

# Introduction to FERPA

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

THINK BIG  WE DO™



# 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. It is a federal law designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and provide guidelines for the correction of misleading data through formal and informal hearings.
- Applies to all institutions that receive federal aid from the Dept. of Education (DOE).

# Who is protected under FERPA?

- Students" are defined as those individuals who have applied for admission to the University of Rhode Island, were admitted, and/or have been enrolled in classes for credit at the University. **This includes Alumni.**
- FERPA does not apply to records of applicants for admission to the University who are denied acceptance or, if accepted, did not enroll in classes for credit.
- Deceased students are also excluded.

# WHAT IS PROTECTED UNDER FERPA?

Disclosure of a student's education record to persons (or third parties) 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).

## Education Records Defined

- The term “education records” is defined as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution.
- 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).

# Education Records Continued

The following Student Records are not considered education records and are not subject to **FERPA** protection but are otherwise considered private:

- Admissions records of students that applied but were not accepted or were accepted but did not enroll at URI. In addition, rights are not given by FERPA to students enrolled in one component of the University who seek to be admitted in another component (e.g., a student who is enrolled as an undergraduate, but is denied admission to one of the graduate programs).
- URI law enforcement records; unless shared with University officials.
- 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.

# Education Record Test

Ask the following 3 questions:

1. Is it personally identifiable?
2. Is it maintained by the Institution
3. Can it be excluded from all of the categories of records that are not education records (\*Admissions records, URI law enforcement records, Employment records, Medical and mental health treatment records, Sole Possession Notes, Alumni records\*).

\*Refer to detailed definitions on previous slide

If you answer “Yes” to all three questions, you have an educational record and it is subject to FERPA.

# Requirements for Compliance

Provide annual notification to students of their right to:

1. Inspect and review their education records
2. Request an amendment to their education records
3. A hearing if the request for an amendment is unsatisfactory
4. Request the institution not disclose directory information items about them
5. File a complaint with the U.S. Department of Education

# University Policy

The university's policy in response to **FERPA** is currently printed in the *Student Handbook* (pages 11-13) under the section entitled *Student Records: Release & Disclosure of Information contained on Student Records*.

***In compliance with FERPA, this policy includes provisions that:***

- A student's education 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
- for eligible students, their record be made available within 45 days of request, to the student for inspection and review. Students may ask school officials to amend a student's educational records that they believe are inaccurate, misleading, or which violate the student's privacy rights under FERPA.



# Student Education 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.
- 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.

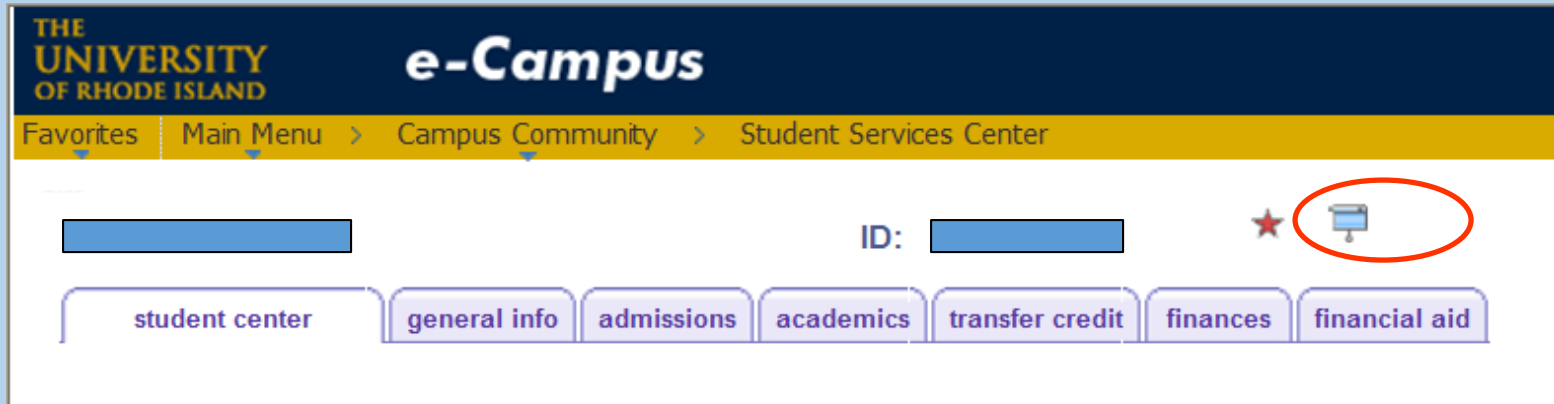
## URI has chosen to designate the following as directory information:

- Name of student;
- Address (both local and home, and campus email address);
- Telephone number (local, home and Cellular);
- Website address
- 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.

# 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



When working in e\_Campus you can determine if an individual has a FERPA restriction by looking for the FERPA “Shade” symbol. The FERPA “Shade” can be seen on all student record screens not just the one shown in this example. The FERPA shade indicates that the student has placed a FERPA restriction on their record. 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 . If you are unsure, check with Enrollment Services before releasing information to a third party.

# Private Records (Never Share)

- Social Security Number
- University ID Number
- Grades/exam scores
- Grade Point average (GPA)
- Test Scores (SAT, GRE, etc.)
- Class Schedule
- Progress reports
- Race/ethnicity
- Citizenship/nationality
- Gender
- Religious affiliation

# WHO HAS ACCESS TO EDUCATIONAL RECORDS UNDER FERPA?

## Definition of 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 scholarship, 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. A school official has a legitimate educational interest if the school official needs to review an educational record in order to fulfill their professional responsibilities for the University of Rhode Island.
- 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 ["Rhody Share"](#) Access to Billing, FA, Student Records.
- Through written consent of the student.  
([Consent to Release Educational Records Form](#))
- In compliance with a subpoena.
- After it has been determined that their child is legally their dependent. Usually done by producing a copy of the most recent Federal Income Tax form showing that the student was claimed as a dependent and verified by Financial Aid

# Remember!!!

- FERPA states that each student has the right to withhold any or all of their educational 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 explicit consent of the student .
- Students may assign guest access to e-Campus (Rhody Share) to view their billing, academic records, and/or financial aid information. A guest can be a parent, guardian, grandparent, sibling, employer, or other third party. Students can also make this request in writing by completing a Consent to Release Student Educational Records form.

## Restricting information can have unintended consequences

- If a student has restricted Name and Dates of Attendance and/or Degrees, the University could not verify that the student attended or graduated or provide their 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 the Graduation Program or in a Press Release without their written consent.

# Email Notification and FERPA

- FERPA is not prescriptive on how an institution operates as far as email is concerned. What FERPA prohibits is the improper disclosure of a student's education record. This is why it is important, and protective of the institution, to only use the institutional assigned email address. The institution has established this address and issued a random password known only by the student. Thus, sending information from the student's education record to that address is reasonable authentication for the identity of the student. Sending the information to any other address does not afford the same degree of authentication and puts the institution at risk of a FERPA violation.
- As a best practice, always send the email to the institutional email address. The student can, of course, then forward emails from that address to any other email address of the student's choice. This then becomes a disclosure by the student and is not an issue for the institution.
- See 99.31(c) of the FERPA regulations for the authentication requirement.

# URI Official Email Communication Guidelines

The University Office of Information Technology Services has guidelines for official email communications. <https://web.uri.edu/its/communications/email-guide/> .

It is recommended that these guidelines be followed and that the Official Bulk email service be utilized whenever practical. If departments decide to send email using other services/software, those products should be reviewed by Information Technology Services to determine if they comply with University standards for FERPA compliance and internet security. Services should also be configured to only use the institutional assigned email address and automatically BCC students or allow for individual emails to be sent. Two step approval is also recommended as this provides an additional layer of review prior to the email(s) being sent.

# FERPA Tips

- DO NOT release directory information on a student without checking e\_Campus to see whether they have restricted their directory information.
- DO NOT Leave information about all students you are working with in a stack on your desk or provide it to others not authorized to work with that information. **DO NOT Circulate a student list** with student names and social security numbers or URI ID, to anyone outside of your office or to anyone without a direct need to know. **DO NOT provide anyone other than authorized University offices with rosters or schedules** for students.
- DO NOT discuss a student's disability status and necessary accommodations within hearing range of fellow students, faculty, staff, or others who do not have an "educational need to know."
- DO NOT assume that students registered with Disabilities Services are aware of other students' disability status. Blind copy (BCC) students so they are not privy to other student's information, or better yet, send separate emails to each student to the institutional assigned email. Remember, FERPA is not prescriptive on how an institution operates as far as email is concerned. What FERPA prohibits is the improper disclosure of a student's education record.
- DO NOT Provide group assignment grades in a group email to students. Or post in a manner that allows student to see or determine another's grades.

- DO NOT display student grades or scores publicly in association with names, Social Security/Empl/URI ID numbers or other personal identifiers. *If scores are posted in any medium, use a code known only to you and the student.*
- DO NOT Post pictures electronically or on bulletin boards with names or other student information without written permission. Student Pictures are not considered directory information at URI. If you wish to verify the student with a photograph, student photos are available in e\_Campus and Starfish.
- DO NOT take photographs of students for the purpose of verifying attendance. Student Pictures are not considered directory information at URI. If you wish to verify the student with a photograph, student photos are available in e\_campus and Starfish.
- 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 Provide student financial or student payroll information** to anyone other than faculty or staff with a legitimate need to know.



- **DO use caution when storing student information** on networked drives or cloud based storage. If you use network drives or cloud storage for classroom activities ( in any medium), the same common sense guidelines for using Social Media should be employed to ensure the protection of students. Information posted to such media may become public and may be viewed by others. You must inform students of this fact and should consider it if requiring students to use them. Students should not be required to release any personal information on a public site. Instructor comments or grades on student material should never be made public.
- **DO follow the confidentiality provisions of FERPA** by not sharing educational record information with your colleagues unless a legitimate educational interest exists. This includes sharing information with one student about another student even if those students have a personal connection to each other.
- **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???

# FAQ'S

- **Can a professor or staff member 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 (Professional Advisor and Faculty 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. Curiosity does not constitute a legal right to know.

- **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. Information released should be related to receipt of Financial Aid and Billing information only.

[\(U.S. Department of Education: 2016 Family Policy Compliance Office\)](#)

- **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?**

At URI, all such inquiries shall be referred to the Dean of Students Office or in their absence the Vice President of Student Affairs. FERPA allows appropriate persons, in connection with an emergency to disclose personally identifiable information from a student's education records without consent, if the knowledge of such information is necessary to protect the health or safety of the student or others.

- **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 students e-campus account. Social Security numbers are personally identifiable and are considered private information. They must be treated as private education records and should be stored in compliance with University and department policies on storage of confidential records.

- **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 or General Counsel (Legal) Office.

- **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). Such inquiries should be forwarded to Communications and Marketing (URI News Bureau).

- **Can faculty use social media such as Facebook/Twitter or Blogs in the classroom for instruction?**

FERPA does not forbid instructors from using social media in the classroom, but common sense guidelines should be used to ensure the protection of students. Information posted to such media are public and may be viewed by others. You must inform students of this fact and should consider it if requiring students to use them. Students should not be required to release any personal information on a public site. Instructor comments or grades on student material should never be made public.

- **If a student asks for a recommendation or reference letter, is there anything you need to be concerned with regarding FERPA?**

Yes, There are two Types of Recommendation/Reference Letters. The first type of letter includes faculty/staff personal observations or assessments of the students and uses subjective statements such as “great student,” “participates in class discussions” or “mediocre performance.” No permission is needed for this type of letter because the information provided is limited to personal observations of the student’s activities and performance.

The second type of letter includes information from the student’s education record – Recorded data, personally identifiable to the student, and maintained by the institution. Specific things, such as test scores, GPA, or grades received in a course. Permission is required for this type of letter because the information is personally identifiable non-directory information that is maintained by the university. Additional information and a release form can be found on the [Enrollment Services website](#).