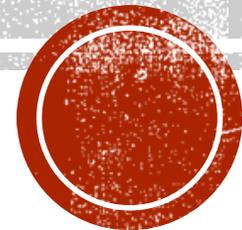


FERPA

Southwest

Tennessee Community College



Family Educational Rights and Privacy Act

05/28/2019

Veda Y. Taylor, Registrar

FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974

- **FERPA is a Federal Law that is intended to protect the rights of students and ensure the privacy and accuracy of education records. It is also known as the Buckley Amendment and gives students the right to inspect and review their records**
- **This act applies to ALL institutions that are recipients of Federal Aid administered by the Secretary of Education.**



EDUCATIONAL RECORD

- An 'education record' is ANY RECORD that is: Directly related to a student; and Maintained by an educational agency or institution, or by a party acting for the agency or institution.
- This includes any information recorded in any way, including, but not limited to: Handwriting Print Computer media Video or audio tape Film Microfilm
- The Educational Record is protected until death
- NOT AN EDUCATIONAL RECORD-Private notes that are not accessible or released to other personnel, Law enforcement or SWTCC security records maintained by the law enforcement unit, employment records, medical records (**except when used for educational purposes**), or alumni records



THE BASICS

STUDENTS HAVE THE FOLLOWING RIGHTS UNDER FERPA:

- **The right to inspect and review their education records**
- **The right to request amendments to their education records**
- **The right to consent or restrict the disclosures of personally identifiable information in their education record**
- **The right to file a complaint with the US Department of Education concerning alleged failures**



DIRECTORY OR NON DIRECTORY INFORMATION

Directory information

- **Student number**
- **Email address**
- **Address and telephone listing**
- **Major field of study**
- **Participation in officially recognized activities**
- **Dates of attendance**
- **Degrees and awards**
- **Full or part-time status**

Non-directory information

- **Social security number**
- **Race /ethnicity/nationality**
- **Gender**
- **Grades**
- **Class schedule**
- **Other personally identifiable information without written consent unless covered by an exception**



RELEASE OF NON-DIRECTORY INFORMATION

- **To release any information other than directory information, the student must give written consent.**
- **The consent must adhere to the following criteria:**
 - **Specify the specific records to be disclosed**
 - **State the purpose of the disclosure**
 - **Identify the party or parties to whom the disclosure may be made**
 - **Include a signature and date**



DISCLOSURE EXCEPTIONS

- Disciplinary results of violent crime committed by student
- Parental notification of substance violation by student under 21
- Information given to victims of violence or non-forcible sex offenses
- Other institutions for purposes relating to enrollment or transfer
- Emergency
 - Must be imminent risk to health and safety



LEGITIMATE EDUCATIONAL INTEREST

- Legitimate educational interest is when a school official has functions within the University that require them to have access to a student's education records in order to perform his or her duties for the institution.
- Records should be used only in context of official business.
- Curiosity does NOT qualify as legal right to know.



FERPA Q & A – LET'S GET STARTED!

Question:

A faculty member has an emergency and must leave class before distributing test results to his students. He leaves the graded exams in a pile on the desk and instructs the student to pick them up themselves.

Is this distribution method in compliance with FERPA?

Answer:

NO – This method of grade distribution is a VIOLATION of FERPA and could subject the faculty and the University to a formal complaint.

Why? Because while trying to locate their own exam results the students would have access to other student's data



FERPA Q & A

True or False Questions:

Faculty have a right to inspect education records of any student attending SWTCC without giving a reason.

- **Answer: False-** Only if they have a legitimate educational interest
- **SWTCC must release, to anyone, upon request, any information identified as directory information by the institution.**
- **Answer: False-** they “may”—it is at the discretion of the institution

- **Question:** A student’s degree can be verified to someone outside of the college without first obtaining the permissions of the student.

- **Answer: True-** degree information is directory information

- **Question:** A business student has applied for a job at your spouses accounting firm, You are able to give your spouse this student’s GPA information due to legitimate educational interest

- **Answer: False-** The accounting firm should provide information on what kind of students they are looking for and have their information provided to the students



FERPA Q & A

- **Question: Should I be overly concerned with leaving files on my desk or my computer unlocked over night or over the weekend? Am I being too lax?**
- **Answer: Yes, this should be cause for concern. Non Directory student information such as grades, ethnicity, and social security numbers is federally protected. Not only do you risk students to identity theft, but if it is found that the college is not in compliance with FERPA, you could lose federal funding.**

- ***An instructor leaves this on their door. Is this a FERPA violation?***

Instructor Summary - Fall 1999 - December 15, 1999					
GradeBook - Unregistered Copy					
MKT 227 Fall 99					
		A = 90.0	B = 80.0	C = 70.0	D = 60.0
	RgAvg%		ExtCr %		Grade
	100.00		5.6		
2949	93.8		201		A
4532	84.5		4.2		B
5599	83.1		0.7		B
1197	71		0.7		B
7463	72.6		0.7		C
6115	66.2		5.6		C
7692	66.9		4.2		C
2342	68.1		1.4		D
1543	62.9		0.7		D
5748	61.8		0.7		D



FERPA Q & A

- **Answer: It contains last 4 of SSN and grade information. If the instructor wants to post grades in any public way they will need the signed consent of each students**
- **Question :Are Student Identification number Directory or non-Directory information?**
- **Answer: The 2009 regulations made it clear that SIN's cannot be directory information unless they are being used as electronic personal identifiers (e.g. as a user name), and If used to access data systems, they must be used in conjunction with a secondary authentication factor, such as a secret password or PIN.**
- **Question: Is it ok to share information with a colleague about their previous student's GPA and class performance that is now taking my class?**
- **Answer:- FERPA states that there should be a legitimate education interest or "need to know" in order to share this information. If there is a legitimate need to know then you are not in violation but if it is only curiosity, it is prohibited by FERPA. Sharing past opinions of students and their performance can cause bias.**



FERPA Q & A

- **Question:** When verifying the student's identity over the phone, what is the best practice for the college? Are student name and ID sufficient? Should all the faculty and staff have the same procedure for this?
- **Answer:** Each institution is charged with implementing a process that will allow them to effectively verify a student's identity over the phone. Most colleges have a process in place where a security question is assigned to a student, and he/she must successfully answer that security question. We ask either DOB or other questions that would assure us of the student's identity.

- **How do you verify the identity of students over the phone or at the counter without Id or Id numbers?**



PENALTY FOR VIOLATING FERPA

- **Student may file complaints with the US Department of Education.**
- **The Family Policy Compliance Office (FPCO) is authorized by the Secretary of Education to investigate, process, and review complaints and violations under FERPA.**
- **If a complaint is found to be valid, the institution may lose Department of Education funds, such as federal financial aid.**



FERPA???

When in Doubt...Don't Give it Out!!!

