

FERPA Guidelines for Faculty and Staff

What is FERPA?

Family Educational Rights and Privacy Act (1974), also known as the Buckley Amendment, is a Federal law that affords students certain rights and privacy with respect to their educational records. It provides guidelines for appropriately using and releasing student education records.

When do FERPA rights begin and end?

An eligible student under FERPA is a student who is 18 years of age or older OR who attends in a post-secondary institution, whichever comes first.

TCCNHS considers attendance when the student first establishes any contact with the College resulting in the establishment of an Educational Record containing personally identifiable information (typically completed with the admission application).

FERPA rights continue after the student has graduated; however any record created or received after a student is no longer in attendance are not subject to FERPA (i.e. employment records).

Types of Student Information in an Educational Record

Education Records—any records (handwritten, video, computer media, print, etc.) maintained by TCCNHS or a party acting for or on the behalf of the College related to a student including:

- Personal information (e.g. name, ID, etc.)
- Enrollment records
- Grades
- Class schedules and rosters
- Student exams and papers
- Student financial records
- Advising notes
- Discipline files

Records may be in any storage format or medium (e.g. electronic, print, etc.)

NOT Education Records

- records in the sole possession of the maker (i.e. advising or counseling notes)—private notes not shared with anyone else
- post-enrollment activities/alumni records



FERPA

Family Educational Rights and Privacy Act

Directory Information

Releasable items not generally considered sensitive or confidential*:

- student's full name
- telephone listing
- major field of study
- enrollment status (i.e. full-time, part-time, etc.)
- degree, honors, and TCCNHS-recognized awards received
- dates of attendance (term dates but not last date of attendance if withdrawn, or daily attendance records)
- address
- photograph
- grade level (i.e. freshmen, sophomore, etc.)
- participation in TCCNHS recognized activities

*The College may choose not to disclose directory information. Further, the College may choose to release Directory Information but limit the scope of the release to specific parties, for specific purposes, or both.

Non-Directory Information

Confidential data that may not be released without a student's written consent:

- race, ethnicity, citizenship
- sexual orientation
- social security number
- grades / GPA / academic work
- sex or gender identity
- religious affiliation
- student ID number
- financial or financial aid records

Under what conditions is prior consent NOT required to disclose information?

- To school officials with legitimate educational interests
- To schools in which a student seeks or intends to enroll
- To Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs
- To persons or organizations providing financial aid to the student
- To accrediting organizations
- To comply with a judicial order or subpoena (reasonable effort to notify the student is required)
- In a health or safety emergency
- Directory information
- To the student
- Results of a disciplinary hearing to an alleged victim of a crime of violence
- Final results of a disciplinary hearing concerning a student who is an alleged perpetrator of a crime of violence and who is found to have committed a violation of the institution's rules or policies.

Guidelines for All Employees

Faculty and Staff may not disclose personally identifiable information from educational records to persons other than the student or a college official who has a legitimate educational interest. Prior to releasing any personally identifiable information to a third party the Registrar should be consulted for a recommendation.

While there is certain information that the College is allowed to release without prior written consent, this information should be released only after consultation with the Registrar as a student may have placed a hold on Directory Information.

Forms are available on Blackboard under the “Registrar/Bursar” link and with the “Printable Forms”, or in the Office of the Registrar that students may complete giving the College permission to release personally identifiable information to specific parties of their choosing.

A legitimate educational interest is defined as access to information when it is important for use in connection with: performing a task related to the students education; providing a service or benefit relating to the student or student’s family, such as counseling, financial aid; performing a task related to the discipline of a student; maintain the safety and security of the campus’ or otherwise performing a task related to the effective functioning of the College.

Use Common Sense in Regards to FERPA

- Understand and follow student privacy laws and guidelines
- Be vigilant and report violations to the Registrar
- NEVER access student records for reasons beyond the scope of your job
- Always check student privacy and permission status in SONIS before releasing information—when in doubt ask the Registrar's Office
- Hold sensitive conversations in private location
- Do not send non-directory information using email
- Never expose non-directory information (student ID, SSN, or photo) in distributing work, posting grades, publications, Learning Management Systems, or websites
 - student scores or grades may not be displayed publically in association with names, social security number or other personal identifiers
- Never discuss or share student data except with the student or with others who have authorized access and a legitimate need to know
 - student educational records are not to be shared, including grades and GPAs, with other faculty or staff members unless their official responsibilities identify their “legitimate education interest” in that information
- Do not store confidential information in unsecure locations (e.g. flash drives, home computers, websites, etc.)
- At the postsecondary level, parents have no rights to inspect a student’s education records, regardless of the student’s age.



**COMMON
SENSE**

Use Common Sense in Regards to FERPA

- Information from medical, psychiatric, or psychological reports; records from law enforcement officials; or notes of a faculty or staff person which are intended for that individual alone are not to be included in a student's educational records or made available to him/her, or to a third party
 - Discipline records are kept with the Dean of Student Services, Title IX records are kept with the Title IX Coordinator
 - Law enforcement unit records are not covered by FERPA and could be released without written permission of the students involved. Law enforcement records that are not kept separate from 'education records' are covered by FERPA.
- An employee of the college does not have a 'legitimate educational interest' in the student's records by virtue of the fact that the employee is the parent. An employee does not have the right to inspect their child's record by virtue of the fact that they are the parent.
- When disclosing nondirectory information by telephone; the college official should ask questions to determine with reasonable certainty that the person on the phone has permission to the information.

Student FERPA Rights to Restrict and Release Information

Right to consent to disclosure of non-directory information

- Right to **inspect and review** education records
- Right to seek to **amend** education records
- Right to have some **control over the disclosure** of information from education records
 - Students have the right to control to whom education records are released
 - Students can provide FERPA access to individuals through SONIS; students can enter the person's name and information under "Emergency Contact" and indicating in the text box that a person has FERPA access
 - Student may provide consent to a third party by authorizing TCCNHS to release that information
 - FERPA Release for a Recommendation can be found on Blackboard; students go to the "Registrar/Bursar" link in the top blue banner, select "FERPA Release Student Recommendation Request" link under Printable Forms
 - Transcript Request can be found on Blackboard; students go to the "Registrar/Bursar" link in the top blue banner, select "Transcript Request" link under Printable Forms

Privacy: Restricted Directory Information

- Students may restrict release of their directory information by contacting the Registrar
- Privacy requests are coded in SONIS under "Notes"; everyone at the institution must respect a student privacy request
- If asked for information about a student who has a privacy request, school officials must tell the requestor: "I have no information about this person"



**Questions about FERPA can be directed to the Registrar by email,
Susan.Mack@thechristcollege.edu or by calling 513-585-0365 .**