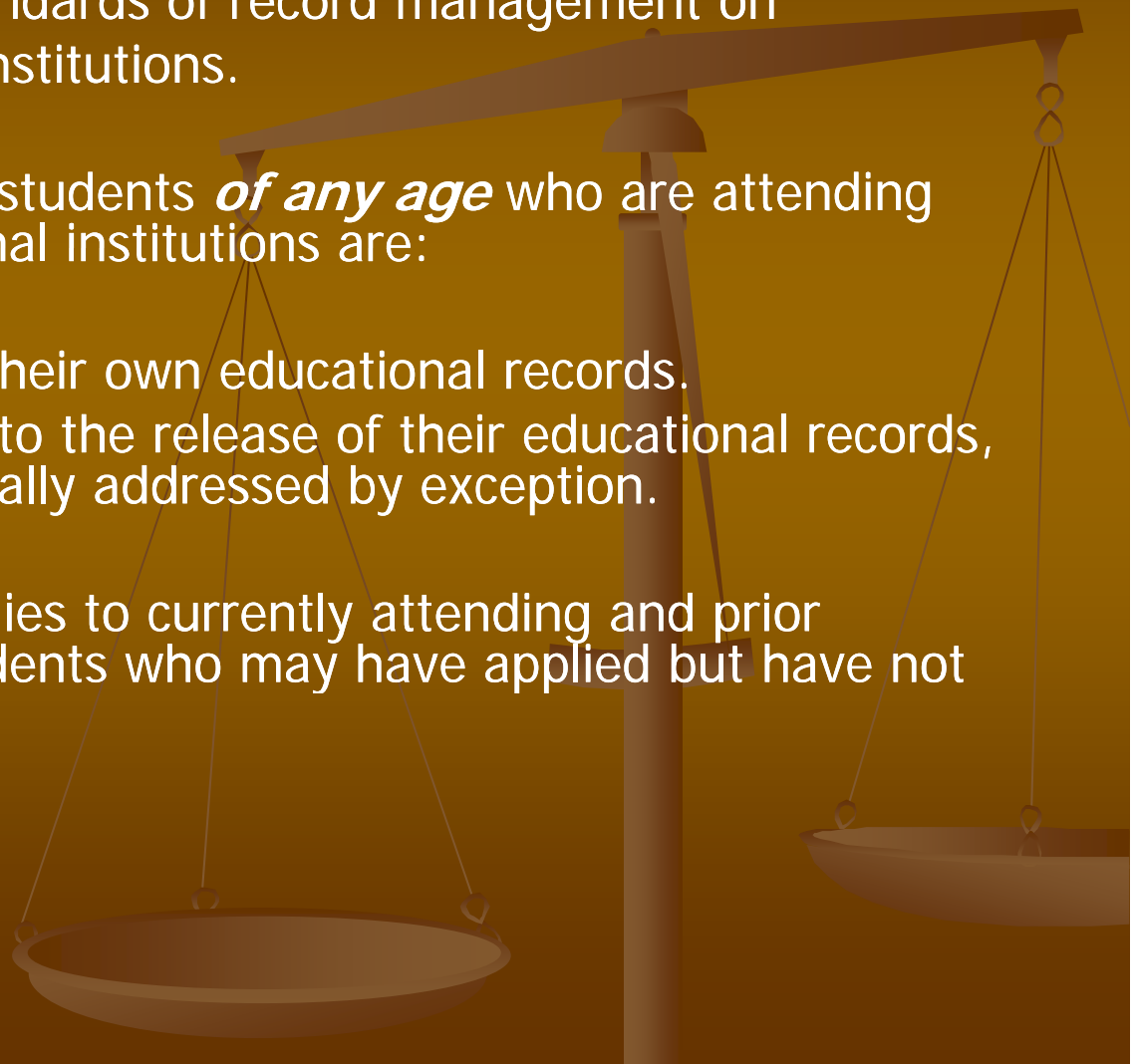
Family Educational Rights and Privacy Act 1974

The Family Educational Rights and Privacy Act (1976), also known as FERPA or the Buckley Amendment, provides students with two basic rights and imposes strict standards of record management on Postsecondary educational institutions.

The basic rights afforded to students *of any age* who are attending postsecondary educational institutions are:

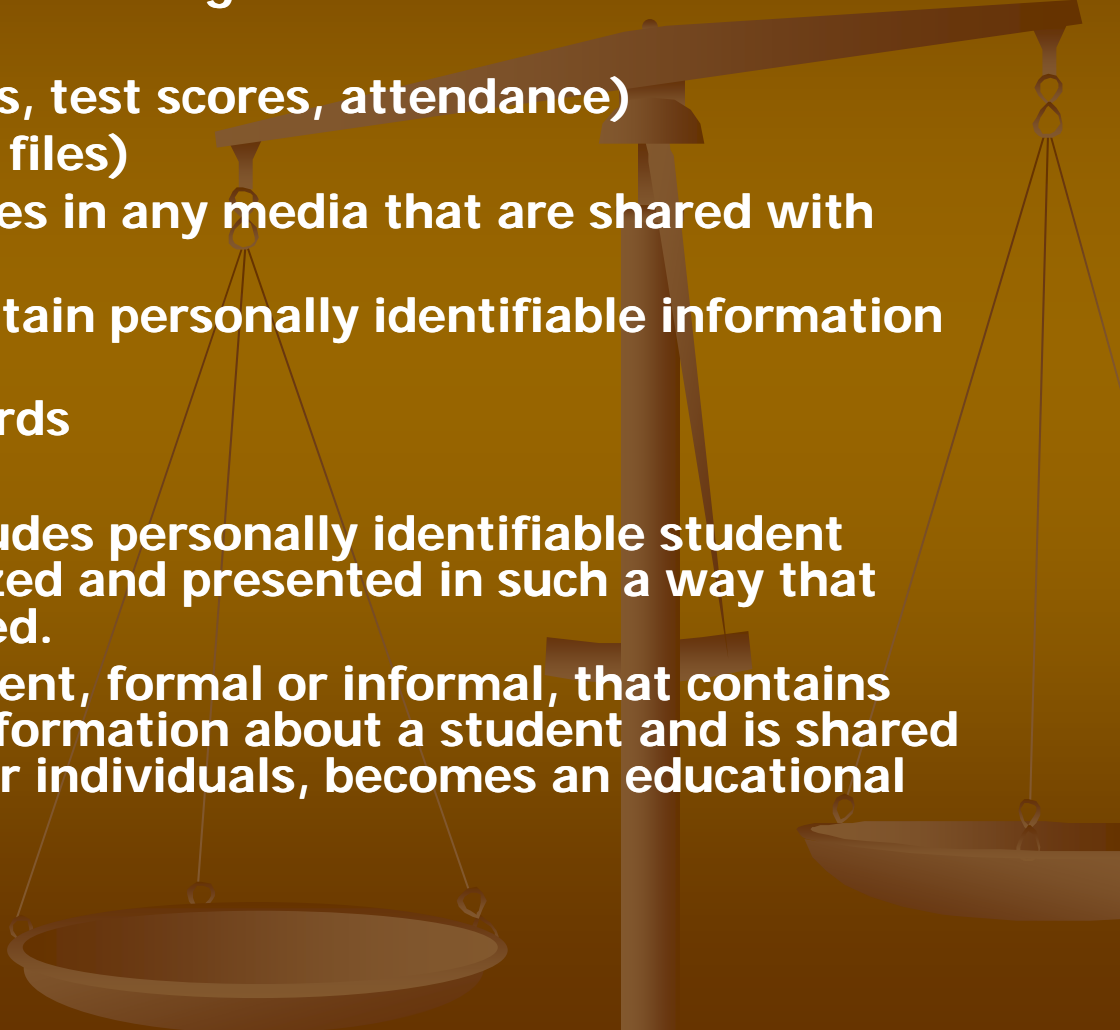
- 1. The right to inspect their own educational records.
- 2. The right to consent to the release of their educational records, unless release is specifically addressed by exception.

Protection under FERPA applies to currently attending and prior students, but not to students who may have applied but have not attended.



WHAT ARE EDUCATIONAL RECORDS?

Educational records are any records that contain information directly related to a student and maintained by the institution or by a party acting for the institution, including:

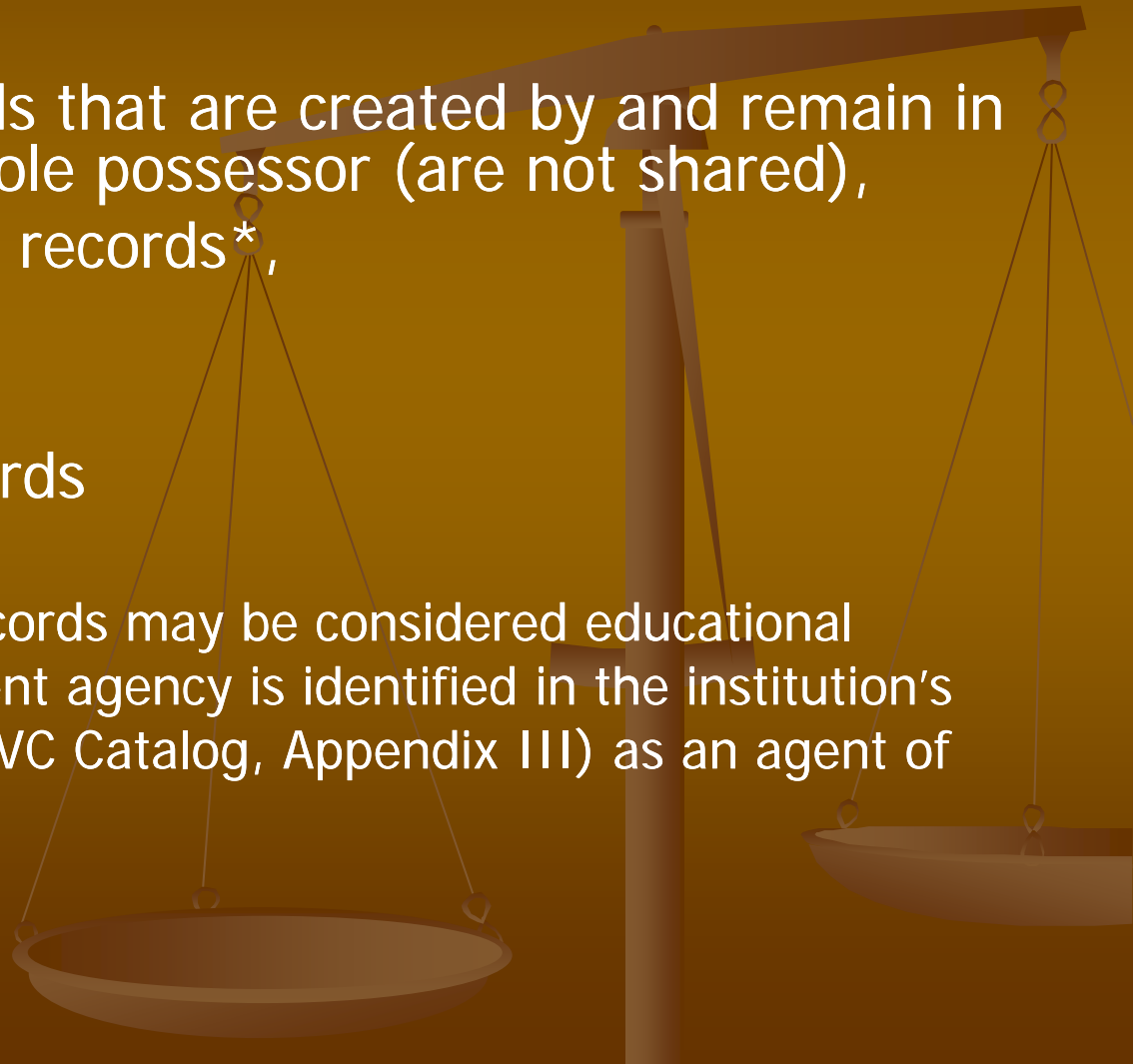
- Academic records (grades, test scores, attendance)
 - Advising records (shared files)
 - Instructor records or notes in any media that are shared with others
 - Emails or letters that contain personally identifiable information on students
 - Student disciplinary records
 - Disability records
 - Aggregate data that includes personally identifiable student information, or is organized and presented in such a way that students may be identified.
 - Any other written document, formal or informal, that contains personally identifiable information about a student and is shared with another individual or individuals, becomes an educational record.
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Educational Records, continued:

The following are *not* considered educational records:

- Notes or other records that are created by and remain in the possession of a sole possessor (are not shared),
- law enforcement unit records*,
- employment records,
- medical records,
- post-attendance records

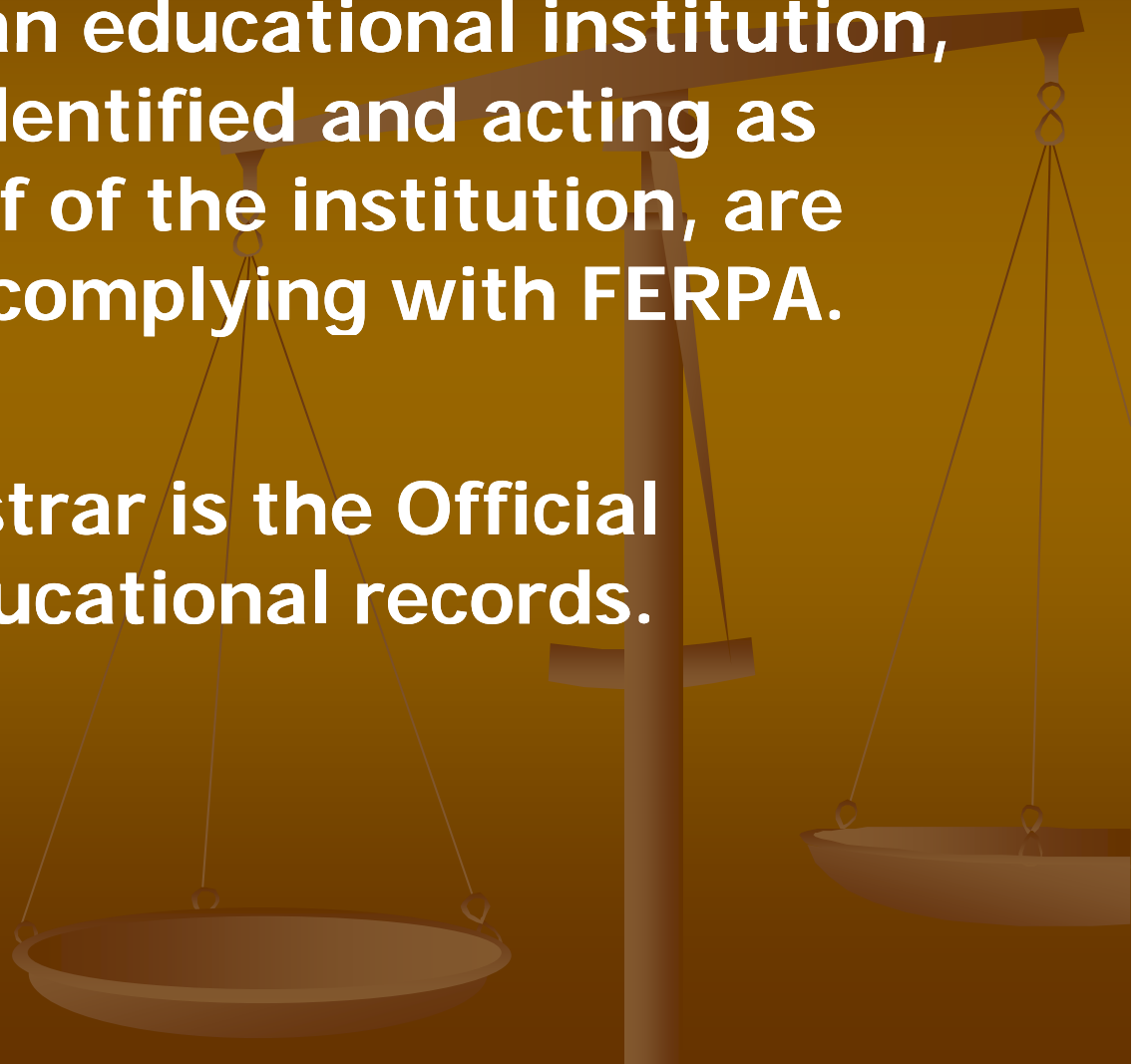
Law enforcement agency records may be considered educational records if the law enforcement agency is identified in the institution's annual notice of disclosure (VC Catalog, Appendix III) as an agent of the college.



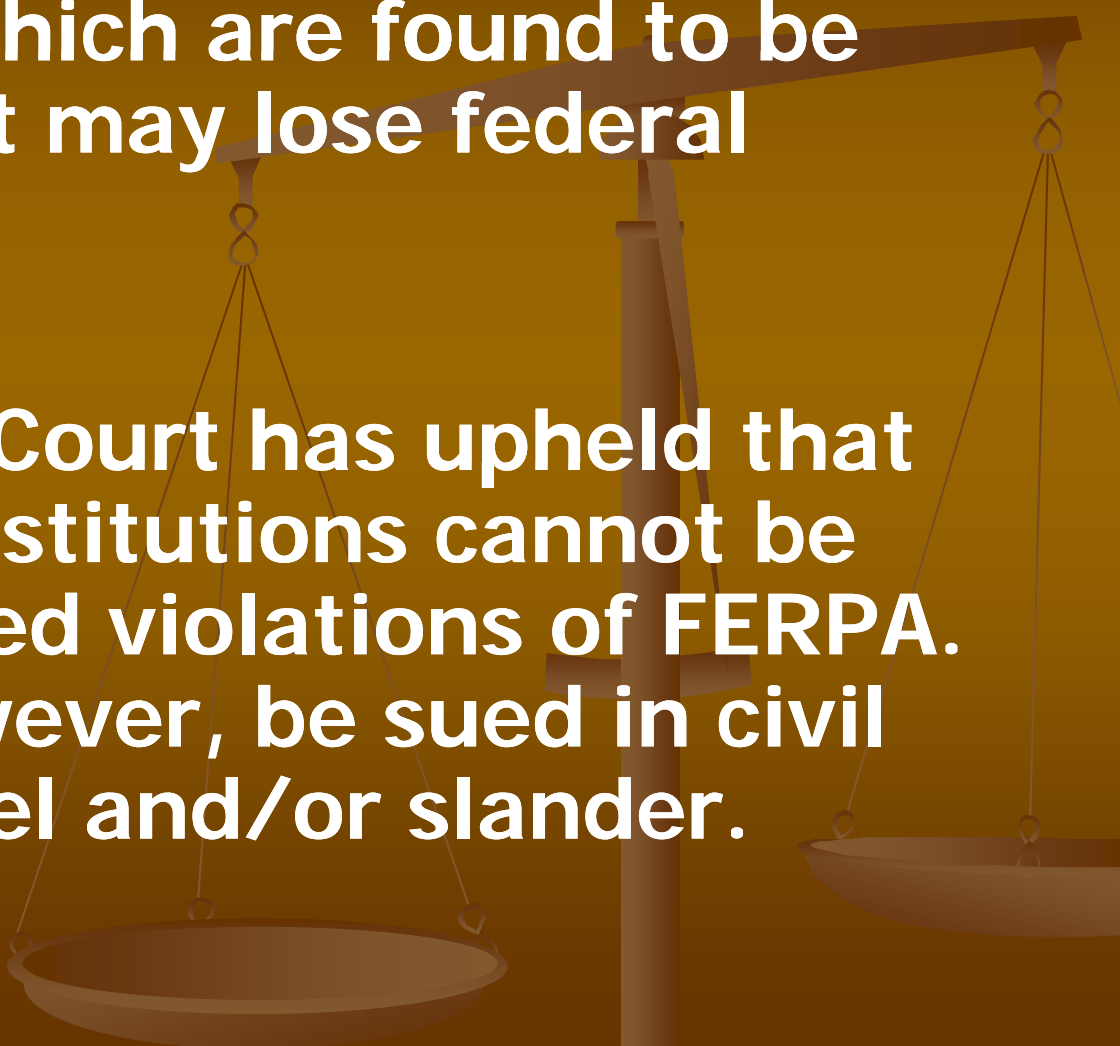
Who is responsible for enforcing FERPA?

All employees of an educational institution, other persons identified and acting as agents on behalf of the institution, are responsible for complying with FERPA.

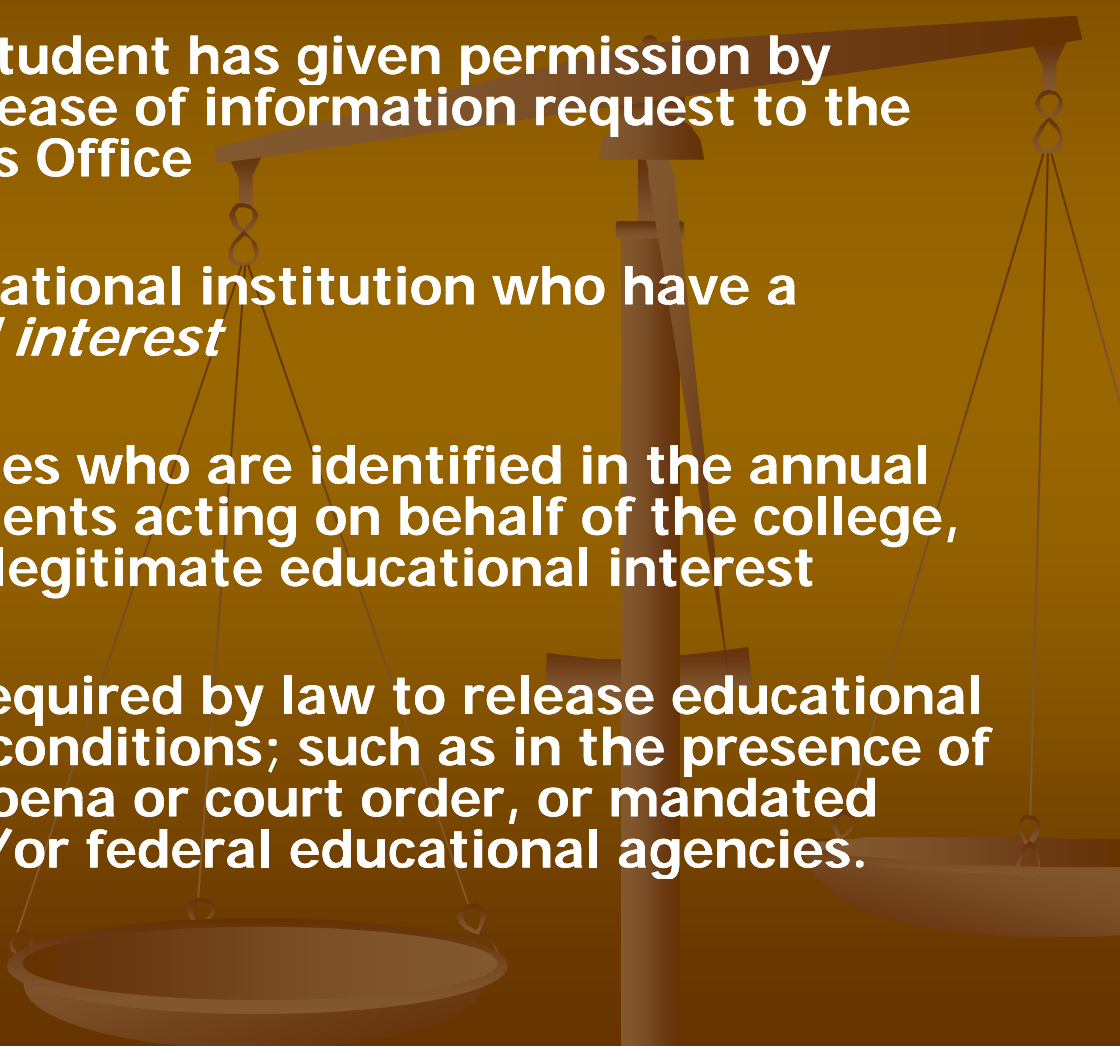
The campus Registrar is the Official Custodian of educational records.



What is the penalty for non-compliance?

- Institutions which are found to be non-compliant may lose federal funding.
 - The Supreme Court has upheld that educational institutions cannot be sued for alleged violations of FERPA. They can, however, be sued in civil actions for libel and/or slander.
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Who can access educational records?

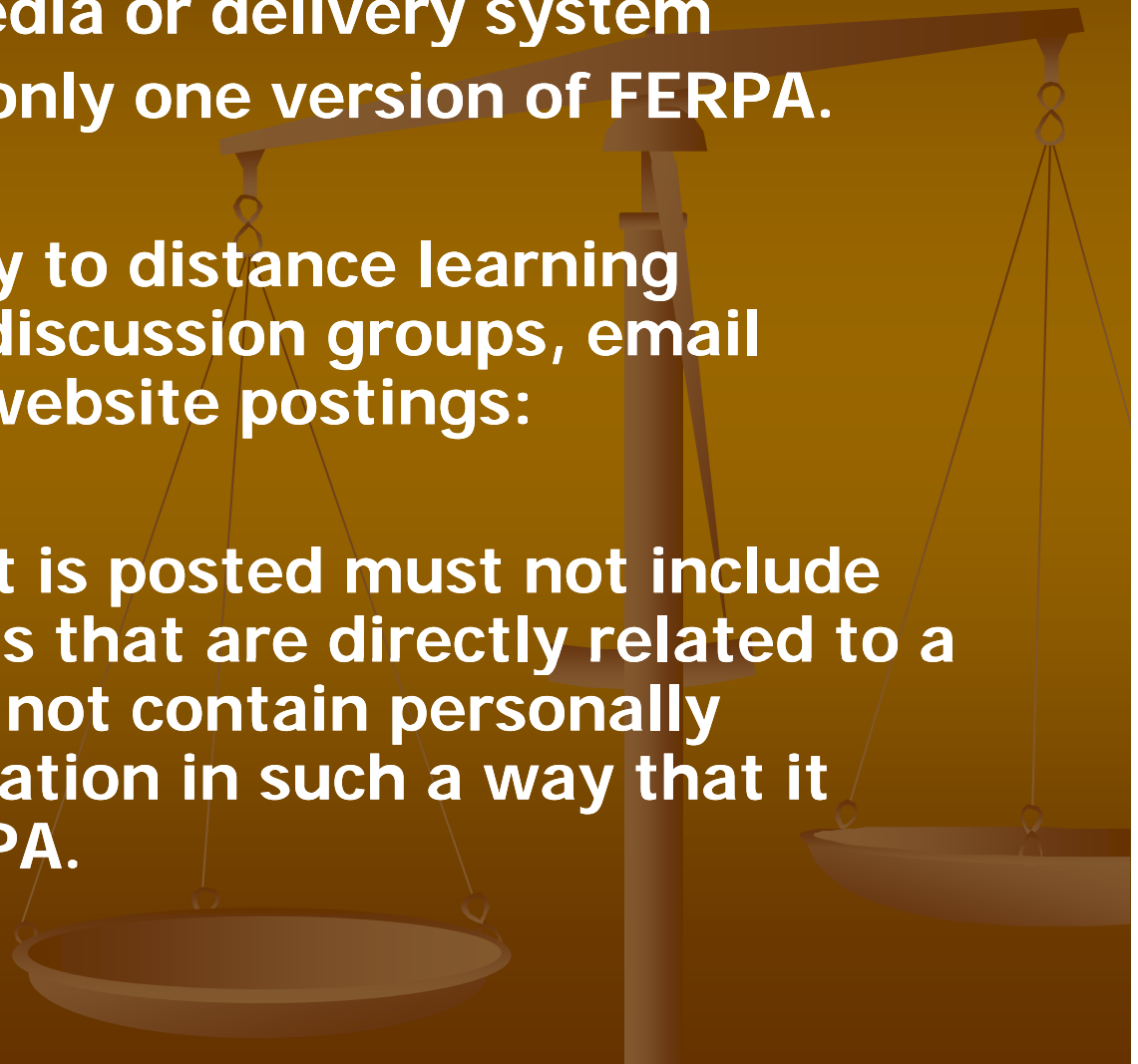
- The student
 - Anyone to whom the student has given permission by providing a written release of information request to the institution's Registrar's Office
 - Employees of the educational institution who have a *legitimate educational interest*
 - Individuals and agencies who are identified in the annual disclosure notice as agents acting on behalf of the college, providing they have a legitimate educational interest
 - Institutions who are required by law to release educational records under certain conditions; such as in the presence of a lawfully issued subpoena or court order, or mandated reporting to state and/or federal educational agencies.
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What about Distance Education, Online Discussion Groups, etc.

Regardless of the media or delivery system being used, there is only one version of FERPA.

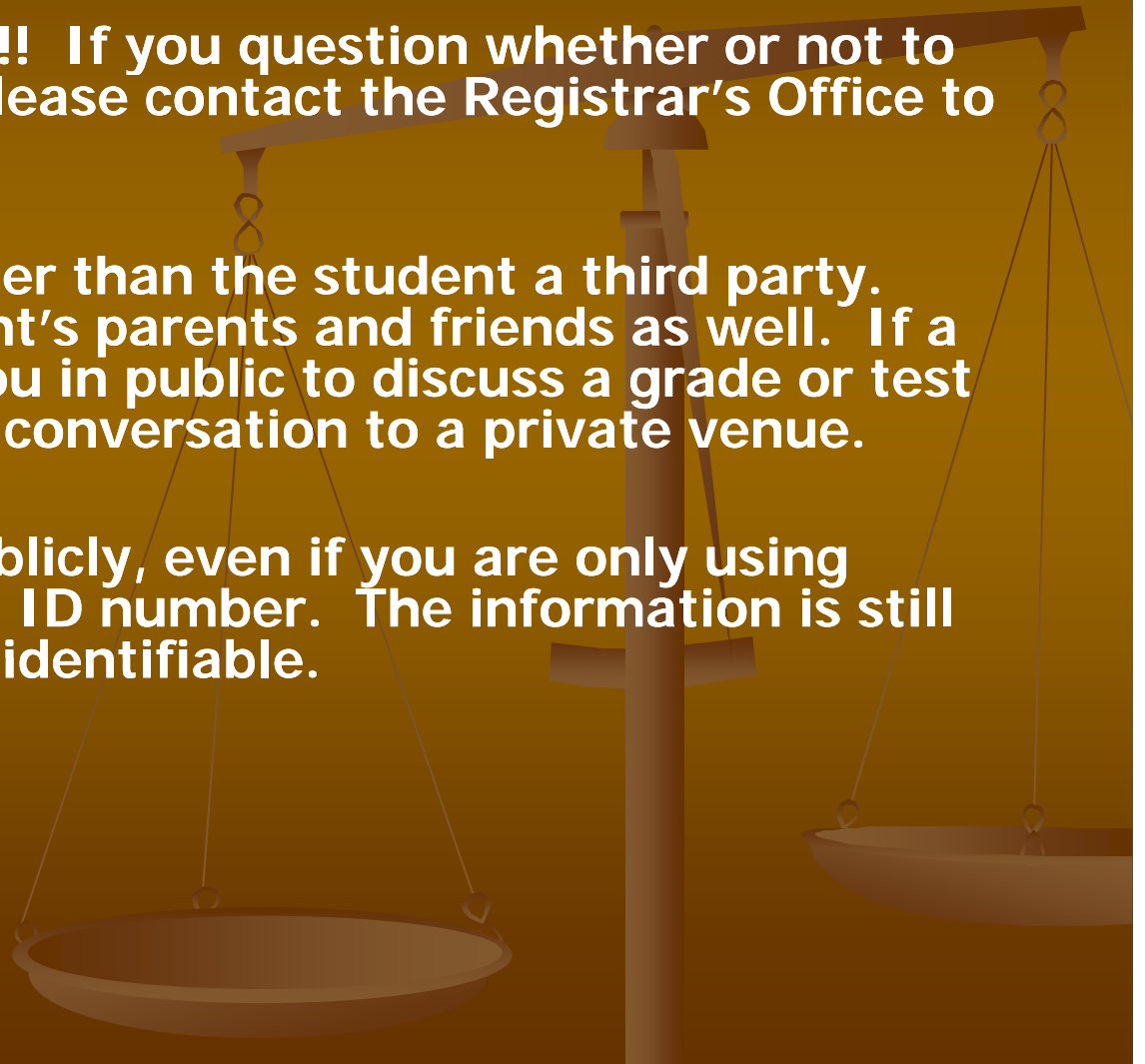
The regulations apply to distance learning situations, online discussion groups, email communications, website postings:

Any information that is posted must not include educational records that are directly related to a student, and must not contain personally identifiable information in such a way that it would violate FERPA.

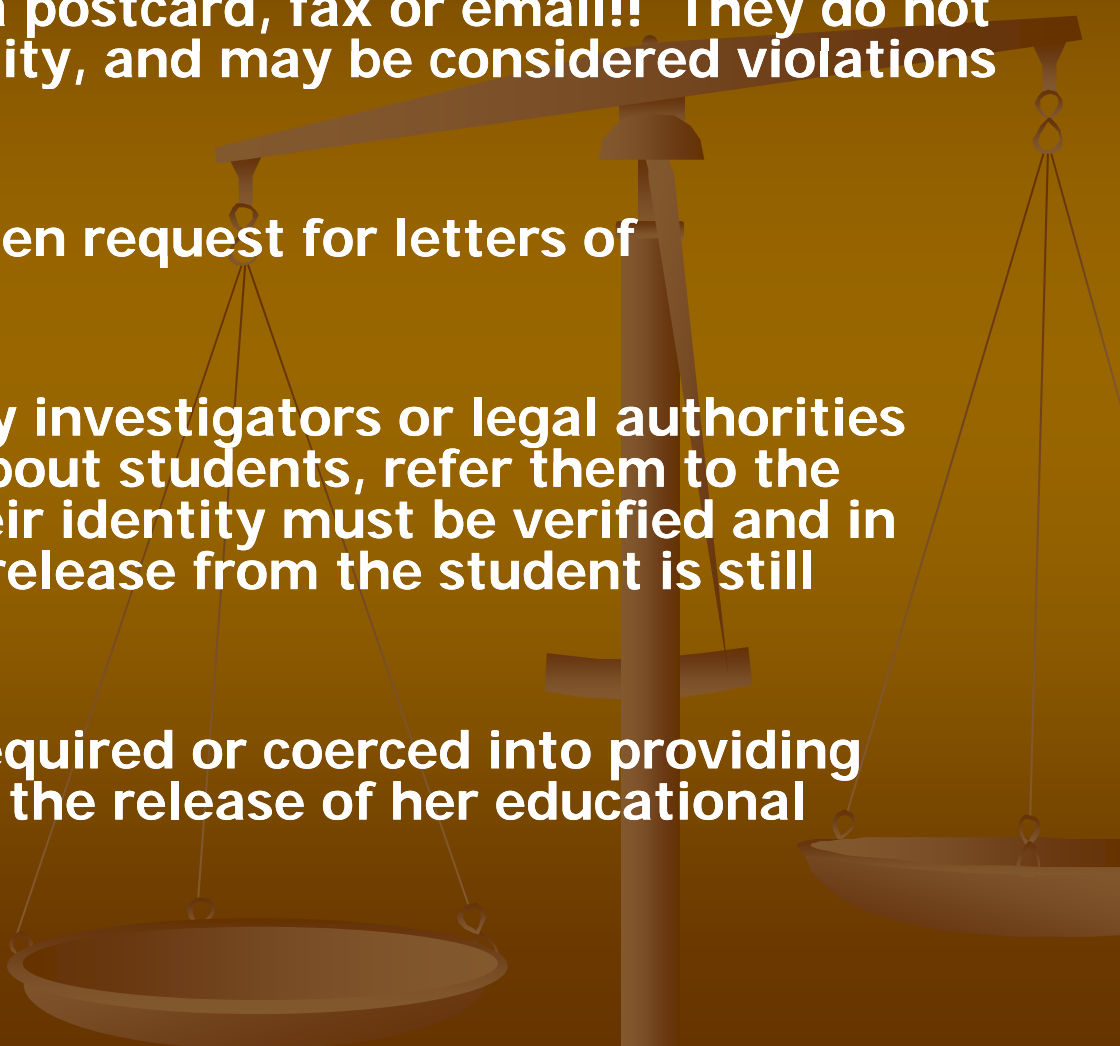


Guidelines for FERPA Compliance

- **When in doubt, DON'T!!** If you question whether or not to release information, please contact the Registrar's Office to discuss!
- **Consider everyone other than the student a third party.** That means the student's parents and friends as well. If a student approaches you in public to discuss a grade or test score, try to move the conversation to a private venue.
- **Do not post grades publicly, even if you are only using partial name or partial ID number.** The information is still considered personally identifiable.



FERPA Guidelines, continued:

- Do not send grades via postcard, fax or email!! They do not guarantee confidentiality, and may be considered violations of FERPA.
 - Get the student's written request for letters of recommendation.
 - If you are contacted by investigators or legal authorities seeking information about students, refer them to the Registrar's Office. Their identity must be verified and in most cases, a written release from the student is still required.
 - A student cannot be required or coerced into providing written permission for the release of her educational records.
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FERPA Guidelines, continued:

- **Never discuss grades, academic performance or other non-directory information over the phone. Refer callers to the Registrar's Office.**
- **If a caller is claiming an emergency situation, refer to the Registrar's Office or to Campus Police.**
- **School officials must have a legitimate educational interest to obtain student records; it is not considered legitimate educational interest for faculty to review previous academic work in other classes prior to a grade.**

