

FERPA and University Staff

The Family Educational Rights and Privacy Act of 1974 as Amended, commonly known as FERPA, is designed to protect the privacy of student education records, to establish the right of students to inspect and review their educational records, and the right of students to have some control over the disclosure of information from their records. The Act is enforced by the Family Policy Compliance Office, U.S. Department of Education. We as an institution take this Act very seriously; the penalty for noncompliance can be withdrawal of Department of Education funds from Saginaw Valley State University.

The Essence of FERPA

- School faculty, administrators, and staff may not disclose personally identifiable information about students nor permit inspection of their records without written permission of the student unless release or inspection is covered by certain exceptions permitted by the Act.
- Students may authorize release of education record information in writing by specifying the information to be disclosed, the purpose of the disclosure, and the party or class of parties to whom disclosure is to be made.
- College students must be permitted to inspect their own educational records.

Key Terms and Concepts

To better understand students' rights and staff member responsibilities, staff members must understand their roles in relationship to FERPA.

Staff members are **school officials** under FERPA: A school official is any person

- (1) employed by the university in an academic, research, administrative, supervisory or support staff position;
- (2) elected to the Board of Control;
- (3) a company employed by or under contract to SVSU to perform a special task such as the attorney, auditor, or collection agency;
- (4) a student serving on an official committee or assisting another school official in performing his or her tasks (student employees fall under this category).

Access to student information is limited to a school official's **legitimate educational interest**: a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Staff members may work in an office that deals routinely with education records (Registrar's Office, Scholarships and Financial Aid, deans' offices) or occasionally with education records (Physical Plant). Each office has a defined legitimate interest in a student's records and not all staff members share the same legitimate educational interest as part of their professional responsibilities.

Staff members create and receive **education records**: An education record is any record, with certain exceptions, maintained by an institution that is directly related to a student or students. This record can contain a student's name, or students' names or information from which an individual student, or students, can be personally (individually) identified. Education records include files, documents, and materials in any medium which are shared

with or accessible to another individual. Administrative computer databases, transcripts, grade reports, advising files, and admissions files are typical examples of education records. Records that are NOT considered “education” records are “sole possession” notes (made by one person as an individual observation or recollection and kept in the possession of the maker—*once shared*, these become education records). Other exceptions include law enforcement unit records, employee records, and alumni records.

Staff members must protect **personally identifiable data or information** which include

- (1) the name of the student, the student’s parent, or other family members;
- (2) the student’s campus or home address;
- (3) a personal identifier such as a Social Security number or student ID number;
- (4) any list of personal characteristics or other information which would make a student’s identity easily traceable.

A typical example: Grades are part of students’ educational records. If they are disclosed as a favor to a friend or another student, this is a clear violation of FERPA.

FERPA identifies **directory information** as a class of information that can be released without a student’s prior consent because such information is not normally considered a violation of a person’s privacy. SVSU has identified directory information to include a student’s name, address, telephone listing, email address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received and the most previous institution attended by the students. Directory information NEVER includes race, gender, Social Security number, grades, GPA, country of citizenship, or religion. Even though SVSU can release directory information without a student’s prior consent, we exercise our authority to deny requests made for commercial purposes or other purposes which we feel jeopardizes a student’s privacy. The Act also provides that students may request that directory information not be released. Once students make such a request, school officials must honor their instructions to the end of the current academic year. Before releasing directory information, staff members must check with the Registrar’s Office to determine whether or not the student has requested that directory information be withheld.

Staff Guidelines

Staff members encounter several routine situations that involve student education records and directory information: (1) requests by other staff members, faculty members, or students for educational records or directory information; (2) inquiries from third parties for educational records or directory information; (3) and inquiries from parents about the performance of a student.

Requests from other staff members, faculty members or students: there are three concerns which staff members must address. (1) Is the person asking for information a school official pursuing a legitimate educational interest? In other words, does this person need this information to perform his or her job? If the answer is “No” or “I don’t know,” then don’t release the information. (2) Is it within my job to receive such requests for information? Just because you can find information about a student doesn’t mean that it’s part of your job to release it. Verify with your supervisor or the Registrar’s Office that it is part of your job. In many instances, it is not your role to receive and comply with information requests. (3) Has the student requested that even directory information be restricted? Those requests are held in the Registrar’s Office; check with the Registrar’s Office before releasing directory information.

Inquiries from third parties: staff members may receive requests for information from third parties for student information. Educational records are protected without the written consent of the student. Third parties to whom SVSU can release information without written consent are narrowly defined. If there is any question about releasing information to a third party, DON'T. Refer the request to a supervisor or to the Registrar's Office. Even directory information should be protected. Most offices should not release even directory information. Refer such requests to your supervisor or the Registrar's Office.

Inquiries from Parents: FERPA rights transfer to a student when he or she reaches age 18 or begins attendance at the University regardless of age. The University may disclose personally identifiable information about students to their parents only if students have submitted signed and dated written consent to release information or the parents have established that the student is a dependent as defined by the Internal Revenue Service Code. If parents call, staff members should explain the limits to disclosure and ask that the student present written permission before disclosing information beyond directory information. Even with written permission, we are reluctant to discuss protected information over the telephone or e-mail since the identity of the inquiring party cannot be confirmed.

If You Have Questions

If you have questions or are uncertain of your responsibility in a given situation, we advise that you not disclose information until you have discussed the situation with the Registrar's Office. The Registrar at SVSU is the university official charged with FERPA compliance and training. It's always better to check before release than to risk an improper disclosure or misuse of protected student information.

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ACCEPTANCE OF ACCESS and RESPONSIBILITY

This form must be completed and submitted to the Office of Human Resources before access to student information will be granted.

I, _____, understand that my acceptance of
PRINT NAME HERE
access to student records through the Cardinal Direct and Colleague systems signifies that I understand and accept the responsibility for complying with the Family Educational Rights and Privacy Act of 1974 as Amended which is outlined in the document "FERPA and University Staff Members." By my signature below, I understand and agree to preserve the security and confidentiality of information I access.

I understand that my access may change as job assignments and duties change.

I also understand that I am responsible for the personal security of my password.

Signature of SVSU Staff Member

Date

For Office Use Only:

XFRP _____ Date: _____