

What is FERPA?

FERPA stands for Family Education Rights and Privacy Act (often referred to as the Buckley Amendment)

- First Passed by Congress in 1974
- The US Department of Education's Family Compliance Office is responsible for enforcing FERPA
<http://www.ed.gov/policy/gen/guid/fpco/index.html>
- The act grants specific rights to adult students concerning their student educational records
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Why should I care about FERPA?

- All university employees are responsible for ensuring FERPA compliance
- It is in the best interest of our students to protect the privacy of their educational records
- The Department of Education has the authority to revoke federal funds from a university due to FERPA violations.

FERPA at KUMC

The Registrar is responsible for ensuring institutional FERPA compliance at KUMC.

Compliance is also maintained through the University of Kansas' Student Record Policy

- <http://policy.ku.edu/registrar/student-record-policy>
- This policy lists the types of educational records maintained by the University of Kansas and the official records custodians.
- Paper copies of this policy can be obtained in the Office of the Registrar

Definitions

In order to understand FERPA, it is important to know some specific definitions

- Educational Record
- School Official
- Legitimate Educational Interest
- Personally Identifiable Information

Educational Record

Any record that is directly related to a student and maintained by the university is considered an educational record

A record can be any media:

- Paper, printed and handwritten
- Tape, microfilm, and microfiche
- Electronic, database, etc.

What is not an educational record?

- Personal notes which are not shared with others
- Law enforcement records
- Employment records where employment is not connected to student status
- Health records used only for medical/psychological treatment of a student
- Records relating to a person after that person is no longer a student

Test for an educational record

- Is the record kept because of the person's status as a student? AND

- Does anyone besides the creator have access?
- If both answers are YES, the record is an educational record

School Officials

A school official is someone that is performing a task or duty on behalf of the university:

- Faculty, Staff, Student Employee
- People with whom the University has contracted services that the university would perform otherwise
- Members of the Board of Regents
- Students serving on an official committee or assisting another school official in his or her tasks

Legitimate Educational Interest

A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities.

Personally Identifiable Information

Information that would make the student's identity easily traceable

Examples are:

- Name
- Address
- Social Security Number
- Student Number

A Student has 5 basic rights protected under FERPA

1. The right to inspect and review education records
2. The right to seek the amendment of education records
3. The right to consent to the disclosure of education records
4. The right to obtain a copy of the schools Student Records policy
5. The right to file a complaint with the FERPA Office in Washington, DC

Right to Inspect, Review, and Seek to Amend Education Records

Students must have access to review their educational record

If a student believes that any information is inaccurate, misleading, or in violation of their privacy rights, they may request that the office which contains those records amend them

The right to consent to the disclosure of education records

In order to release student information to a individual without a legitimate educational interest, the student's written consent must first be obtained
The exception is directory information which does not need the student's consent

Directory Information at KUMC

- Name
- Current Address and Telephone Number
- Permanent Address and Telephone Number
- Date of birth
- E-mail address

- Level and School
- Major Field of Study
- Enrollment Status (full-time, etc.)
- Participation in officially recognized activities
- Dates of attendance
- Degrees and Awards Obtained
- Most recent educational institution attended by the student

Students can request that directory information be withheld

Students can request that directory information be withheld by completing a *Confidentiality Restriction Form*

- Obtained from the Office of the Registrar
- Or on the web <http://www.kumc.edu/studentcenter/registrar.html>
When a student has restricted their directory information, their identity can not be disclosed without the written consent of the student.

How do I tell if a student has restricted his directory information?

- If a student has restricted their directory information, it is indicated in the official student information system (SAKU).
- If you have access to SAKU or another system that uses SAKU as the source data, it has been determined that you have a legitimate educational interest in knowing this information.
- However, you should NEVER release this information to someone else.
- All requests for student information must be directed to the Office of the Registrar in order to determine the validity of the request.

The right to consent to the disclosure of education records

Permission must be obtained before releasing non-directory information. Other exceptions to the rule include:

- Officials of other schools where the student seeks to enroll
- Certain federal and state educational authorities
- Financial Aid personnel in conjunction with an application for financial assistance
- Parents or legal guardians of dependent students (written record of grades only)
- Persons presenting an official judicial order or subpoena
- Appropriate individuals in connection with an emergency if knowledge is necessary to protect the health or safety of the student or others
- An outside contractor who is a party acting for the institution and is performing a service that the institution would otherwise have to.
- Individuals requesting information for deceased students

Remember...

- The best advice is “when in doubt, don’t give out”
- The Office of the Registrar is your best resource in determining if student information can be released.

The Right to File a Complaint

- Students have the right to file a complaint with the FERPA Office in Washington, D.C.
- Students should contact the Registrar’s Office for information related to filing a complaint

FERPA Good Practices

- DO refer requests for information from the educational record of a student to the proper educational record custodian. When in doubt about the proper custodian, contact the Office of the Registrar or the Student Records Policy.
- DO keep only those individual student records necessary for the fulfillment of your job responsibilities
- DO keep any personal professional records relating to individual students separate from their educational records
- DO change information in an educational record when the student is able to provide valid documentation that the information is inaccurate or misleading.
- DO NOT display student scores or grades publicly in association with names, SSN, KUID, or other personal identifiers.
- DO NOT place papers, graded exams, any type of record with student identification on it in publicly accessible places.
- DO NOT access or request information from the Student Information System without a legitimate educational interest and the appropriate authority to do so.
- DO NOT share student educational record information with other school officials unless they have a legitimate educational interest in the same information.
- DO NOT share student educational record information including grades or grade point averages with others outside the university without written permission from the student.
- DO NOT allow students to sort through graded papers or tests in order to retrieve their own work.
- Remember to check a student's restriction before you answer any questions.
- Never circulate a class roster with student name and KUID or SSN as an attendance roster.
- In general, do not release any directory information to off-campus inquires.
- Remember to close any programs on your computer that contain student information when not at your desk. It is a good practice to have a password on your screen saver so others can not access your computer when it is on.
- When in doubt, err on the side of caution and contact the Office of the Registrar for guidance.

For More Information.....

Please contact the Office of the Registrar
(913) 588-7055
kumcregistrar@kumc.edu