FERPA REVIEW

Presented to
Directors of Undergraduate Studies
February 19, 2010
Family Educational Rights and Privacy Act of 1974

- The *Family Educational Rights and Privacy Act of 1974*, also known as the Buckley Amendment, started simple but has become more complex in an ERP world.

- All employees and agents of the University have a professional obligation to follow the FERPA regulations.
What are student rights under FERPA?

- The Right to provide consent prior to the disclosure of their record.
- The Right to inspect their records.
- The Right to amend their records.
How does a student invoke FERPA? And how do they remove it?

- Students wanting to invoke FERPA are required to come to the Records area of the OUR to make this request.

- Students wanting to remove FERPA from their records are also required to come to the OUR and see someone in the Registration area.
What are your responsibilities as a University employee?

- A professional obligation to be aware of FERPA regulations as defined by University policy
- The responsibility to recognize the FERPA Restricted Directory service indicator in PeopleSoft
- The duty to look for the FERPA Restricted Directory service indicator and to comply with FERPA regulations
Overview of the FERPA terminology

- A *Student* is anyone enrolled at UNC-CH regardless of age.

- *Applicant Records* are not protected by FERPA.

- *Educational Records* are those records to which FERPA applies: *Records directly related to a student; and maintained by an educational agency or institution or by a party acting for the agency or institution.*
Where are student educational records stored on the UNC-CH campus?

- In nearly every student affairs or academic affairs office and many other offices.
- In file drawers and storage cabinets and tapes and servers.
- In a variety of formats: fiche, film, paper, electronic, email, digital images, print-outs, forms, etc.
- Try to imagine complying with a subpoena asking for absolutely everything!
What isn’t a student record?

- Sole possession records such as an instructor’s personal notes or gradebook.
- Law enforcement records.
- Employment records—unless employment is contingent upon enrollment—this is a highly misunderstood area.
- Medical treatment records.
- Alumni records.
Two types of Student Records: Directory and Educational

- **Directory Information** may be released to anyone and it is often beneficial to the student for informed staff to release the information. UNC-CH errs on the side of not releasing.

- **Educational Records** Schedule, picture, course history, grades, performance on the job in some cases, etc.
What items are directory information at UNC-CH?

- the student's name
- address (local and grade/billing address), student e-mail address
- telephone listing (local and grade/billing telephone numbers)
- date and place of birth
- major field of study; class (freshman, senior, etc.)
- enrollment status (full-time, half-time, part-time)
- person ID number (PID)
- anticipated graduation date
- participation in officially recognized activities and sports; weight and height of members of athletic teams
- dates of attendance; degrees and awards received
- the most recent previous educational agency or institution attended by the student
- the county, state and/or U.S. territory from which the student entered the University.
Who can have access to educational records?

- Individuals who work on campus and have a “legitimate educational interest” or need to have the information to do their jobs.
- Parents who claim son or daughter as dependent for tax purposes that year.
- Financial aid agencies, banks, etc. involved in aid for education.
- Once given information, it must be disposed of properly and cannot be passed to others.
How does FERPA work with electronic storage of information?

- Storing a code or an image proving parental rights per tax dependency clause with date stamp.
- Proxy to allow others access to view and/or to change a student’s record.
- Ability to mask or “unpublish” selected directory information.
- Storage of Admissions applications and transcripts
Electronic storage of information continued. . .

- Storing, searching, retrieving, and accessibility of electronic records for responses to requests from students to see their educational file or responses to subpoenas, etc.
FERPA and Data Access

- FERPA applies to the records of individuals.
- Generally, the rule of "legitimate educational interest or need" applies to access of data and reports.
- Freedom of information/public records rules apply to aggregates already existing.
- Any kind of research or survey must have human subjects review.
- Directory information for the individual may be accessible to all, but aggregated information no longer falls under the FERPA rules except for the FERPA indicator.
Summary

- The law is fairly simple and clear.
- Selected directory publication is not the same thing as a total FERPA flag.
- We are all responsible for following FERPA.
- How does this apply in my everyday work?