FERPA Basics for Staff/Work-Study

The Essence

- Federal law designed to protect the privacy of education records. It also provides guidelines for appropriately using and releasing student education records.
- It is intended that students' rights be broadly defined and applied. Therefore, consider the student as the owner of the information in his or her education record, and the institution as the custodian of that record.

Key Terms/Definitions

EDUCATION RECORDS include any record maintained by the institution that contains information that is personally identifiable to a student (in whatever format or medium) with some narrowly defined exceptions:

- Records in the sole possession of the maker (e.g., private advising notes).
- Law enforcement records created and maintained by a law enforcement agency for a law enforcement purpose.
- Employment records (unless the employment is based on student status). The employment records of student employees (e.g., work-study, wages, graduate teaching associates) are part of their education records.
- Medical/psychological treatment records (e.g., from a health or counseling center).
- Alumni records (e.g., those created after the student graduated or left the institution).

DIRECTORY INFORMATION: Those data items that are generally not considered harmful or an invasion of privacy if publicly available. This information cannot be released if student has a no release on his or her record. This information is listed in Jenzabar on the Student Information screen and on class rolls. Directory information at Charleston Southern University includes, but is not limited to:

- name, address and telephone listing
- email address
- date and place of birth
- field(s) of study
- participation in officially recognized activities and sports
- weight and height of student-athletes
- dates of attendance, degrees and awards
- photographs
- most recent previous school attended
- full-time or part-time status

Directory information cannot include: race, gender, SSN (or part of a SSN), grades, GPA, country of citizenship, or religion.

- Every student must be given the opportunity to have directory information suppressed from public release. This process is referred to as an opt out. When a student makes this request, everyone within the institution must abide by a student’s request that no information be released about the student, including verification that the student is enrolled at the institution. This can be found in Jenzabar on the name tab and on advisor rosters in MyCSU.
- It is important to understand, that a no release does not mean that a school official within the institution who has a demonstrated legitimate educational interest (e.g., a faculty member teaching the student in class) is precluded from using the information to perform that official’s job duties.

PARENT: With reference to FERPA, the term parent refers to either parent (including custodial and noncustodial,
When do FERPA rights begin?
A FERPA-related college education record begins for a student when he or she enrolls in a higher education institution. At a postsecondary institution, rights belong to the student in attendance, regardless of the student’s age.

Basic Rights of Students under the Act:
• Inspect and review their records.
• Amend an incorrect record.
• Consent to disclosure (with exceptions).

Inspection and Review
Students have the right to see everything in their education record, except:
• Information about other students.
• Financial records of parents.
• Confidential letters of recommendation if they waived their right of access.

FERPA does not prescribe what records are created or how long they are to be kept; however, you cannot destroy a record once there is a request to inspect and review. It is important to know and understand your institution’s records retention policy.

Right to Consent to Disclosure
Start with the premise that the student has the right to control to whom his or her education record is released. Then, there are several exceptions when that permission is not required. In those instances where a signed release is required, regulations now provide the flexibility to accept an electronic signature.

When is prior consent not required?
The institution may disclose records without consent if certain requirements are met, but it is not required to do so. Some examples of the exceptions to the release requirement include:
• School officials with a legitimate educational interest. Employees and legal agents have access to education records in order to perform their official, educationally related duties.
• Disclosure to another institution where the student seeks to enroll or is enrolled.
• Disclosure to DOE, state/local education authorities.
• Disclosure in connection with the receipt of financial aid.
• Disclosure to state/local officials in conjunction with legislative requirements.
• Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations.
• To comply with a judicial order or lawfully issued subpoena.
• Disclosure for a health/safety emergency (must document what the emergency was and to whom the information was released).
• Disciplinary information:
  • Disclosure to the alleged victim of a crime of violence, such as information from disciplinary proceedings.
  • Only when found in violation, and only for crimes of violence- release of name, sanction and outcome can be made to anyone.
  • Disclosure to parents of any student under the age of 21, a violation of federal, state, local or institutional laws/regulations related to substance abuse (provided that other laws governing the institution, such as state law, do not preclude such disclosures).