



Family Educational Rights and Privacy Act

Department of Economics Training

Donna Fenn, Assoc. General Counsel
Jessica Fenton, Assoc. General Counsel



What is FERPA?

- Family Educational Rights and Privacy Act
- Federal Law designed to protect the rights of **students** by prohibiting the disclosure of information contained in **educational records** without the student's prior written consent
- Definitions:
 - A student is any person age 18 or attending an institution of postsecondary education
 - Education records are **any** records that are related to the student and maintained by the institution



STUDENT

- Individuals who are or have been in attendance at a postsecondary institution are covered under FERPA.
- FERPA rights begin when the student is "in attendance"
 - Applicants who are denied admission or who never attend are NOT covered

Note: check new law re students from EU countries

Employees who take courses are covered only to the extent of their status as students. Employees includes staff, Staff Associates, research staff assistants, etc.

EDUCATION RECORD

- Records, files, documents, and other materials regularly maintained by the University that contain information directly related to a student and that are maintained in connection with the student's attendance at the university.
- Can be handwritten, printed, typed, in film, electronic, etc.-any media form

Note: Problem sets etc are considered student educational records. If such items ~~have a number or letter grade, they should~~ not also have the student's name or other identifiable information (UNI, etc.).

Examples of Educational Records

YES	NO
<ul style="list-style-type: none"> Student Database Files Disciplinary Files Res Programs Incident Reports Registration Forms Transcripts Grades Student schedules Disability accommodation records Directory Information* Even hand-scrawled Post-it notes 	<ul style="list-style-type: none"> Personal Notes Kept In Sole Possession Law Enforcement Records Employment Records Medical records** Records containing financial information about his or her parents submitting in connection w/ application for financial aid Alumni records Your <u>personal observations</u> during interactions with the student!!!

FERPA covers records created while the student was in attendance at Columbia; once the student graduates and becomes an alum, any records on the alum relating to things that happen after attending Columbia are not covered by FERPA (giving history, employment, etc.).

What rights do students have under FERPA?

- Inspect and review
- Seek amendments
- Consent to disclosure
- Obtain copy of FERPA policy
- File complaint with DOE

Students may elect non-disclosure within 90 days of registration, and at other times in special circumstances, by contacting the University's Office of the Registrar.

When to disclose

- When in doubt don't give it out! (and consult with Supervisor and General Counsel's Office)
- Generally must have written permission before releasing information from a student's record
- Exceptions . . .

Refer any request from outside agencies (including governmental) to General Counsel.

Directory Info

- Info which would not generally be considered harmful or an invasion of privacy if disclosed
 - Name
 - Local and permanent addresses
 - E-mail address
 - Telephone number
 - Date and place of birth
 - Photograph
 - Major field of study
 - Participation in officially recognized activities & sports
 - Weight and height of members in athletic teams
 - Dates of attendance at CU
 - School, department or institute attended at CU
 - Degrees conferred
 - Awards received and date received
 - Other educational institutions attended
- Students can opt out of this disclosure

School Official with Legit Educational Interest

- Must be
 - Performing a task that is specified in his/her position description or contract
 - Performing a task related to a student's education or a student's discipline
 - Providing a service or benefit to the student or
 - Maintaining safety and security on campus
- Curiosity is not enough!

Important to inform student of ~~departmental practices and policies~~; be transparent on what we do and why.

Parent of a dependent child

- FERPA says that we **may** disclose information contained in a student record to the parent of a dependent child
- General policy of the University (and the division) is not to make educational records available to parents
 - Unless concern for health or safety of student or other members of CU community

Departmental policy: Do not disclose ~~anything to anyone over the telephone.~~

Emergency

- FERPA permits the disclosure of information from student education records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual

In emergencies only! If in doubt, contact General Counsel.

Your Responsibilities

- Security and Confidentiality
 - You have a responsibility to protect education records in your possession.
- Do not release info unless an exception applies
 - Remember that curiosity is not a "need to know" under the exception for sharing information with colleagues
- Best Practices
 - Do not discuss information contained in an educational record in an open area where others might overhear you
 - Encourage students to keep their ID number, passwords secure
 - Shred documents with student information on them

Consequences of a FERPA Mistake

- There is no private right of action under FERPA!!
- Enforcement is by Family Policy compliance Office w/in DOE
- Threat of loss of federal funds for institution with a policy or practice of violating FERPA
- Request for remediation is typical resolution

?? QUESTIONS ??
