

# Family Educational Rights and Privacy Act



FERPA

# Welcome To FERPA!



⌘ Check out your work areas. What information do you have which may need to be handled in a secure way?

- ☑ Program registration forms

- ☑ Grades

- ☑ Advising information/MAP Reports

- ☑ Information on your computer screens and related passwords, student schedules.....

# Have You Thought About....



- ⌘ Asking students and staff to place all incoming papers face-down?
- ⌘ Shutting off or minimizing your computer screen when someone walks in?
- ⌘ Moving your screen OR getting privacy screens to hide what's there?
- ⌘ Checking that private information isn't stored where the casual observer might see it or be able to go through it?

# Do You Train Your Workers? How?



- ⌘ Ours are told that they cannot divulge or even acknowledge anything they learn from this office.
- ⌘ There are forms and a sample student worker contract on the Registrar's web site.
- ⌘ You can download and customize based on your own department's needs.

# FERPA is a Federal law that protects students and gives them 5 rights:



- ⌘ The right to inspect and review education records
- ⌘ The right to seek an amendment of education records
- ⌘ The right to consent to the disclosure of education records
- ⌘ The right to obtain a copy of the school's FERPA policy
- ⌘ The right to file a complaint with the FERPA Office in Washington, D.C.

# FERPA Defines our Practices on Data Use, Display, and Storage

- ⌘ The consequences of how we handle, or mishandle student educational records are significant.
- ⌘ You can be held personally liable and can endanger institutional funding!
- ⌘ The Family Educational Rights and Privacy Act details what student information can be disclosed and to whom it may be disclosed.

# What Are Educational Records?




- ⌘ Student education records are official and confidential documents protected by FERPA. Education records are defined as all records which are related to a student and maintained by MSU.
- ⌘ These records may be in any media, including handwritten, print, type, film, electronic, etc.
- ⌘ There is no requirement to make or keep a record.

# Educational Records Do NOT Include:



- ⌘ Personal notes (memory joggers) which are not shared with others.
- ⌘ Law enforcement/public safety records maintained solely for law enforcement purposes.
- ⌘ Employment records where employment is not connected to student status.
- ⌘ Records related to treatment by a health care professional used only for medical/health treatment of the student.

# Disclosure of Educational Records



- ⌘ Generally, the university must have hand-signed permission **from the student** before releasing information from the student's record.
- ⌘ This includes requests for transcripts, parental viewing rights, etc. We also allow for PIN requests for enrollment verifications and will expand this use in the future.
- ⌘ Forms are in Sparks, on the web, etc. and may be faxed to us.

# Directory Information



- ⌘ One exception to the written permission is categorized as "DIRECTORY INFORMATION".
- ⌘ Directory information may be released without the student's prior consent.
- ⌘ Our definition is published in the MSU *Undergraduate and Graduate Bulletins*, on the web, in the schedule of classes, etc.

# MSU Definition of Directory Information:

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- ⌘ Name, addresses, email, telephone numbers
- ⌘ Date of birth, place of birth, fields of study, classification, full/part time status
- ⌘ Dates of attendance, most recent institution attended
- ⌘ Participation in recognized athletic sports, weight and height of athletes
- ⌘ Degrees received

# But.....PLEASE NOTE!



- ⌘ A student has the option to request that NO directory information be released. They must file an Information Withholding form with the Registrar's Office *each semester they are enrolled.*
- ⌘ If the student elects to have directory information withheld, then NO INFORMATION CAN BE RELEASED.

# Access to Student Educational Records



- ⌘ Under certain circumstances, confidential (non-directory) education records can be released without a student's prior consent.
- ⌘ For example, to comply with a lawfully issued subpoena or to school officials with a "legitimate educational interest" or a "legal right to know."
- ⌘ You have no legal right to look up your son/daughter/spouse's information.

# Legitimate Educational Interest?

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- ⌘ A Legitimate Educational Interest exists when the school official is:
  - ☑ performing a task that is specified in his/her contract or position description;
  - ☑ performing a task related to a student's education or to student discipline;
  - ☑ providing a service or benefit to the student;
  - ☑ maintaining safety and security on campus.

# Remember!



- ⌘ Access to student data (via PIN, info screens or printouts) does NOT authorize unrestricted use of student data!
- ⌘ Records should be used ONLY in the context of official business in conjunction with the educational success of a student.

# What about PARENTS???

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- ⌘ Parents have no inherent rights to inspect a student's educational records.
- ⌘ The right to inspect is limited solely to the student.
- ⌘ At MSU, information from the student's records may be released to parents only with student permission (and the permission can be rescinded by the student at any time).

# If You Do Have Signed Permission And Wish To Talk To Parents:



- ⌘ Be sure the parent names and phone numbers are on the release you have from the student.
- ⌘ Ask for their i.d.'s if you meet in person.
- ⌘ Check the phone numbers of parent callers against your signed release before you talk with them.
- ⌘ Note what you tell them and notify the student of your conversation and content.
- ⌘ Talk with the student present if possible.
- ⌘ Never leave confidential information on an answering machine.

# What about dependents?



- ⌘ Parents can bring their most recent year tax returns to the Registrar's Office.
- ⌘ The returns must show the student is a dependent.
- ⌘ There must also be proof that the student is their child and they must have an I.d. as well.
- ⌘ We DO notify students if this occurs.

# So What Should I Do?



- ⌘ Ask for a student's I.d. if you don't personally know them.
- ⌘ NEVER give non-directory information over the phone to anyone for any reason—not even an “emergency”.
- ⌘ Do not release directory information if you aren't sure if they are withholding the information.

# Also.....



- ⌘ Information on a computer screen is as confidential as a paper printout.
- ⌘ If you have access to socials, **NEVER** release them to anyone else in the department. Alter screen prints before sharing.
- ⌘ **NEVER** give one student another's information (Don't let them take a MAP Report, grade report, etc.....)

# And Also.....



⌘ NEVER let a student see another's grades.

☑ Don't show them your grade book if other grades are visible.

☑ Don't post grades in any recognizable pattern.

☑ NEVER post anything using social security numbers!

# Telephone and Email Reminders!



- ⌘ You CANNOT verify that a student is on probation, warning, suspension, etc.
- ⌘ You CANNOT verify grades or gpas.
- ⌘ *Final grades are held for student debt and should only be released via the PIN.*
- ⌘ You CANNOT give out a schedule in whole or in part.

# Recommendations:



- ⌘ You can tell them to check their PIN site. For debt, verification of payment, holds information, gpa and related statistics, for verification of grades and changes, etc.
- ⌘ You can remind them they can view their records in person with a photo i.d.
- ⌘ We can arrange this via counselors at off-campus sites for students not on the main campus.

# Disposal Issues



- ⌘ Confidential documents *must* be shredded.
- ⌘ Strip shredders must be monitored!
- ⌘ NEW to campus: secure shredding. Just call in a work order for pickup.
- ⌘ Don't forget to purge confidential computer files when no longer needed.
- ⌘ There ARE rules for records retention!

# You May Need Permission to Shred! Check the Libraries Web Site

The screenshot shows the Murray State University Libraries website in a Microsoft Internet Explorer browser window. The browser title is "MSU Libraries Home - Microsoft Internet Explorer". The address bar shows "http://www.murraystate.edu/msml/msml.htm". The website has a blue header with the text "Murray State University Libraries" and a navigation menu with links: Home, RACERtrac, Databases A-Z, Internet Resources, ILL, Ask a Librarian, and Hours. A yellow sidebar on the left contains a "How do I find..." section with links for articles, books, government info, maps, reserve material, and what's new. Below this are links for "FYI - student | faculty", "Off Campus Access", "E-reserves", "Government Info", "Suggestion Box", "Faculty Directory", and "Ky Virtual Library". The main content area is divided into sections: "Catalogs - (books & e-reserve)" with links for RACERtrac, Other Libraries, and WorldCat; "Databases - (articles & more)" with links for A to Z, By Subject, Full Text Journals A to Z, Citation Linker, and American Democracy Project; "Internet Resources" with links for General Reference, By Subject, and Hot Topics; "Interlibrary Loan" with a link for Iliad - Request Forms; "Find more information for..." with a link for Records Retention Center; "New Titles acquired by the library"; and "MSU Inform - the Libraries' newsletter". A large red arrow points to the "Records Retention Center" link. The browser status bar at the bottom shows "http://www.murraystate.edu/msml/hottopics.htm" and "Internet".

# What About References?



- ⌘ Tell students to let you know before giving your name as a reference.
- ⌘ You may disclose information that is part of personal knowledge: turned in work on time, got good grades, quick wit, etc.
- ⌘ You may not give official information such as actual gpa, graduation dates, etc.
- ⌘ If you need grade info for a reference, the student must provide the Registrar with a signed release if you aren't the advisor of record.

# Who to Contact For More Information?



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