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# **FERPA Compliance: Protecting the Privacy of Student Education Records is Everyone's Responsibility**

# What is FERPA and to Whom Does It Apply?

- Abbreviation for “Family Educational Rights and Privacy Act”.
- To protect the privacy rights of student educational records
- Applies to currently enrolled or formerly enrolled students
- Applies to all institutions receiving Department of Education funds

# What Rights Does FERPA Afford Students?

- Inspect and review their academic record
- Request an amendment to their academic record believed to be inaccurate or misleading or a violation of privacy rights and request a hearing if amendment is not granted
- Consent to disclosure of personally identifiable information
- Know what their institution designates as directory information and the right to request suppression of release
- Know school officials may access records and know the criteria used for determining whether a school official has a legitimate need to access the information
- File a complaint with the Family Policy Compliance Office in the U.S. Department of Education

# What are Education Records?

**Education records are defined as records that are:**

- Directly related to a student
- Maintained by an educational agency or institution
- Anything maintained by the institution is covered under FERPA.
- Students have the right to view the information.
- *Keep this in mind as you are documenting communications and discussions with students.*

# Technology and Security Limitations

- The “Whittier.edu” emails provided by the College are protected by institutional login and password authentication.
- This protection does not exist with personal gmail or yahoo email accounts.
- ALL official College communications must be sent through secure “Whittier.Edu” email accounts.
- Faculty cannot share grades and academic information through non-Whittier email accounts. Doing so may cause students to miss out on important communications from other areas of the College.

# Education records are NOT:

- Sole possession records
- Law enforcement records maintained by the Campus Safety Office
- Employment records if the position does not require the person to be a student
- Medical records
- Information about a student learned through personal communications that are not written down. This may include personal information – family situation, personal challenges, other life circumstances. Although private information, it is not covered under FERPA unless and until it becomes “maintained” by the College.
- **IMPORTANT:** If you are concerned a student’s behavior suggests they may be a threat to themselves or others, FERPA does NOT prevent sharing your concerns with the appropriate party.

# There are two types of information in education records:

- Directory
- Non-Directory
- Directory Information is generally considered not harmful or an invasion of privacy if disclosed. This information *may* be shared unless suppression is requested.
- Non-Directory Information – Cannot be shared with others without written permission from the student.

# Directory Information at Whittier College:

- Name
- Address
- Email Address
- Telephone Number
- Place of Birth
- Most Recent Educational Agency or Institution Attended
- Major Field of Study
- Dates of Attendance
- Class Standing (freshman/sophomore)
- Degrees, Honors and Awards Received
- Enrollment Status (Full/Part Time)



# Student's Right to Opt-Out

- Students have the right to request that Whittier not provide Directory Information to third parties, without their *prior written consent*.
- Opt-out requests should be made in person in the Registrar's Office.

## Prior Written Consent

- Whittier College shall obtain prior written consent before disclosing non-directory, personally identifiable information from a student's educational record (*except under those circumstances allowed by FERPA*). The prior written consent must include the following information:
  - The educational record to be released;
  - The person/institution to whom the record should be sent;
  - The consent must be signed and dated by the student.

# Consent Exception

- There is an *exception* to obtaining prior written consent:
- FERPA protected information may be provided to “***school officials***” who have a “***legitimate educational interest***” in the information.

## Who is a “School Official”?

### A school official is:

- A person employed by the College in an administrative, supervisory, faculty, or support staff position, auditors, collection agency, Board of Trustees member, National Student Clearinghouse, a student serving on an official committee (a student serving as part of the disciplinary committee)

# What constitutes a “legitimate education interest” on the part of a “school official”?

**A school official has a legitimate educational interest to an educational record if access is needed for them to perform a task:**

- Fulfill professional responsibilities for the College;
- Specified tasks in their position description or contract agreement;
- Related to a student’s education;
- Related to the discipline of a student;
- Maintain the safety and security of the campus

# What does this mean to you?

- Faculty advisor - access to your advisees' education records, but not those of non-advisees.
- Academic advisor - access to all students' education records.
- Staff employee - access to information needed to complete your position responsibilities.
- Never “peruse” student data out of curiosity.
- Do not discuss student information with anyone unless both parties have legitimate educational interest.

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- Do not discuss student information with anyone unless both parties have legitimate educational interest.
- Do not discuss personally identifiable information in public.
- Never share student information with other students. Never post grades in a way other students could access them.

# What does all this mean to you? (cont.)

- Do not leave grade materials in a common area for student pick up.
- Never share a student's Social Security Number, Student ID
- Number, or Race/Ethnicity information.

# For More Information

Finally, if you would like more detailed information on FERPA, please visit the following website:

**Family Policy Compliance Office (FPCO)**

<https://www2.ed.gov/policy/gen/guid/fpc/index.html>