

FERPA

Family Educational Rights and Privacy Act



Bryant
UNIVERSITY

Family Educational Rights And Privacy Act of 1974

- Grants four specific rights to students:
 - The right to see the information that the institution is keeping on the student
 - The right to seek amendment to those records and in certain cases append a statement to the record
 - The right to consent to disclosure of his/her records
 - The right to file a complaint with the FERPA Office in Washington, DC

Education Records Defined

- “Education records” are all records that:
 - contain information that is directly related to a student and
 - are maintained by a college or university and by those acting for the college or university

includes:

- * personal information
- * enrollment records
- * grades
- * schedules

Education Records Defined

- “Records” refer to information maintained in any way. It does not matter how or where the information is kept.

Examples include:

- a document in the undergraduate office
- a computer printout in an office
- a class list on a professor’s desk
- a computer display screen

Education Records Exceptions

- Exceptions to the “education records” include:
 - Sole Possession Records – records of instructional, supervisory and administrative personnel kept only by the maker of the record and not reviewed to anyone other than the maker’s substitute
 - Law Enforcement Records – records created and maintained by the campus Public Safety and used solely for law enforcement purposes (but not campus disciplinary proceedings)

[Education Records Exceptions]

- Exceptions to the “education records” also include:
 - Employment Records – records relating to persons who are employees (but not student workers)
 - Health Records – records maintained by a health care professional, used solely in connection with treatment
 - Alumni Records – information obtained after he/she was no longer a student

[Right to Inspect and Review]

- Bryant must grant student requests to review within a reasonable time, but in no case more than 45 days after the request is received

Limitations on Right to Inspect

- Records containing information on more than one student, the requesting student may review only specific information about his/her records
- Students may not review financial records of his/her parents
- Records to which a student has waived the right of inspection and review

Record Keeping at Bryant

- The Academic Records Office is the primary office responsible for student record keeping (transcripts, enrollment)
- Hard copy student files are kept in the Program Offices (Graduate and Undergraduate Advising)
- Disciplinary records are maintained in the Office of the VP for Student Affairs

[Amendment of Records]

- A student may request amendment of a record he/she believes is inaccurate or misleading
- Institution must make determination of amendment in a reasonable time period
- If institution decides not to amend, must inform student of a right to a hearing
- After hearing, if decision is still not to amend, student has a right to insert a statement in the record

[Amendment of Records]

- Bryant University Policy
 - Students seeking to amend records must first discuss issue with the Office of Undergraduate Advising
 - If not amended, student will receive notice of the right to a hearing
 - Request by the student for a hearing must be made in writing

[Amendment of Records]

- Bryant University Policy - continued
 - Hearings will be held with hearing panel
 - Decisions of hearing panel are final
 - If approved, amendments will be made
 - If not approved, student may include a statement regarding the record(s) in question in the education record
 - Statement will be released whenever the records in question are disclosed

[Prior Written Consent]

- Students may provide a signed and dated document specifying the records to be disclosed, the purpose of the disclosure and the identity of the person to whom records will be disclosed

When Consent is Not Required

(This list is not an all inclusive list of exceptions)

- For legitimate educational purposes within the University
- To officials at an institution at which the student seeks to enroll
- To comply with a court order or subpoena
- In connection with a health or safety emergency if necessary to protect the student or others

When Consent is Not Required

(This list is not an all inclusive list of exceptions)

- To parents of students who are dependents for income tax purposes
 - If a signed parent consent form is on file with Academic Records
- If it is directory information
- To parents of a student younger than 21 years of age if the disclosure concerns discipline for violation of the campus drug and alcohol policy

Directory Information

- Name, address, telephone number
- E-mail address
- Date and place of birth
- Major field of study
- Weight/Height of athletes, participation in officially recognized activities and sports
- Dates of attendance, degrees & awards received
- Most recent previous institution attended
- Schedule of classes

Students may request not to publish directory information through Academic Records

[Avoid Violations, **DO NOT:**]

- At any time use the entire social security number of a student in a public posting of grades
- Ever link the name of a student with that student's social security number in any public manner
- Leave graded tests in a stack for students to pick up by sorting through the papers of all students
- Circulate a printed class list with student name & social security number or grades as an attendance roster

[Avoid Violations, **DO NOT:**]

- Discuss the progress of any student with anyone other than the student without the consent of the student (including parents – unless a parent consent form is on file)
- Provide anyone with the lists of students enrolled in a class for any commercial purpose
- Provide anyone with student schedules or assist anyone other than University employees in finding a student on campus



FERPA QUIZ

FERPA QUIZ – Question #1

- If a student's parent calls asking how their son or daughter is doing in a class, can you give out that information?

FERPA QUIZ – Answer #1

- NO - Even though the person inquiring may be the student's parent, FERPA recognizes students in secondary education as adults, regardless of age. Therefore, you cannot give out the information unless there is a parent consent form on file. If there is a consent form, you may discuss the student's academic situation
- General Rule: All students in post-secondary institutions are eligible students under FERPA and are entitled to privacy, even from parents. Parents may assert their rights to the records if the student is a dependent according to the tax code.

FERPA QUIZ – Question #2

- You receive a call from a recruiting firm asking for name and addresses of students with a GPA of 3.0 or better. They say they have current job openings for these students. Can you help these students get jobs by giving out this information?

FERPA QUIZ – Answer #2

- NO - Although we would like to help students with employment opportunities, FERPA restricts distribution of this information. Information about the recruiting firm could be forwarded to the Career Services.
- General Rule: Do not give out student information that pertains to grade point average to anyone without prior written consent of that student.

FERPA QUIZ – Question #3

- A person goes to the Office of Undergraduate Advising with a letter containing a signature that gives consent to release the transcript of a student. Do you give the transcript to them?

FERPA QUIZ – Answer #3

- NO - Transcripts and record information are available only through the Academic Records Office.
 - General Rule: Official transcripts are available only through the Academic Records Office. The Academic Records Office will require the letter to clearly identify the person to whom the transcript is given and must be signed and dated by the student. The individual getting the transcript must also provide identification.

FERPA QUIZ – Question #4

- You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Since they are in the middle of an investigation are you allowed to give them this information?

FERPA QUIZ – Answer #4

- NO - The University does not maintain this specific information on record
 - General Rule: Dates of attendance are considered directory information and would be available for release under the guidelines of directory information. Attendance on a specific day is not information that is maintained in a student's education record.

FERPA QUIZ – Question #5

- A professor in the Marketing department tells his students that their graded papers will be in a stack on the front desk in the faculty suite for students to pick up. Is this a violation of FERPA?

FERPA QUIZ – Answer #5

- YES - This is a violation of the privacy rule because it is inappropriate for students to have access to other students' information.
 - General Rule: You may not leave personally identifiable materials in a public place.

FERPA QUIZ – Question #6

- A student working in admissions sees information on a computer screen that was left unattended . Under FERPA, is Bryant responsible?

FERPA QUIZ – Answer #6

- YES - Information on a computer screen should be treated the same as printed reports.
 - General Rule: It does not matter the medium in which information is held. No information should be left accessible or unattended, including computer displays.

FERPA QUIZ – Question #7

- You are the Associate Dean of Students charged with coordinating the work of the University's student organizations. A reporter from the Archway calls asking for a copy of the most recent financial statement of a fraternity that is rumored to have misspent members' dues. Does FERPA prohibit disclosure of this information?

FERPA QUIZ – Answer #7

- NO - While you still may not want to share this information, FERPA pertains only to information that is directly related to a student. The finances of a student organization do not directly relate to a student. FERPA would prohibit sharing this information if the financial statement became a document used in an investigation by Bryant into whether the chapter treasurer violated University policy.
 - General Rule: FERPA applies only to information directly related to a student's record.

FERPA QUIZ – Question #8

- Does FERPA prohibit the disclosure of the work address and telephone number of an alumnus by the office of Alumni Relations?

FERPA QUIZ – Answer #8

- NO - FERPA does not protect information about a student that is gathered after the student graduates. Had the request been for the alum's GPA, FERPA would apply.
- General Rule: Information gathered after a student has graduated is not considered "education records" as defined under FERPA.

FERPA QUIZ – Question #9

- A freshman student requests the opportunity to review his admissions file. He has requested to review the file by the end of the day tomorrow. Does FERPA require you to meet his request?

FERPA QUIZ – Answer #9

- NO - You are required to grant the request, but within a reasonable time frame not to exceed more than 45 days after the request is received. It may be unreasonable to have to respond to this request within 24 hours.
- General Rule: The University has up to 45 days to respond to the request.

FERPA QUIZ – Question #10

- A student's mother comes to the office of Undergraduate Advising with a note signed by a student giving her consent to the disclosure of her education records to her mother. The paper is signed and dated. The mother shows proof that she is the mother of the student. Does this constitute sufficient written consent under FERPA?

FERPA QUIZ – Answer #10

- YES - If the letter specifies the records to be released and the purpose of the disclosure.
- NO - If it does not specify the records and the purpose of the disclosure.
- General Rule: The letter must specify the records to be released, the purpose of the disclosure, identify the person to whom disclosure may be made and be signed and dated by the student.

FERPA QUIZ – Question #11

- The Director of Public Safety investigates an incident of vandalism on campus and obtains several students' confessions. The information is shared with the Smithfield Police Department and the Office of Student Affairs. The Office of Student Affairs intends to use the information to initiate disciplinary action against the students. Do the students involved have the right to inspect and review the records you have made of their confessions?

FERPA QUIZ – Answer #11

- YES - When the records became part of a disciplinary proceeding, they became education records; therefore, the students would have the right to access the information.
- General Rule: Records created and maintained by the campus Public Safety and used solely for law enforcement purposes are not “education records” under FERPA.

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