

FERPA

The Family
Educational
Rights and
Privacy Act

FERPA – FEDERAL LAW

- FERPA was enacted in 1974.
- The Act sets forth requirements regarding the privacy of student records.
- FERPA governs access and release of student educational records maintained by the University.



INSTITUTIONAL POLICY

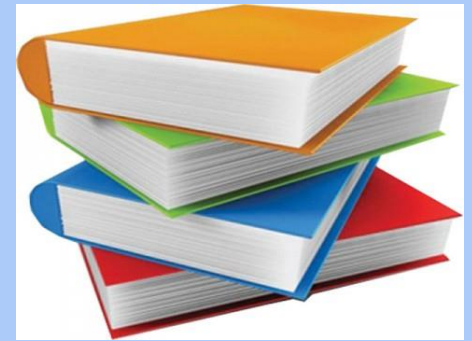
- The FERPA requires that a written institutional policy complying with the Act be established and the adopted procedures be published.
- The Confidentiality of Student Records (FERPA) is the University's official policy.
- The policy can be found in the University Policy Manual and on the University's Policy website:
<https://www.utoledo.edu/policies/>

THE UNIVERSITY OF TOLEDO'S OBLIGATIONS

- Assure students that education records are used only for intended purposes.
- Annually inform students of FERPA and their rights under it.
- Give students the opportunity to request corrections or amendments to their record.
- Ensure that employees with access to the student information system or any students records/information protect students' privacy.
- Provide students access to their records, when requested.

WHAT ARE EDUCATIONAL RECORDS?

- Records that directly relate to a student.
- Records that are maintained by an educational agency or institution or by a party acting for the agency or institution.
- Examples:
 - Grades
 - Financial Aid Records
 - Student Account Records
 - Student Employment
 - Graduate Assistantship Records
 - Disciplinary Records
 - Correspondence between students, UT faculty or staff



RELEASING INFORMATION

- If a student requests records be released to a third party, the University will require **WRITTEN** permission from the student before the information will be released.
- A record of all releases of FERPA protected records must be maintained.



TWO TYPES OF STUDENTS

- **1. Normal FERPA releases without consent – Directory Information**
 - Directory information can be released to the general public without written consent.
 - However, regulations allow students the right to restrict this information.
 - FERPA guidelines allow institutions to decide what information they will release as Directory information.
- **2. Absolutely no information sharing**
 - Students **MUST** provide written permission for release of **SENSITIVE** information to anyone outside the University.
 - Examples: Grade Point Average, Grades, Courses Taken, Student Schedules

DIRECTORY INFORMATION

UT has designated the following as “Directory Information”

- Student Name
- Local Address and Local Phone Number
- Permanent Zip Code
- College and Major Field of Study
- Class Status (Freshman, Sophomore, etc.)
- University E-mail Address
- Dates of Attendance
- Student Activities
- Degrees, Certificates, and Awards received
- Full-time or part-time enrollment status
- Student photograph
- Graduate Medical Education Placement (MD students only)

RESTRICTING DIRECTORY INFORMATION

- In the MyUT Portal students can select UPDATE DIRECTORY INFORMATION/RELEASE STATUS

My Records

[Check Final Grades](#)

[Update Directory Information/Release Status](#)

[Academic Transcript](#)

[Official Transcript - Order Online](#)

[Run Degree Audit - **Step by Step Instructions**](#)

[Enrollment Verifications](#)

[Enrollment Verification Supporting Letter](#)

[Commencement](#)

[More Records Options...](#)

- Or the student can go Rocket Solution Central in Rocket Hall
- Staff or Faculty can check the status in Banner by entering the student's Rocket Number in SGASTDN. If the student is confidential a warning will pop up.
- Faculty can also view confidentiality status on their Detailed Class List in the My UTPortal.

CONSEQUENCES OF RESTRICTING DIRECTORY INFORMATION

- If a student restricts Directory Information, all information is confidential and requests for information will not be released to anyone without the student's written permission.
- THIS MEANS THAT UT FACULTY AND STAFF WILL NOT EVEN TALK TO THE STUDENT OVER THE PHONE. STUDENT WILL NEED TO HAVE ANY ACADEMIC CONVERSATION IN PERSON.

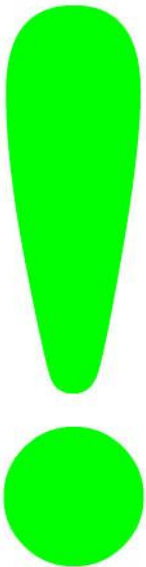


EDUCATIONAL RECORDS ARE NOT

- **Sole Possession Records** – such as faculty/advisor personal notes.
- **Law Enforcement Records**
- **Records maintained for individuals as employees** – except records for individuals employed as a result of their status as a student (e.g. work study, student employees, etc.) are educational records.
- **Medical/Treatment records** by means of a medical professional – however, any medical issue a student shares with the University regarding his or her personal circumstances are educational records.
- **These records have their own rules respecting privacy.** They are not educational records and not subject to FERPA regulations.

WHO IS ALLOWED TO VIEW A STUDENT'S RECORD?

- School officials & employees of the University may review student records as long as there is a legitimate educational need to review these records.
- Faculty and staff members may review student records as long as they have a legitimate academic or administrative reason.



- It is **NOT LEGAL** for school officials, faculty, staff, student workers, or any other member of our campus community to access student records for non-educational purposes.
- This could result in a violation of FERPA and loss of all federal funding to the University – including the ability to accept federal student loans.

GRADES



- Faculty members must be careful when notifying students regarding the grade they earned for a course or an exam.
- Posting a grade in a public area that lists the student name, social security number (full or partial), or student identification number alongside the earned grade is **STRICTLY PROHIBITED** under FERPA regulations.
- Posting grades or notifications to students must not be done in a personally identifiable manner.
 - DO NOT use student names or ID numbers
 - DO NOT post in alphabetical order
 - DO NOT leave graded exams for students to pick up – leaving graded personally identifiable papers in a hallway or on a desk for students is no different from posting grades on a wall or on a website.

EMAIL

- Email notification of grades **MUST** be done only through University of Toledo email to University of Toledo email.
- Use **BLIND COPY** when sending email notifications to a group of students
- **SECURE** websites – student must be able to see only his or her own grades.



PROTECT SENSITIVE INFORMATION

- Students, faculty, and staff expect data in University systems to be secure.
- DO NOT send sensitive information through email or instant messenger unless password protected or encrypted.
- DO store sensitive information on a secure university network drive, or password protect and encrypt information on computers.
- DO secure your office, lock doors, lock file cabinets, and desk drawers.
- DO password protect your computer.
- DO NOT leave things in your car.

PARENTS

- Do they have the right to view their child's educational records?
 - Several years ago the Department of Education amended FERPA so that institutions have the **OPTION** to allow parents to view their child's educational records.



US DEPT. OF EDUCATION'S POSITION REGARDING PARENTAL ACCESS TO THEIR CHILD'S EDUCATIONAL RECORDS

- When a student reaches the age of 18 or begins attending a post-secondary institution, regardless of age, FERPA rights transfer from the parent to the student.
- Parents may obtain non-directory information (grades, GPA, etc.) at the discretion of the institution and only after it has been determined that their child is legally their dependent.
- Parents may also obtain non-directory information by obtaining a signed consent from their child.
- Parents may be provided access to information regarding a finding of a student's violation of campus policy or local, state, or federal law prohibiting the use of alcohol or a controlled substance without the student's consent.
- Parents may be provided information from educational records in a health or safety emergency without the student's consent.

POLICIES AND PROCEDURES

- UT's faculty and staff cannot discuss a student's particular circumstances with parents or anyone else who is not an employee or school official with a legitimate educational reason. You can talk with a parent and describe University policies and procedures, such as....
 - Registration Add/Drop Policy
 - Billing Procedures
 - Disciplinary Process
 - Placement Testing Process
 - Complaint or Appeal Process



Rules

STUDENTS' RIGHTS REGARDING THEIR EDUCATIONAL RECORDS (FROM FERPA REGULATIONS)

- Students have the right to inspect and review their records. The University may take up to 45 days to fulfill a student's request to inspect or review his or her records.
- Former students have the same rights under FERPA as presently enrolled students.
- Deceased students have no FERPA rights.
- An individual is not considered a student until the student has registered for and attended the student's first class at UT.
- Individuals who are denied admission to the University do not have the right to review their educational records (specifically denied applications).

AMENDMENTS TO FERPA

- Amendments to FERPA have been made in relation to Anti-Terrorism Activities:
 - October 2001 amendments to the “USA Patriot ACT of 2001” affect FERPA regulations.
 - FERPA generally requires prior written consent from the parent or student before an educational agency or institution may disclose personally identifiable information from educational records to a third party.
 - **THE LAW NOW INCLUDES EXCEPTIONS TO THIS GENERAL RULE!**

EXCEPTIONS

- The amendments to FERPA permit release of personally identifiable information from educational records to the Attorney General of the United States, or his designee, in response to an *ex parte* order, in connection with an investigation or prosecution of terrorism crimes, **WITHOUT THE CONSENT OR KNOWLEDGE OF THE STUDENT OR PARENTS.**

HEALTH OR SAFETY EXCEPTION

- In an emergency regarding Health or Safety, FERPA permits non-consensual disclosure of educational records or personally identifiable, non-directory information in connection with a HEALTH OR SAFETY EMERGENCY if such knowledge is necessary to protect the health or safety of the student or other individuals.
- This type of decision is made at an administrative level.

THINGS TO REMEMBER

- FERPA is everyone's responsibility.
- Directory Information is the **ONLY** information released without written consent of the student, unless the student has opted out of this disclosure.
- When a student reaches the age of **18** or begins attending a post-secondary institution, regardless of age, FERPA rights transfer from the parent to the student. Parents are no longer entitled to information without a release.

Best Practices

- Check the confidentiality status of students to ensure compliance with privacy restrictions before releasing any information.
- When in doubt contact the Registrar's Office regarding FERPA issues and student privacy.

Questions: Please call the Office of the Registrar at 419-530-4845 or email Registrar@utoledo.edu

FERPA TEST

- Faculty members have the right to review educational records of any student who is enrolled in their class.
 - True or False?
- False – There must be an educational “need to know” or a legitimate educational interest. Faculty and staff members may inspect student records as long as their intent is academically or administratively related to their class.

FERPA TEST

- When a student record is restricted, we may verify the local address on file when contacted by telephone.
 - True or False?
- FALSE – If the student has restricted his or her directory information, DO NOT discuss ANY INFORMATION over the telephone with anyone, including the student.

FERPA TEST

- An advisor's personal notes do not have to be released to a student.
 - True or False?
- TRUE – “Sole Possession” is the concept that records are kept in the sole possession of the maker they are used only as a personal memory aid, are not accessible or revealed to any other person except a temporary substitute, and are an exception to the definition of educational records.

FERPA TEST

- Only in the case of an emergency may UT tell a student's spouse where the student is on campus, provided he or she has the student's ID number, birth date, and current address.
 - True or False?
- FALSE – The student's schedule is not Directory Information and may only be released with prior **WRITTEN CONSENT**.

FERPA TEST

- Graded assignments may be placed on a table or in a hallway for students to pick up after class when the student's ID is not visible.
 - True or False?
- FALSE – Faculty should NEVER place graded examinations or assignments in a public location where student identifying information such as a name or student ID number links the student with the grade. Also, faculty should NOT ASK ANOTHER STUDENT to “pass out” graded examinations.

FERPA TEST

- Faculty members may display a student's course work during class.
 - True or False?
- FALSE – Faculty should NEVER display a student's assignment without prior written permission to do so regardless of the circumstances. Doing so may inadvertently display sensitive information.

FERPA TEST

- Grades may be sent to students via University email.
 - True or False?
- TRUE – Notification of grades via email **MUST** be sent from University of Toledo email to University of Toledo email only. Use of any other email addresses: sender or receiver is a violation of FERPA.

FERPA TEST

- School officials awarding academic scholarships need students' written permission to review records.
 - True or False?
- FALSE – If it is the responsibility of the school official in question to review student records for the awarding of a possible scholarship, then this school official is said to have a legitimate educational purpose to do so.

FERPA TEST

- A dependent student's custodial parent may submit a notarized statement preventing the release of his or her child's educational records to the other parent.
 - True or False?
- FALSE – If one parent claims the student as a dependent for income tax purposes, the institution may disclose information to either parent.

FERPA TEST

- If a police officer comes to your office to find a student who he or she has attempted to catch up with for a week, you may provide the officer with student's schedule.
 - True or False?
- FALSE – The release of non-directory information is appropriate only if “necessary to protect the health or safety of the student or other individuals.”
 - Contact legal affairs in this situation.

FERPA TEST

- A parent may receive his or her child's grades by faxing a copy of his or her current tax return proving that his or her child is a dependent.
 - True or False?
- FALSE – Income tax returns should be provided in person along with the parents' identification.
- Suggest that the student order a transcript to be mailed to his parents' address or have the student provide parents access through Proxy.

FERPA PRESENTATION PROVIDED BY: OFFICE OF THE REGISTRAR

Contact Information: Office of the Registrar

Phone: 419-530-4845

Email: Registrar@utoledo.edu

Further Readings:

FERPA website:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Office of the Registrar:

<http://www.utoledo.edu/offices/registrar/>

University of Toledo's Policy:

<https://www.utoledo.edu/policies/>

NOTE: The information shown here is general information about FERPA to acquaint all users of University computer resources with some of the privacy issues surrounding student educational records. It is not all-inclusive nor is it a substitute for legal advice on any particular issue.