

# FERPA & Student Data FAQs

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October 27, 2006

# What is FERPA?

- Created to protect the privacy of Students' Educational Records (current & former).
- Affords students the right to:
  - Inspect and review their educational records;
  - Seek to amend those records;
  - Limit disclosure of information from those records;
  - File a complaint with the US Department of Education concerning alleged FERPA violations.

# What is an Educational Record?

- Any records that directly relate to a student that is maintained by the University or by a party acting for the institution. Including:
  - Handwritten documents
  - Electronic Format
  - Email
  - Film
  - Diskettes
  - Etc.

# Educational Records

## Do Not Include:

- Sole Possession Documents
- Medical Records
- Records maintained by law enforcement units that were created for the purpose of law enforcement.
- Records relating to individuals who are employed by the University (unless employment is contingent upon student status)

# What is Directory Information?

- Information which would not generally be considered harmful to the student, or an invasion of privacy, if released.
- This information may be disclosed **UNLESS** the student has set his/her FERPA privacy flag.

# Directory Information Includes:

- Name
- Local Address
- Local Telephone Number
- E-mail Address
- Photograph
- Place of Birth
- Previous Institutions Attended
- Major Field of Study
- Degrees & Awards Received
- Dates of Attendance
- Height & Weight of Athletes
- Participation in Officially Recognized Activities & Sports

Note: Although address & phone are directory information, CP does not provide this info to the general public.

# What does CP Consider to be Locator Information?

- Name
- Local Address
- Local Phone Number
- E-mail Address
- Major

Remember: CP does not provide address & phone number to the general public... This information is not included in any of the University's directories.

# How can Students Protect their Info?

- Through the Portal – Personal Info tab...
- Protect Directory Information
  - Blocks the University from providing and verifying ANY data without the student's written consent.
- Protect Locator Information
  - Only allows the University to verify degree and dates of attendance without written consent. All other data remains protected.

# What is included in Non-Directory Information?

- Class Schedule
- Date of Birth
- Academic Action Status
- Financial Aid Recipient
- Grade Point Average (GPA)
- Grades in Courses
- Hold Status
- Empl ID
- Social Security Number
- Residency Status
- Transcript of Academic Record
- Units Completed
- Parent, Guardian or Next of Kin
- Gender
- Ethnicity

**Highly Protected & Confidential Information**

# Can I release Protected Information?

- FERPA only allows the release of educational records to NON-University officials (without written consent) under limited circumstances:
  - Valid Subpoenas
  - Search Warrants
  - Ex Parte Order (Patriot Act)
  - Emergency/Crisis Situation
- Confirmation and Verification of non-directory or protected information that is contained in educational records without written consent from the student VIOLATES FERPA.

# What if there is an Emergency/Crisis Situation?

- The University must determine that release of the Non-Directory or Protected information is necessary to protect the health or safety of the student or other individuals.
  - The University must consider:
    - Severity of the threat to health and safety;
    - Actual need for the information;
    - Time required to deal with the emergency; and
    - Ability of parties to whom the information is released to deal with the emergency in another way/additional time.

Note: A record must be made of the disclosure and included in the student's permanent file.

# What are some Guidelines Instructors should follow?

- Do not circulate the class roster in your classroom.
  - Name, SSN, and Empl ID are personally identifiable student information and should not be available to other students.
- Do not post grades using Name, SSN, or Empl ID.
  - SSN, Empl ID, and grades are protected student information and may not be posted.
  - Grades are highly sensitive data and are not Directory Information; therefore they should not be provided to anyone but the student.
  - Grades are available to students on the Portal the day after grade rosters are due from faculty.
- Do not leave graded papers unattended or where they can be picked up by someone other than the student if any personally identifiable information is present.

# What are some Guidelines for Departments & Staff?

- Do not provide student grades over the telephone.
  - Since it is difficult to confirm that you are speaking to the student whose grades are being requested, it is recommended that a student be referred to the Portal to retrieve his/her grades. Grades are highly sensitive data and are not Directory Information; therefore they should not be provided to anyone but the student.
- Do not post or give out student class schedules.
  - Class schedules are not Directory Information and are not available to other students or anyone other than School Officials who have a legitimate need to know.

# Guidelines Continued...

- Students who have protected their Directory Information should not be posted as receiving the Dean's List (without their written consent).
  - Awards received are part of Directory Information.
  - A personal letter from the department/dean to any student is acceptable.
- Student information should never be shared with individuals who have no educational need to know. (i.e. commenting on a student's grades at a social gathering.)
  - Remember, you have access to student information because you are a "School Official" with a "legitimate educational interest." You are responsible for using student information appropriately.

# Guidelines Continued...

- Student information should not be shared with a student's parents without his/her consent.
  - All students enrolled at Cal Poly are considered to be adults, regardless of their age.
  - Parents do not have a right to information regarding grades, academic standing, etc.
  - IF a Department or Instructor elects to, a student may be given a “Departmental” FERPA Release Form allowing a designated person to receive specific information.

[http://www.security.calpoly.edu/what\\_employees/index.html](http://www.security.calpoly.edu/what_employees/index.html)

# Guidelines Continued...

- Don't give out or verify a student's address or phone number.
  - Although this information is considered Directory Information under FERPA, Cal Poly only releases address and phone number to university related entities for the student's privacy and protection.
- Degrees and enrollment status can be verified on the phone by the Office of Academic Records.
  - If the student has not protected Directory Information, this information can be verified without a signature. Please refer those calls to the Office of Academic Records at 805-756-2531.

# What about Records of Deceased Student?

- FERPA rights expire when the student is deceased.
- However, Cal Poly's Policy is to protect educational records for deceased students – indefinitely.

# Where can I find additional FERPA Materials?

- OAR Informational Guide
- OAR Website – [www.ess.calpoly.edu/records/stu\\_info/ferpa\\_policy.htm](http://www.ess.calpoly.edu/records/stu_info/ferpa_policy.htm)
- Annual Student E-mail
- Annual Faculty and Staff Mailing
- DOE Website – [www.ed.gov/offices/OM/fpco](http://www.ed.gov/offices/OM/fpco)

# And if I have further Questions???

- Refer to materials mentioned on previous slide.
- Contact the Office of Academic Records at 756-2532.
- Contact Patty Warnick-Wait at 756-2723.