

# What is FERPA?

Family Educational Rights and Privacy Act (FERPA) “is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.” FERPA became law on August 21, 1974 and governs the circumstances under which we are allowed to disclose students’ education records to third parties.

[www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

# Student Rights under FERPA

City University of Seattle is required to notify students annually of the following rights under FERPA. Students can:

- ✓ inspect and review their records within 45 days of making a request.
- ✓ consent to disclose or block disclosure of their education records.
- ✓ request amendment to their education records.
- ✓ file a complaint with the U.S. Department of Education.

Notification of these rights is published each year in the CityU catalog.

# What is an Education Record?

An education record is information directly related to a student and maintained by an educational institution. It encompasses:

- ✓ Personal information
- ✓ Course schedules
- ✓ Enrollment records
- ✓ Grades and GPA (including transcripts)
- ✓ Graded papers showing students' personally identifiable information
- ✓ Printed class lists
- ✓ Records of work-study students and graduate assistants

# Where are Education Records Located?

- ✓ In paper files - in the records office or other university locations
- ✓ In a computer database or any form of electronic storage
- ✓ In letters, email messages, and comments in the student database

*Note: The same confidentiality applies to electronic records as to paper records.*

# What is Not an Education Record?

- ✓ Alumni records
- ✓ Employment records, excluding those for work-study students
- ✓ Medical records
- ✓ Records in possession of the maker and not accessible by others
- ✓ Records of applicants to the university who did not attend

# Types of Requests Commonly Received for Student Education Records

- ✓ For “**directory information**” – i.e., public information that can be freely disclosed to anyone (see next slide)
- ✓ For detailed, nonpublic student information – FERPA disclosure requirements apply.
- ✓ From parties such as loan originators and federal officials, for which student consent is not always required

# What is **Directory Information**?

*Directory information* is information contained in a student's education records that would not generally be considered harmful or an invasion of privacy if disclosed.

FERPA allows schools to release *directory information* without student consent, and lists common types of information that fit this category.

# Directory Information at CityU Includes:

- ✓ Name(s) on file
- ✓ CityU email address
- ✓ Major program of study
- ✓ Degrees and/or certificates earned, and dates of conferral

*more>*



# Directory Information at CityU

(cont'd.)

- ✓ Dates of enrollment (including gaps, termination of studies, and reason, if known)
- ✓ Current enrollment status (i.e., undergraduate or graduate; full-time or part-time)
- ✓ Number of credits earned each term
- ✓ Honors and awards received

# What is NOT Directory Information


(and Cannot Be Disclosed Without Student Consent)

## ✓ **Social Security Number**

- ✓ Grade point average
- ✓ Grades and exam scores
- ✓ Religion
- ✓ Race or ethnicity
- ✓ Gender
- ✓ Country of citizenship
- ✓ Class times and places

# If a Student Wants to **Block** Disclosure of Information...

A current student may request that we *not disclose* directory information by submitting a “FERPA block” request to the Registrar’s Office.

- ✓ If a student record has a FERPA block, no information may be disclosed to third parties *unless the student signs a consent-to-release form (see next slide) for a specific reason*. This service indicator in the student’s electronic record alerts staff to the block: 
- ✓ The block remains in effect until the student sends the Registrar’s Office a request cancelling the block.

*A request-to-prevent-disclosure form is available on the my.cityu.edu portal on Registrar Page or by contacting the Registrar’s Office.*

# In Order to Disclose Student Education Records to Others...

You must obtain *written consent* from students to disclose their non-directory information to third parties, particularly those outside the university. The consent statement must show or specify:

- ✓ which records are to be released.
- ✓ the receiving party or parties.
- ✓ the purpose of the disclosure.
- ✓ the student's signature and date.

*A consent-to-release form can be obtained from the Registrar pages of the my.cityu.edu portal and from the Registrar's Office directly.*

# In Order to Disclose Student Education Records to Others... (cont'd.)

Whenever non-directory information is disclosed, *the request must be recorded in the student's educational record* (such as in PeopleSoft Student Comments, or noted on paper and sent to the student's file).

If you release education records to someone with student consent, you must obtain consent *again* to release information to that party a second time (unless the release form specifies otherwise).

# Who May See Students' Education Records *Without* Consent?

Student information can be disclosed without consent to the following parties:

- ✓ Department of Education representatives (federal and state)
- ✓ The US Department of Veterans Affairs
- ✓ Appropriate parties in connection with financial aid
- ✓ Parents, if the student is under 18 or a dependent for federal income tax purposes

# Who May See Students' Education Records *Without* Consent? (cont'd.)

- ✓ A number of federal agencies, such as Immigration, Homeland Security, the IRS and the US Attorney General
- ✓ School officials with a legitimate educational interest, and certain contractors, consultants and volunteers
- ✓ Officials at another school where a student wants to enroll or has enrolled, if the information relates to enrollment or transfer

# Who May See Students' Education Records *Without* Consent? (cont'd)

- ✓ To comply with a judicial order or subpoena
- ✓ *Ex parte* orders in connection with potential acts of terrorism
- ✓ Organizations conducting certain studies on behalf of the school
- ✓ Others in emergencies related to crime, discipline, law enforcement, and health or safety

FERPA disclosure exceptions are found at [www.ed.gov/policy/gen/reg/ferpa/index.html](http://www.ed.gov/policy/gen/reg/ferpa/index.html)



# Tricky Situations Requiring FERPA Adherence

- The spouse or parent of a student calls to find out whether the student has passed a course; information about documents you've received; more about a problem the student is having, etc., etc.

*The Student must provide written consent specifying that such-and-such information may be released to the named party before you may release any information to that person.*

- A student you do not know calls to find out her current GPA, and identifies herself by social security number because she does not know her student ID number.

*You cannot use the SSN either to confirm the identity of the student or to locate records. Ask the student to provide other, less sensitive information to confirm identity instead (including former addresses, previous schools, classes taken, etc.).*

# Situations Requiring FERPA Adherence

## (cont.)

- A student whom you advise or who is in a program you help administer emails to request an unofficial transcript from you.

*This is a potential FERPA violation. Any request for a transcript must be authenticated. Students may print their own, unofficial CityU transcripts from the student portal (signing in authenticates the user) or may request one from the Registrar's Office for free (via a signed form) if they cannot obtain a portal account.*

- Many students in your class have not yet completed an assignment. You want to send an email to the class giving grading guidelines and indicating which students have not sent assignments in yet.

*This would violate student privacy rights. Send only individual emails about students' academic work.*

# Enforcement and Penalties

Complaints are investigated by the Family Policy Compliance Office (FPCO) within the U.S. Department of Education.

When violations are confirmed, the institution is notified and given a reasonable time to comply with FERPA requirements.

If compliance is not secured, the Secretary of Education can block federal funds.

Civil lawsuits may be filed for violations regardless of FPCO/ actions.

# FERPA – Further Information

For further information, please go to the FERPA home page at [\*www.ed.gov/policy/gen/guid/fpco/ferpa/index.html\*](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html) or contact the City University of Seattle Registrar's Office at 206.239.4517 for the Associate Registrar.

For information on Canadian and British Columbia privacy laws, please refer to [\*www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96373\\_01\*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96373_01)