



FERPA

**Introductory Training
for Faculty and Staff**

What you should know about FERPA?

Protecting the student, what you should know:

- Release student records only with consent of student
- What to do (or who to contact) when someone asks for student information
- When and how to release student information

Protecting the institution, what you should know:

- What information should and shouldn't be kept
- What information is viewable by the student or as part of a subpoena
- Who manages release of information

Key Concepts & Outline

FERPA

Education Record

Personally Identifiable

Directory Information

School Officials

Legitimate Educational Interest

Best Practices

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What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records.

FERPA applies to any educational agency or institution that received funds under a program administered by the Secretary of Education. George Fox University receives these funds in the form of federal financial aid disbursed to students.

FERPA at a Glance

- Information that is maintained about a student, in any manner, is part of the student's education record.
- A student has a right to inspect what is in their education record.
- We must protect the privacy of a student's education record information.
- Education records should not be released without a student's written consent.
- Only authorized GFU school officials are able to access a student's education records, and only with a legitimate "need to know".
- There are some exceptions to each rule. Check with the Registrar's office!

Who is Protected Under FERPA?

FERPA protects the education records of any student who is, or has been, in attendance at George Fox University.

Definition of a student:

Someone who is enrolled and has attended at least one class at GFU

Definition of attendance:

- For credit or for audit, continuing education units, or non-credit
- As a degree seeking or non-degree-seeking student
 - On or off campus courses
 - Through an affiliate program and recorded on the George Fox University transcript

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What is an Education Record?

If you have a record that is:

- Maintained by any employee of GFU (includes handwritten, in print, electronic)
- Personally identifiable to a student (directly related to a student and from which a student can be identified)
- Not one of the excluded categories of records...

...then, you have an education record and it is

FERPA protected

What is NOT an Education Record?

These records are protected, but are not considered part of the education record:

- Law enforcement unit records
- Records maintained exclusively for individuals in their capacity as employees
 - However, records of individuals who are employed as a result of their status as students (i.e. work study, teaching or research assistant posts) are education records.
- Medical & Treatment records (HIPAA)
- Alumni records created after a student has left the institution and unrelated to time as student
- “Sole Possession” notes

More About “Sole Possession” Notes

- Are made by one person as an individual observation or recollection and are kept in the possession of the maker.
- Notes taken in conjunction with any other person are NOT sole possession notes (counselor’s notes, interview notes).
- Sharing these notes with another person, or placing them in an area where they can be viewed by others makes them “education records” and subject to FERPA.
- Emails can never be sole possession.

Best Advice:

If you don’t want it reviewed, don’t write it down. If it’s not a sole possession record, the student has a right to see it. Keep comments professional and appropriate.

Records Retention

- Education record custodians are accountable for responsible management of students' personally identifiable information. Please retain only those records in current use, those required by law, those necessary for accreditation and licensure purposes, or those recommended for best practice. Students have a right to view any personally identifiable education record being maintained by GFU. Each office and department is encouraged to create and abide by a record retention policy for their documents.

Case Study No. 1

A department interviewed admission candidates for a program and kept detailed notes. These notes were filed away and forgotten.

Are they part of the “Education Record” even though they were made prior to admission?



Case Study No. 1 Answers

These notes should have been purged after admission, but since they were not purged and they are maintained, they become part of the educational record.

Upon discovery of these notes, the department should purge them unless a request to review educational record has already been submitted by the student. In which case, the student must be provided access to review the notes. The university is not required to maintain the records after the student has reviewed them.

Please note that student access to review educational records is managed by the Registrar's Office. If an office or instructor receives a request from a student to review records, they should refer the request to the Registrar.

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Defining “Personally Identifiable”

“Personally Identifiable” means data or information which includes:

- The name of the student, the student’s parents, or other family members
- The student’s campus or home address
- A personal identifier (such as social security number or student ID number)
- A list of personal characteristics or other information which would make the student’s identity known with “reasonable certainty”

Case Study No. 2

Professor Pendergast wants to publicly podcast the entire content of his courses. This includes class discussion. He decides this shortly before the term begins and hasn't notified registered students that this will be occurring.

What are the FERPA implications for this practice?



Case Study No. 2 Answer

Student participation in class discussions should not be made public without their express written permission.

Student enrollment in the course is also protected under FERPA and should not be made public.

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What is Directory Information?

Directory information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Release of this information is not required and is determined on a case by case basis. A student may request to restrict disclosure of directory information.

Examples of Directory Information:

Full-time and part-time status

Degrees and awards received

Class year

The most recent previous school

attended

Photographs of the student

Audio recordings of the student

Video recordings of the student

For members of athletic teams

- Height
- Weight
- Position played

Parents' names and addresses

The student's name

Permanent address

Local address

Temporary address

Email address

Telephone number

Date and place of birth

Participation in officially recognized activities and sports

Major

Dates of attendance

What Can Never Be Considered Directory Information?

- Race
- Gender
- Social Security Number (or part of an SSN)
- Grades
- GPA
- Country of citizenship
- Religion

Some of the “Must” and “May” of Releasing Information

- Students must be permitted to inspect their own education records, but only with a written request through the Registrar’s Office.
- The institution must protect personally identifiable information about a student.
- The institution may release directory information, but is not required to do so.
- The institution may release information to a parent with a signed release from the student, but is not required to do so.

When in doubt, don’t give it out!

Contact the Registrar’s Office.

Case Study No. 3

Ted Student is a very outspoken and well-known student athlete at a University. In a recent news conference he discussed a great deal of information about his academic and disciplinary record. A reporter calls the university to confirm the information disclosed by the student.

What should the school official tell the reporter?



Case Study No. 3 Answer

You can only give out directory information (assuming Ted has not restricted directory info). Even though the student made the information public, you still need a signed release in order to release or, in this case, confirm it.

There is no implied consent with FERPA. An effective strategy, in this case, would be to provide the reporter with a consent form and suggest getting the student's signature on it. This places the burden on the student to decide whether or not to release the information to the reporter.

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“School Officials”

Any employee or agent of George Fox University is a school official.

This definition includes:

- All regular staff
- Regular and adjunct faculty
- Student workers and graduate assistants
- On-call employees, temporary employees, interns
- Volunteers
- Outsourced service providers
- Those under contract with university for specific task

Case Study No. 4

You are talking with a member of an alumni group. They are establishing a new scholarship opportunity to be offered to students from their local area who are attending your institution. The evaluation of the applications will be done by a scholarship board from the alumni group. The alumnus has asked you for the names, addresses and GPA's for all the currently-enrolled students from that area.

What should you give them?



Case Study No. 4 Answer

Since the alumni are not employees of the institution, they cannot provide personally identifiable information from student records. Therefore, you should only release directory information to them. You could also offer to distribute information to students allowing students to choose to give further information.

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Defining “Legitimate Educational Interest”

- Legitimate educational interest for GFU School Officials is a “need to know” in order to do your job effectively.
- Access to information does not equal a need to know.

Case Study No. 5

A faculty member, who is also a parent of a current student, wants to know how their student is doing in class.

Can the instructor share this information?



Case Study No. 5 Answer

The faculty member does not have legitimate educational interest as they do not need this information to do their job. Therefore, the instructor can not share this information without a completed information release form from the student.

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- Before writing or giving a recommendation for a student get a signed release. Submit the release to the Registrar's Office to be filed.
- Use only your GFU email account to send emails to George Fox students
- Do not use your personal email address to send GFU related communications.
- Do not publically post grades.
- Do not publically post roster information outside of a class section.
- Protect sensitive information. Do not leave in plain view, keep confidential info locked.
- Lock computer screen when not using
- Do not use automatic log-ins for MyGFU or email.

When Releasing Information to a Student

When sharing protected information with a student, do as follows:

- Online behind a secure login (e.g., in MyGFU, FoxTale)
- In person (with photo ID if the student is unknown to you)
- Using student's GFU email address, but with caution
- On paper, mailed to the address in MyGFU
 - Note: Mailing to another address or faxing to any fax number requires signed permission of the student. Contact the Registrar's Office for more information.

What About Parents?

It is a significant change for parents to no longer have access to their student's education record. However, they have no rights under FERPA.

- You are not required to share any information with a parent even if the student signed a release.
- If you have any concerns about requests being made by a parent, contact the Registrar's Office.

When in doubt, don't give it out! Contact the Registrar's Office.

In Review

FERPA is everyone's responsibility.

Only access records you need to do your job.

When in doubt, don't give it out! Ask the Registrar's Office.

Follow these guidelines protects the student and protects the university.

FERPA Information Sources

More resources can be found at registrar.georgefox.edu

GFU Registrar's Office

Email: registrar@georgefox.edu

503-554-2218

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