

# Introduction to FERPA

Family Educational Rights and Privacy Act  
Or  
**FERPA 101**

# WHAT IS FERPA?

- **FERPA** is an acronym for the Family Educational Rights and Privacy Act (20 U.S.C. 1232g, 34 CFR § 99). Congress enacted **FERPA**, also referred to as the “Buckley Amendment,” in 1974.
- Federal legislation that requires institutions of higher education to protect the confidentiality of student records.
- Applies to all institutions that receive federal aid from the Dept. of Education (DOE).

# WHO IS PROTECTED UNDER FERPA?

- Students, who are currently or were formerly enrolled, regardless of their age or status. This includes Alumni.
- Students that have applied to URI, but have not attended do not fall under FERPA guidelines.
- Deceased students are also excluded.

# University Policy

The university's policy in response to **FERPA** is printed in the *Student Handbook* (sections 9.6-9.8) under the section entitled *Release & Disclosure of Information From Student Records*. **FERPA** requires that a student's education records must:

1. Not be disclosed to persons who do not meet the strict definition of a school official who has a legitimate educational interest in the records (or others explicitly granted access under the law), and
2. be made available within 45 days to the student for inspection and review



# Definition School Officials

## **A school official is:**

1. A person employed by the university in an administrative, supervisory, academic, research, or support staff position
2. A trustee or outside contractor such as health or medical staff, an attorney or auditor acting as an agent for the university
3. A student, alumni or other person serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks

# Definitions Continued

A school official has a legitimate educational interest, or legal right to know, if the official is:

- Performing a task that is specified in his/her position description or contract;  
Performing a task related to a student's education or to student discipline;  
Providing a service or benefit related to the student or student's family; or  
Maintaining safety and security on campus.
- An example of a legitimate educational interest would be an academic advisor who needs to review a student's education record to determine what courses have been and/or need to be completed. This is a task related to advising the student. The advisor would not be authorized to view education records that are not relevant to the task at hand. Curiosity does not qualify as a legal right to know.

# Definitions Continued

**Additional parties** to whom educational records may be released without written permission:

- To officials of another school, upon written request, in which a student seeks or intends to enroll. The student shall receive notification of the disclosure unless the student initiated the disclosure.
- Appropriate persons, in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or others.
- To comply with a judicial order or lawfully issued subpoena, provided the university makes a reasonable effort to notify the student in advance of compliance, unless the university receives a federal grand jury subpoena or other subpoena prohibiting notification

# Parental Access

- Parents have no inherent right to inspect a student's education record.
- The right to inspect is limited solely to the student.
- Records may be released to parents **ONLY** under the following circumstances:



# Parental Access Cont'd

- Student grants e\_Campus Parent and/or Third Party Access to Billing, FA, Student Records.
- Through written consent of the student.  
(Consent to Release Educational Records Form)
- In compliance with a subpoena.
- By producing a copy of the most recent Federal Income Tax form showing that the student was claimed as a dependent.



# Student Records Defined

- Student records include any and all records, in any medium, maintained by URI which are directly related to a student (or are personally identifiable records or files). The terms “student records” and “education records” are often used interchangeably. They are, however, distinguishable under **FERPA**.

# Student Records Continued

The following student records are not considered education records and are not subject to **FERPA** protection:

- Admissions records.
- URI law enforcement records;
- Employment records where employment is not connected to student status;
- Medical and mental health records used only for the treatment of the student (protected by other laws);
- Faculty and staff personal records not shared with others (the memory-jogger type of record); and
- Alumni records which do not relate to the person as a student.

# Student Records and Directory Information

- Written permission must be obtained from the student before releasing an education record, unless the request for release fits certain exceptions. The section “Release of Student Education Records” summarizes these exceptions.
- One exception, for which written permission from the student is not *generally* required, is the release of directory information. To complicate matters, however, there is an exception to this exception. Students may request that the Office of Enrollment Services keep all or part of the directory information restricted from release. Requests are processed through each student's individual e\_Campus Self Service Access.
- Directory information in a restricted record may not be released without written permission from the student, unless the request for release fits certain exceptions.

# Directory Information Continued

- **Directory information may be given** to the requester, either in person, by mail, or by **telephone**, and may be otherwise made public.
- **Requests for releasing any directory information should be directed to the Office of Enrollment Services** to see if the student has placed a hold on the release of directory information.



# FERPA SHADE

The screenshot shows the e-Campus interface for The University of Rhode Island. The top navigation bar includes links for Favorites, Main Menu, Campus Community, and Student Services Center. Below this, a row of buttons provides access to various student services: student center, general info, admissions, academics, transfer credit, finances, and financial aid. A red circle highlights a small icon in the top right corner, which is the FERPA Shade symbol. The main content area is titled 'Student Center' and includes a 'Comments Exist' notification. It is divided into sections for Academics and Finances. The Academics section shows enrollment status (not enrolled) and academic history. The Finances section shows financial aid status (no outstanding charges). A sidebar on the right contains links for searching for classes, holds, to-do list, and enrollment dates.

When working in e\_Campus you can determine if a student has a FERPA restriction by looking for the FERPA “Shade” symbol. The FERPA shade indicates that the student has a FERPA restriction in place. It is better to error on the side of caution if the student has a FERPA restriction in place and check what information is releasable. You can look up details regarding the students FERPA restriction by clicking on the “Shade” symbol or by reviewing their FERPA information on the “Review FERPA Display” or “FERPA Quick Entry” Screens. If you are unsure, please ask a manager for assistance before releasing information to a third party.



## URI has chosen to designate the following as directory information:

- Name of student;
- Address (both local and home, and campus email address);
- Telephone number (both local and home);
- Dates of attendance;
- Full or part-time status;
- Major/Minor field(s) of study;
- Degrees earned and awards received;
- The name of the most recent previous educational institution attended;
- Class year and graduation dates;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams; and
- Date and place of birth.

# Remember!!!

- FERPA states that each student has the right to withhold any or all of their information.
- Students must restrict their information through e\_Campus or “Request to Prevent Disclosure of Directory Information” in writing to the Office of Enrollment Services.
- Once restricted, that information cannot be released without the written consent of the student .

# Restricting information can have unintended consequences

- If student has restricted Name and Dates of Attendance the University could not verify the students status for employers without the written consent of the student.
- If Release of Name and Degrees/honors received is restricted, the students name could not be published in a Program or in a Press Release without their written consent.

# Student Rights

1. That a student's educational record not be disclosed to persons who do not meet the strict definition of a school official who has a legitimate educational interest in the records (or others explicitly granted access under the law), and
2. That their "educational record be made available within 45 days for inspection and review
3. That the student has the right to challenge education records on the basis of clerical error or for a violation of privacy. If the student believes that the education record is inaccurate, misleading, or in violation of his or her privacy rights, the student may ask that the record be changed. If the request for a change is denied, the student has a right to a hearing on the issue. **Grades are not applicable to the above under FERPA.**



# Questions

- **Can a professor obtain a copy of student education records without the student's written permission?**

A school official (and this includes professors) may obtain a copy of a student's record without consent of the student *only when the school official has a "legitimate educational interest" (or a legal "right to know")*. This would be true in the case of an Academic Advisor.

- **I have access to computerized education records. Does this mean I am authorized to view all of the available records?**

No. The confidentiality provisions of **FERPA** still apply, and a school official should only access a student's education record if a legitimate educational interest exists with respect to that student and that record.

- **What should I do if someone from the media asks for information about a well-known person who was once a URI student?**

**FERPA** protects the education records of former and current students. Thus, educational record information about a former student cannot be released without the written permission of the student. Directory information could be released as long as no hold has been placed on the directory information (i.e., directory information published in the annual URI Alumni Directory).

- **Do any special rules apply to transcripts or Social Security/ Empl ID numbers?**

Yes. Enrollment Services is the only office authorized to issue transcripts, and an official transcript is issued only when requested by the student in writing or through the student's e-campus account. Social Security numbers are personally identifiable and contain private information. They must be treated as education records.



- **What rights does FERPA give to students?**

**FERPA** grants students the right to inspect and review their student records, except for those portions of the records that are not considered education records. Thus, a student could not review: portions of a record containing information about students other than the requesting student; medical or mental health records; or records connected with an application to attend URI or a component unit of URI if that application is denied.

- **What limits apply to the disclosure of information from a student's education record to a third party?**

Records may be disclosed to a third party only if the student has given written permission for the additional disclosure, or if a legitimate educational interest has been articulated for disclosure to the third party and noted in the record. This limitation does not apply to directory information. Third party access via a secure PIN/Password controlled by the student is considered an "electronic signature" (e\_Campus Third Party Access is a good example of this).

- **What if I receive a fax from a student requesting a copy of his/her education records?**

URI policy is to grant a student inspection of records only upon written request, ordinarily to be presented in person with appropriate identification, and made in the presence of the designated personnel of the office maintaining the records. Students may request and provide written authorization for a copy of their education records to be provided to a third party, such as an attorney.

- **Can we charge a copying fee for the student record?**

Yes, in response to an authorized request for a copy of a student's education records. URI may charge a reasonable fee for the copy.

- **How do I respond to a request for the education records of a deceased student?**

At URI, the practice is not to release the education records of a person who has died. Requests for exceptions to this practice should be directed to the Senior Associate Director-Registrar.

- **You receive a phone call from the Campus Police asking for a student's class schedule. The Officer calling has indicated that they are trying to locate the student for their own safety as they believe they are in danger of harming themselves or others. Is it ok to provide the class schedule information?**

Yes, FERPA allows release of educational records in connection with an emergency, if the knowledge of such information is necessary to protect the health and safety of the student or others.

- **A family member attends school at URI. They need their transcript sent to a company so they can get a job. There is a deadline, and they do not have time to take care of it themselves. Can you make the request on their behalf?**

No, not without written consent on the part of the student.

- **Can you disclose student education record information to parents without consent of the student if the student is a dependent student?**

Yes, another exception permits a school to disclose personally identifiable information from education records without consent when the disclosure is to the parents of a "dependent student" as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement, the school may non-consensually disclose the eligible student's education records to both parents under this exception.

(U.S. Department of Education: 2013-2104 FERPA Guide for Students)

- **Can you disclose personally identifiable information from education records without student consent if the disclosure is in direct connection with financial aid for which the student has applied or which the student has received?**

FERPA also permits a school to disclose personally identifiable information from education records without consent when the disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to: determine the eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; and/or enforce the terms and conditions of the aid. (U.S. Department of Education: 2013-2104 FERPA Guide for Students)



# FERPA Tips

- DO review a copy of the this policy before responding to a request for education records.
- DO NOT release directory information on a student without checking e\_Campus to see whether they have restricted their directory information.
- DO refer all subpoenas or IRS summons or other legal process requests for student education records to the Office of Enrollment Services, Senior Associate Director – Registrar or University Council.
- DO obtain written permission from the student before sharing educational record information, including grades and grade point averages, with parents or others outside the institution.
- DO NOT request information from the education record custodian, or access the student's record via e\_Campus, unless you have a legitimate educational interest and are authorized under the URI student records policy to access the information.
- DO follow the confidentiality provisions of **FERPA** by not sharing educational record information with your colleagues unless a legitimate educational interest exists.
- DO keep only those records pertaining to a student that are necessary for the fulfillment of your teaching or advising responsibilities. If these records are kept in a file for your own use and are not shared with anyone else (other than a substitute) they are not considered education records and will not be subject to the release provisions of **FERPA**.
- DO NOT put purely personal notes (for example, from a committee meeting recommending students for a particular program) in the student's file, as they will become accessible to the student. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person. Official committee minutes are likely to be considered accessible.
- DO NOT display student grades or scores publicly in association with names, Social Security/Empl ID numbers or other personal identifiers. If scores are posted, use a code known only to you and the student.
- DO remember that medical, mental health and law enforcement records should not be put in the student's file with the student's education records.

# Questions???

