



Family Educational Rights and Privacy Act (FERPA)

For Faculty



UNC
UNIVERSITY OF NORTHERN COLORADO



Family Educational Rights and Privacy Act of 1974 (FERPA)

A federal law designed to:

- protect the privacy of education records
- establish the rights of students to inspect and review their education records and
- provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings

Applies to educational agencies and institutions that receive funds under any program administered by the United States Department of Education.

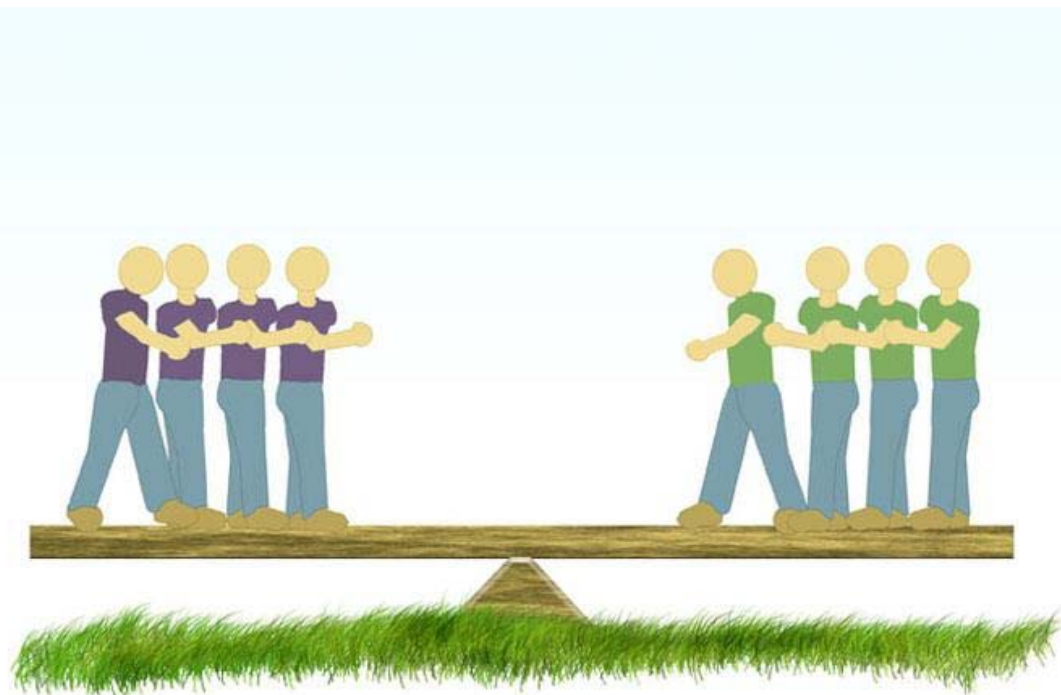
Enforced by the Family Policy Compliance Office at the United States Department of Education.

Non-compliance can lead to loss of Federal funding for UNC.



FERPA is a delicate balancing act between:

- The public's right to know vs. individual privacy rights
- Providing service vs. protecting access to information
- FERPA's Mays vs. Must





MAY VS. MUST

The FERPA language will distinguish between may and must. There are items in the legislation that we **MUST** do to ensure compliance; however, there are things that we **MAY** do but are not required to do.

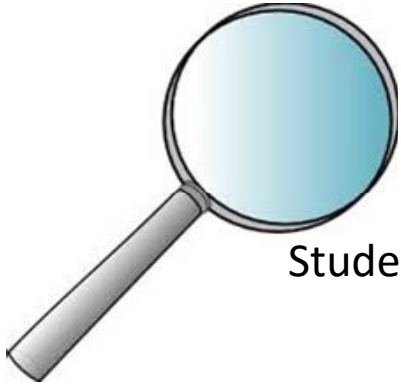
For example, we **MAY** release student records to the parent of the student who was claimed as a tax dependent but we are not required to. UNC will look at these situations on a case by case basis.

School officials **MUST NOT** disclose **personally identifiable information** about students, nor permit inspection of their records without written permission unless such action is covered by certain exceptions permitted by the Act.



Who is covered by FERPA?

- ✓ Eligible Student - a student who is in attendance at a post-secondary institution, regardless of age.
- ✓ In attendance – the first day of the first term in which the student is registered.
- ✓ FERPA continues even if the student leaves the institution.
- ✓ FERPA ceases upon the death of the student. At UNC, we transfer the rights to next of kin with proper legal documentation.
- ✓ Applicants who are denied admission are not covered by FERPA.



Student Rights:

Students are afforded four primary rights under FERPA:

1. The right to inspect and review their education records.
2. The right to seek to amend incorrect education records.
3. The right to have some control over the disclosure of personally identifiable information from their education records.
4. The right to file a complaint with the Department of Education.

An eligible student **must** be permitted to inspect and request amendment of their own education records. Please refer all requests to the Office of the Registrar.

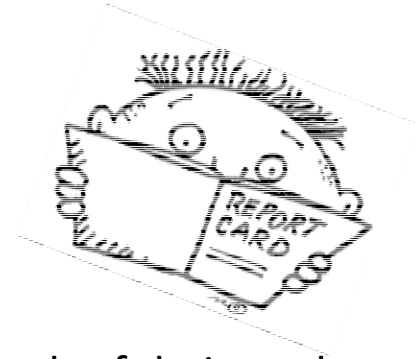


An education record includes:

- Any record that is maintained by the institution that is directly related to a student and
- from which a student can be identified.

Examples would be:

- Academic records (grades, transcripts etc.)
- Financial Aid records
- Disciplinary records
- Employment records if their employment is a result of their student status.





An education record does **NOT** include:



- Sole Possession Records

Records that are in the sole possession of the maker and are not accessible or revealed to any other individual.



- Law Enforcement Records

Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.



- Employment Records

Records relating to individuals who are employed by the institution if that employment is not due to student status.



- Medical/Treatment Records



Personally identifiable information (PII data) is any information that can be used to steal identities, disrupt University operations and damage UNC's reputation. This information includes but is not limited to:

- Social Security Numbers
- Bear Numbers
- Non-directory information
- Credit card information
- Health information
- Other information that alone, or in combination, is linkable to a specific student.

PII data should never be released alone, or in combination with other data, that would allow someone to have access to PII data for a specific student. For example, you should never include both the student name and complete Bear number in an email. Please use name and last four digits of Bear number.

If you need to email sensitive files, you must either use Windows Rights Management encryption or use the Beardrive. Information on both processes are available on the Technical Support website.

Never email social security numbers!



Institutions **MAY** disclose information in education records in the following situations:

- If it is only directory information
- If it is directly to the student
- If it is to a third party with student consent
- If it is to parents of a student (Refer to Office of the Registrar)
- If it is to school officials with legitimate educational interest
- Without prior consent in certain situations





Directory information:

- ❖ Personally identifiable Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
- ❖ **MAY** be disclosed to anyone, by any means, on any student without student permission except for students who have requested that directory information be withheld.



Note: You may not confirm directory information that is linked to non-directory information.

- If someone calls to verify a student's dates of enrollment and only provides you with a Social Security Number, you cannot disclose that information, because in doing so you will have confirmed the SSN.



Directory information as determined by UNC includes:

- Student Name
- Student Address & Phone Number
- Email Address
- Date of Birth
- Dates of Attendance
- Full or Part-Time Enrollment
- Student Classification
- Major field of study
- Degrees Pursued or Being Pursued
- Degree conferred and dates
- Honors, awards and publications
- Most recently attended educational institution
- Participation in officially recognized sports and activities
- Physical factors of athletes



Directory information may never include:

- Race
- Gender
- Social Security Number (full or partial)
- Grades
- Student Schedules
- GPA
- Religion
- Country of Citizenship



Non-directory information may be released directly to the student:

- ✓ In person, with valid identification
- ✓ Via Bearmail
- ✓ Over the phone with verification and authentication.
 - Verification
 - Full Name
 - Date of Birth
 - Student Number (never ask for SSN)
 - Authentication (establish UNQUESTIONABLY)
 - First & Last Terms of Attendance
 - High School Attended and Graduation Year
 - Number of Credits the Previous Term
 - Professor Name
 - GPA (cumulative or term)
 - Transfer Institution Attended and Number of Credits
 - Courses Taken the Previous Term
 - Degree Awarded and Date



Non-directory information may be released to a third party with student consent.



- Consent must either be in the form of an email from Bearmail, [Student Consent to Release form](#) or written request.
- If request or consent form is not signed in front of an employee of UNC, form must be notarized.
- Student must be specific about what information is to be released and to whom.
- If you have consent for someone else to pick up documents, the person picking it up must have photo identification.

Institutions are required to keep a record of requests and disclosures. These records are a part of the student's education record and must be retained by the institution.



Non-directory information **MAY** be released to a parent in certain circumstances.

At the postsecondary level, parents have no rights under FERPA to inspect their child's education records.

At UNC, we recommend that parents get education record information directly from their student.

A student can also provide a signed consent, giving parents (and other third parties) access to their education records, which would allow UNC personnel to release information directly to the parents.

Records **MAY** be released to parents without a signed consent if the parents can submit evidence that the student is their dependent on their most recent Federal Income Tax form. Always refer these parents to the Office of the Registrar.





Non-directory information may be released to a **school official** with **legitimate educational interest**.

School officials can be a person:

- Employed by the institution in an administrative, supervisory, academic, research or support staff position.
- Serving on the board of trustees
- A company under contract with the institution to perform a specific task (i.e. attorney, auditor, etc.)

Although an individual may be a school official, they do not have a right of access to any or all student education records. They must have a legitimate educational interest.

School officials have a **legitimate educational interest** if they need to review an education record in order to:

- Perform tasks specified in their position description or contract
- Perform a task related to a student's education
- Perform a task related to the discipline of a student

Curiosity **DOES NOT** constitute a legitimate educational interest.



Non-directory information may be released without student consent in certain situations including:

- To federal, state and local authorities involving an audit or compliance with educational programs
- In connection with financial aid (including VA Benefits)
- To comply with a judicial order or subpoena
- In a health or safety emergency
- To accrediting organizations
- To organizations conducting studies for or on behalf of educational institutions



Student request for non-disclosure of directory information.

- Students can request that UNC not release their directory information. However, this does not provide anonymity in the classroom setting.
- Students considering this option are counseled by the Office of the Registrar because of the severity and seriousness of the request.
- Students who have selected this option will have a confidential indicator on their record.
- If this is in place, it will remain on the student record until the student completes the necessary steps to remove it.
- Cannot release information to anyone except the student, in person, with valid ID. If UNC receives an inquiry regarding the student, UNC must respond that they have no information on that individual.



Tips for faculty and staff

Do -

Keep all confidential student records and files locked at all times in a secured location and accessible only to authorized personnel.

Communicate with students via their Bearmail rather than a personal email.

Don't -

- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- Discuss confidential information (grades, course progress, financial info, class schedule, etc.) with anyone (including parents or parties external to the University) other than those approved on the student's consent form on file. Please contact the Office of the Registrar to verify consent form information.



Don't continued -

- Post grades in public by students' names or Bear numbers.
- Circulate a printed class list with student name and grades as an attendance roster.
- Provide anyone with lists or files of students enrolled in your classes for commercial purposes.
- Provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.
- Store confidential student information on any computer unless that information is secured.



**Let's test your
knowledge.....**



A parent calls and wants to talk about her child's attendance and grades in your class. Can you give her any information?

No, please refer the parent to the Office of the Registrar.

Before you hang up, this parent indicates her child has signed a form allowing release of non-directory information to her. Can you now give her any information?

Please contact the Office of the Registrar to confirm the Student Consent to Release form is on file prior to releasing any information.





A student wants to pick up her roommate's assignment when she picks up hers. Can she do this?

No, not without written consent from the roommate. Easiest way to achieve this is to have her send you permission via her Bearmail. Since a student is required to sign in to URSA with a user ID and password, UNC treats the Bearmail as a signature in this situation.



You want to leave students graded tests on a table in the back of the classroom and have students pick them up on their way out.
Can you do this?

No. This would allow students to see the names and grades of other students in the class.





If you are granted access to Ursa and Banner, it must mean you have the right to look at any student's records. Is this true?



No, FERPA stipulates you must have a legitimate educational interest when you access or view a student record. This means that you can only access the information on those students that is required to fulfill any professional responsibility you have to the student and UNC.

Curiosity is not a legitimate educational interest!



While you are at your desk during office hours, a student comes in and is able to view other student information on your computer screen or on the records on your desk. Is this a violation of FERPA?



Yes, student records are protected regardless of the format – electronic or written. You must turn over documents or adjust your screen so that student information is not viewable while the other student is there.



You need to email a list of names and Bear numbers to another department. Can you do this in an email?

No. This document would contain two forms of personally identifiable information (PII Data) for a student. You must either use One Drive, or protect the email. Please refer to <http://www.unco.edu/cybersecurity/faculty/email.html> for specific information.

Do not include both a student name and complete Bear number in an email. Use name and last four digits of Bear number.

Never email a social security number.



A parent calls claiming a family emergency and must get in contact with their child. Can you release the student's schedule to the parent?



No, schedule information is not considered directory information. Please refer the parent to the Office of the Registrar or the Dean of Students.



You need to discard some student records, can you put them in the trash?



No, any documents containing student information must be shredded or placed in the locked confidential shred bin provided by facilities.

Do not place any papers in the small blue recycle bin that contains **any** student information. Papers placed in these are recycled by not shredded.





A student calls and asks what grade she received in your course. Can you give her that information over the phone?

Yes, but you must verify that you will be talking about the correct student record and also authenticate that the student on the phone is that student. When in doubt, use the student's Bearmail to communicate the information or refer to the Office of the Registrar.



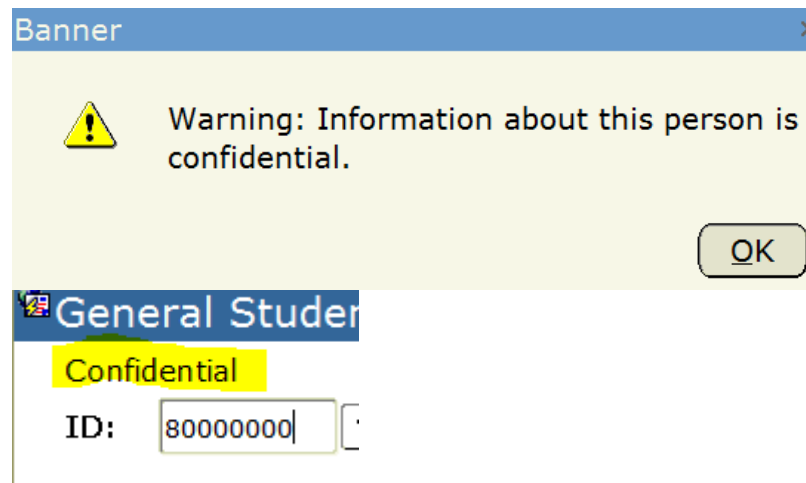


When looking at a student record, you receive a warning that the information is confidential. Can you still release information on this student?

No. When a student requests to be confidential you cannot even acknowledge that they are a student here. If you receive a call from the student or any other person, your response should be “I am unable to locate a student record” and then refer them to the Office of the Registrar.

In Banner, when you initially enter the student record, you will receive a pop-up warning.

Once you move between records in Banner, the Confidential indicator will be above the Bear number.



In Banner Self Service (through URSA), when you pull up the student record, there is a small warning box that is easily missed. Please watch carefully.

⚠ Confidential Information for



As an honor society advisor, you need a list of students who have a 3.50 GPA or higher for membership solicitation. Can we give that information to the honor society because you have a “legitimate educational interest”?

No, FERPA stipulates that the “interest” of the advisor is on behalf of the honor society and not UNC. Please refer all requests to the Office of the Registrar.



When in Doubt, Don't Give it Out!

For questions, please contact:

Office of the Registrar

Carter Hall 3002

970.351.2231

registrar@unco.edu

UNC Resources



UNC Office of the Registrar

www.unco.edu/registrar

970.351.2231

Carter Hall 3002

UNC Technical Support

<http://www.unco.edu/cybersecurity/faculty/basics.html>

<http://www.unco.edu/cybersecurity/faculty/sensitive.html>



FERPA Resources

Family Policy Compliance Office, US Department of Education

www2.ed.gov/policy/gen/guid/fpc

ferpa@ed.gov

**American Association of Collegiate Registrars & Admissions
Officers**

www.aacrao.org/ferpa

ferpa@aacrao.org