

FERPA

An Overview of the **F**amily **E**ducational **R**ights and **P**rivacy **A**ct

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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 student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education”.

What is FERPA?

- Protects the accuracy and confidentiality of student education records.
- Parents have certain rights in regards to their child's education record.

BUT.....

What is FERPA?

- Those rights transfer to the student at the age of 18 or when the student attends a postsecondary institution.
- Former students maintain their FERPA rights.
- Similar to HIPAA, but applies to educational records.

What are a student's rights under FERPA?

- Control the release of information contained in their education record.
- Inspect and review their education record.
 - *45 days to comply with request.*

What are a student's rights under FERPA?

- Request to amend incorrect information contained in their education record.
- File a complaint with the U.S. Department of Education if their rights have been violated.

What is an education record?

- A record in any format maintained by an institution or any entity acting on behalf of the institution that can identify a student.

Examples:

- *Transcripts/grades*
- *Financial Aid records*
- *Papers and exams*
- *Disciplinary records*
- *Class rosters*

What is not an education record?

- Notes or other *sole possession* records that are not attached to the student's education record and are not released to other institutional agents.
 - *Subject to subpoena*
- Records that contain information about a student after they have ceased attendance (withdrawn or alumni).

What is not an education record?

- Employment records.
- Records of applicants who were denied admission or those who were granted admission, but never attend the institution.

What is personal identifiable information?

- Information that can be used on its own or collectively with another piece of information to identify an individual.

Examples:

- *Name*
- *Social Security Number*
- *Date of Birth*
- *Student Schedule*

What does FERPA allow me to share?

- Institutions may release *directory information* without the student's consent.
- Directory information is information that is generally not considered harmful or an invasion of privacy if released.

What does FERPA allow me to share?

- Examples of directory information:
 - Student's name
 - Address, telephone, e-mail address
 - Photograph
 - Major
 - Dates of attendance
 - Degrees earned
- Directory information can never include:
 - Gender
 - Religion
 - Social Security Number
 - GPA
 - Race
 - Grades
 - Country of citizenship

What does FERPA allow me to share?

- Institutions are *required* to notify students annually about their FERPA policy.
- Means of notification are left to the discretion of the institution.

What does FERPA allow me to share?

Personal identifiable information may be released:

- If the student has provided written consent.
- Institutional officials with a legitimate educational or business interest.
- Accreditors
- Department of Veteran's Affairs

What does FERPA allow me to share?

- Certain government entities (in compliance with an audit or evaluation of state funded programs):
 - *Comptroller General of the U.S.*
 - *Secretary of Education*
 - *U.S. Attorney General*
 - *State and local educational authorities*
- In compliance with judicial orders and subpoenas.

Adler's FERPA Policy

- Published annually in the academic catalog.
- Effective Fall 2015, directory information is defined at Adler University.

Adler's FERPA Policy

The items classified as directory information include:

- student's full name
- local and permanent address
- local and permanent phone numbers
- Adler University e-mail address
- date and place of birth
- major and minor field(s) of student, including the college, division, department or program in which the student is/was enrolled
- dates of attendance and graduation, and degrees received
- previous colleges/universities attended
- degrees earned at previous/universities

The Adler Community and FERPA

What can I share.....

- Adler faculty and staff may access or share a student's education record with another Adler faculty or staff member if there is a legitimate business or educational need.
- Student consent is not required.

The Adler Community and FERPA

What can I share.....

- Faculty or staff status does not automatically constitute legitimate business or educational need.

The Adler Community and FERPA

What can I share.....

- Faculty or staff may disclose information, *with limitations*, in a student's education record in order to protect the safety and health of the student or others in the Adler Community.
 - *Only communicate with those who are able to assist the student.*

The Adler Community and FERPA

What can I share.....

- Adler faculty and staff may share their personal knowledge of a student that is not contained in the student's education record with another Adler faculty or staff member.
 - *Personal experiences, interactions, and observations are not protected by FERPA*
- Personal knowledge, experiences, interactions, and observations of a student put into writing are protected by FERPA.

The Adler Community and FERPA

Tips for faculty and staff.....

- Post grades via WebAdvisor.
- Do not post grades utilizing the student's name, ID number, social security number, part of the social security number, or other personal identifiable information.

The Adler Community and FERPA

Tips for faculty and staff.....

- Do not circulate class rosters that contain personal identifiable information, such as student ID number, phone number, or e-mail address to take attendance.
 - *Use a blank piece of paper as a sign in sheet.*

The Adler Community and FERPA

Tips for faculty and staff.....

- Utilize blind copy when e-mailing more than one student.
 - *The other students on the e-mail will have access to other students' e-mail address if you utilize "TO" or "CC".*
- Refrain from e-mailing student grades.
 - *Direct students to WebAdvisor.*

The Adler Community and FERPA

Tips for faculty and staff.....

- Utilize sealed envelopes when handing back assignments in class.
- Do not leave graded papers in an open area for pick up.

The Adler Community and FERPA

Tips for faculty and staff.....

- Ask students for a signed release when writing letters of recommendation.
 - *Ask student to be specific in their written request.*

The Adler Community and FERPA

Tips for faculty and staff.....

- Do not release information on a student without their written consent.
 - *If you receive a request and you do not have written authorization from the student, simply reply "I have no record of the individual".*

FERPA

QUIZ

TRUE OR FALSE...

“Education records” include those records contained in a student’s file located in the Office of the Registrar.

ANSWER: FALSE

Education records are any records maintained by an institution or entity acting on behalf of the institution that are identifiable to the student.

TRUE OR FALSE...

Dr. Joe Faculty has posted the grades of all of his students in his classes outside his office door. This is a violation of FERPA.

ANSWER: IT DEPENDS....

If he posted grades by name, SSN, or student ID this is a violation of FERPA.

If he posted grades by a unique identifier only known by the student and instructor this is NOT a violation of FERPA.

TRUE OR FALSE...

Faculty have the right to inspect education records for any student attending the institution without giving a reason.

ANSWER: FALSE

In order to gain access to a student's education record, faculty must have a legitimate educational or business need.

MULTIPLE CHOICE

Which of the following is required from students by FERPA before releasing information about them?

- a) Verbal consent to release the information.
- b) Written permission unless the release is covered by any exception listed under FERPA.
- c) Verbal consent from the student's Program Director.
- d) Written consent from the parents of a dependent student.

ANSWER: B

Written permission unless the release is covered by any exception listed under FERPA.

WHAT WOULD YOU DO?

You receive a phone call from a potential employer asking you to verify the dates of attendance, address, and class schedule of a currently enrolled student at the Adler School. The student has not provided written consent. What would you do?

ANSWER: DO NOT RELEASE ANY
INFORMATION

Simply reply “I have no record of this person”.

FERPA and ADA: Where do they overlap?

- FERPA protects students right to privacy
- HIPAA protects students right to privacy as it relates to medical documents
- Students seeking accommodations are protected by both
- Students self-disclose disability in order to receive accommodations
- Self disclosure does not revoke privacy

- Allow student to guide conversation
- Student should not be expected to show you medical documentation
- Sharing information is the right of the student and is not superseded by faculty. Consent is always needed.
- Advisors can always ask students in meetings if there is anything that students would like to share with them that would improve the advising relationship. Asking if the student has a disability is inappropriate.

- Having a statement regarding ADA in your syllabus communicates awareness of the ADA and identifies appropriate office for support.

Resources

- Office of the Registrar:
registrar@adler.edu
- Office of Student Affairs:
studentaffairs@adler.edu
- Adler School Catalog
 - *Family Educational Rights and Privacy Act (FERPA) – Chicago Campus*
- U.S. Department of Education Website:
Family Educational Rights and Privacy Act (FERPA)
<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Adler University's FERPA Policy – Effective Fall 2015

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, sets forth requirements regarding the privacy of student records and affords students certain rights with respect to their education records. Although FERPA contains exceptions for the release of “directory information” without a student’s prior written consent, students have the right to request that even such directory information be withheld from disclosure to third parties. Applicants who are not admitted to the University or who do not matriculate following admission have no right of access to their submitted education records.

Education records include any information or documentation that is recorded in any way, including records produced by handwriting, computer, email, audio, and video, among others. Educational records contain information directly related to a student, and are maintained by Adler University or any party acting on its behalf. Adler University does not maintain education records in one central office. Education records are maintained in the Office of the Registrar and in the respective academic program and department offices. Other education records are maintained in Financial Aid (financial aid information), Student Accounts (financial account payment information), Student Affairs, the Office of Community Engagement, the Training Department, and other offices. Questions regarding individual student records should be directed to the appropriate department.

Adler does not release copies of students’ transcripts from other institutions. Students are encouraged to contact their previous institutions for copies of their transcripts.

FERPA provides students the following rights:

- To inspect and review educational records by submitting a written request to the Office of the Registrar. Requests can take up to 45 days. Students should submit to the Office of the Registrar, Dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

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- To request the amendment of the student's educational records that the student believes are inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate. The student should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- To consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent, such as directory information. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests.

A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff), or a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- Students who believe their privacy has been violated have the right to file a written grievance with the Office of the Registrar by following the procedures of the Grievance Appeal Policy posted online at adler.edu.
- Students are informed of their rights under FERPA each October by the Office of the Registrar. The annual FERPA notice is located on the Office of the Registrar page on Adler Connect. For the annual notice please go to <https://connect.adler.edu/studentservices/registrar>.

Given the restrictions of FERPA, Adler University faculty and staff and any entity acting on behalf of Adler University should assume that all students must provide written consent that follows the format specified in FERPA before any education records may be released to anyone other than the student. Information cannot be released to any third party, including a student's parents, relatives, and friends. Particularly sensitive information includes a student's Social Security number, race or ethnicity, gender, nationality, academic performance, disciplinary records, and grades.

Adler University's FERPA Policy – Effective Fall 2015

DIRECTORY INFORMATION

Certain information classified by Adler University as “directory information” may be disclosed to the public at the discretion of the appropriate Adler University representative without obtaining the student’s permission. The items classified as directory information include:

- student’s full name
- local and permanent addresses
- local and permanent phone numbers
- Adler University email address
- date and place of birth
- major and minor field(s) of study, including the college, division, department, or program in which the student is enrolled
- dates of attendance and graduation, and degrees received
- previous colleges/universities attended
- degrees earned at previous colleges/universities

Adler University reserves the right to ask for additional information, such as a written release from a student, before releasing directory information.

Students may restrict the release of any item of information considered directory information by submitting a written request via their Adler University email account to their campus’s Office of the Registrar. The decision to restrict directory information will apply to all requests for directory information from within and outside Adler University, including prospective employers. These restrictions will remain in effect until the Office of the Registrar is informed in writing to remove the restrictions.

COMMENCEMENT/GRADUATION ACTIVITIES

The Degree Completion and Graduation Application signals that a student is nearing completion of their degree program. By signing the Degree Completion and Graduation Application, the student is giving permission to the University to print the following information in any Adler University graduation program and/or announce this information at any Adler University commencement ceremony: the student’s name, the Adler degree, and the student’s major.

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If a restriction on directory information request was previously submitted, the student's signature and/or submission of the Degree Completion and Graduation Application temporarily releases (for graduation ceremony/program purposes only) the directory information restrictions enacted by the student so that the information can be published in any Adler University graduation program and/or announced at any Adler University commencement ceremony. In addition, the student's signature permits Adler University to release the student's name and address to the external photography vendor with whom Adler contracts, and to have the vendor place graduation photographs of the student on its website. The recording of the graduation ceremony could also appear on the Adler University website and/or social media sites including but not limited to YouTube, Twitter, and Facebook.

If there are questions about how the information will be used for graduation or commencement purposes, please speak with the Office of the Registrar before signing and submitting the Degree Completion and Graduation Application.

DECEASED STUDENT RECORDS

Adler University does not permit the release of education record information of a deceased student unless required by law and/or authorized by the executor of the deceased student's estate, or parents, or next of kin, if an executor has not been appointed. Inquiries regarding this policy should be made to the Office of the Registrar.

MAILING LISTS

Adler University does not release the names, addresses, phone numbers, or email addresses of its current or former students as mailing lists unless required to by law (i.e., the Solomon Amendment).

ADDITIONAL QUESTIONS

The Office of the Registrar is the compliance office for FERPA at Adler University. If there are additional questions, please your campus Office of the Registrar.