FERPA COMPLIANCE
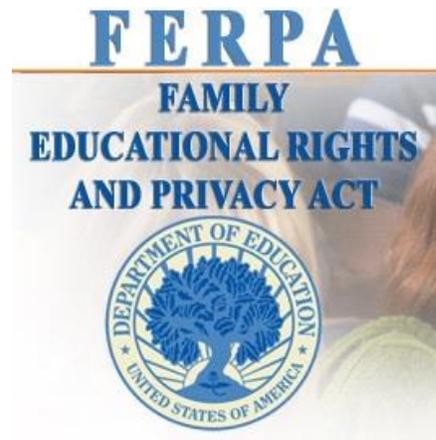
CUNY School of Public Health

What is **FERPA**?

FERPA stands for: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

- Sometimes called the BUCKLEY AMENDMENT was passed by Congress in 1974.
- This Act helps protect the **PRIVACY** and **ACCURAY** of Student *educational records.*

What Rights Does FERPA grant students with respect to their educational records?

- The right to see the information that the institution is keeping on the student

- The right to seek amendment to those records, and in certain cases append a statement to the record

- The right to consent to disclosure of his/her records

- The right to file a complaint with the Family Policy Compliance Office, US Department of Education

What are the Basic Rules?

► Student educational records are considered confidential and may **NOT** be released without the written consent of the student.

Who is protected under FERPA?

- Students who are, or were, registered in an institution of higher education, regardless of their age or status with regard to parental dependency.
- Students who have applied, but have not yet registered, as well as deceased students, do not fall under FERPA guidelines.

What is an Educational Record?

▶ Just about any information provided by a student to the university for use in the educational process is considered a student educational record:

  ❖ Personal information

  ❖ Enrollment records

  ❖ Grades

  ❖ Schedules

▶ Any records maintained by an institution that are directly related to a student or students are part of the educational record. (Any information from which an individual student can be personally/individually identified).

Personally Identifiable (Defined)

▶ Personally identifiable means data or information which includes:

- ❖ The name of the student, the student's parent, or other family members

- ❖ The student's campus or home address

- ❖ A personal identifier (such as a social security number)

- ❖ A list of personal characteristics or other information which would make the student's identity easily traceable.

Formats of Educational Records

▶ These records include: files, documents, and materials in whatever medium (handwriting, print, tapes, disks, film, microfiche, microfilm, emails) which contain information directly related to students and from which students can be personally/individually identified.

▶ The storage media in which you find this information does not matter. Student education record may be:

   ❖ A document in the Registrar's Office

   ❖ A computer printout in your office

   ❖ A class list on your desktop

   ❖ A computer display screen

   ❖ Notes you have taken during an advising session

What is **NOT** considered an Educational Record

▶ Sole possession – notes made by one person as an individual observation or recollection, are kept in the possession of the maker.

  ❖ Once shared with anyone, they become educational records

  ❖ Best advice – if you don't want it to be subject to review, don't write it down.

▶ Law enforcement unit records

▶ Records maintained exclusively for individuals in their capacity as employees

  ❖ Records of individuals who are employed as a result of their status as students (ex. Student employees) ARE educational records.

▶ Doctor – Patient privilege records

▶ Alumni records

Public/Directory Information

▶ This information can be released **without** the student's permission. The student may, however opt to consider this information confidential as well. List of Directory Information identified by CUNY: http://www.cuny.edu/about/administration/offices/sa/advocacy-referral/FERPA_non_discl_form.pdf

- - Name
- - Address
- - Date of birth
- - Photograph
- - Full or Part time status
- - Level of education/credits completed
- - Degree enrolled for
- - Height if member of athletic team
- - Previous school attended
- - Honors & awards received
- - Participation in officially recognized activities other than sports.

- Attendance dates (periods of enrollment)

- Telephone number

- Place of birth

- E-mail address

- Enrollment status (undergraduate, graduate etc.)

- Major Field of study

- Participation in sports (teams)

- Weight if member of athletic team

- Degrees received

CUNY SPH – Directory Information Non-Disclosure Form
can be obtained from sph.cuny.edu/student-services/registration/

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DIRECTORY INFORMATION NON-DISCLOSURE FORM

This form must be filed with the Registrar's Office if you do not wish any or all directory information to be disclosed without your prior consent. Directory Information otherwise may be made available to any parties deemed to have a legitimate interest in the information. The instructions on this form may be changed at any time by filing a new form with the Registrar's Office. You should initial the appropriate spaces.

Name of Student: _____

CUNY*first* Empl ID: _____

A. _____ **I DO NOT WANT ANY DIRECTORY INFORMATION DISCLOSED WITHOUT MY PRIOR** *CONSENT (if you initial this space you do not have to fill out the rest of this form but must sign and date below).*

B. _____ I do not want the following categories of directory information disclosed without my prior consent (Initial those items which you do not want released).

_____ Name

_____ Dates of Attendance

_____ Home Address

_____ Present Address

_____ E-mail Address

_____ Telephone Number

_____ Major and Minor Fields of Study

_____ Degrees and Awards Received

_____ Date of Birth

_____ Place of Birth

_____ Level of Education

_____ The most recent/previous Educational Institution attended

_____ ALL OF THE ABOVE

C. _____ I want my prior instructions not to release directory information withdrawn. I now authorize the college to release all of my directory information to parties with a legitimate interest.

_____   _____

Student's Signature   **Date**

What *cannot* be directory information?

▶ The following information cannot be released without the student's consent

- ❖ Race or country of citizenship
- ❖ Religion
- ❖ Gender
- ❖ Social Security Number
- ❖ Transcript (Grades & GPA)
- ❖ Bursar's Receipt
- ❖ Academic Advising
- ❖ Personal counseling records
- ❖ Disciplinary charges and proceedings
- ❖ Medical Office records
- ❖ Financial Aid Office records

CUNY SPH – Educational Records Release Form
can be obtained via sph.cuny.edu/student-services/registration/

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Request to Release Educational Records

Pursuant to the Family Educational Rights and Privacy Act (FERPA), CUNY SPH does not release personally identifiable education records without the written permission of the student whose education records are involved. With this understanding, I desire to authorize CUNY SPH to release my personal student information to the below-named third party. For additional information, visit the FERPA Information page at the U.S. Dept. of Education's website at www.ed.gov/policy/gen/guid/fpco/ferpa/index.html.

On a very limited basis, CUNY SPH will grant approval of submitted requests for release of educational records to an individual other than the student on record. This form is simply a request and is subject to approval.

I, [Student Name]_____ EMPL ID #_____,

SPH Email_____; residing at [Address or Residence Hall] at_____; a

currently **enrolled / former** student [Circle one] at SPH, The City University of New York, consent to the release of my educational records

protected under the Family Educational Rights and Privacy Act (FERPA), as follows:

1. Reason/s for release:_____

_____

_____ 2. Release through the following date:_____/_____/_____.

3. Records specified below may be released to/discussed with the following authorized individual:
Note: Valid photo identification (i.e. state ID, license, and passport) for *both the student* and *individual* listed below **must** be presented prior to release/discussion of record. Copies of identification (IDs) will be retained.

Authorized individual information and Preferred Methods of Release:

Authorized Individual Full Name:_____ Relationship to Student: _____
The records listed below may be released/discussed by the following method/s [Check all that apply and enter information]:

☐ In Person   ☐ Email: _____

☐ Phone: _____   ☐ Fax: _____

☐ Postal Service [Address]: _____

4. This release is limited to the records indicated below: [Check all that apply]:

☐ Academic Advising Records   ☐ Course Records (CUNYfirst)   ☐ Financial Records (CUNYfirst)

☐ Conduct Records   ☐ Service Indicators/Stops (CUNYfirst) ☐ Other: _____

Student Signature: _____ Date: _____/_____/_____

Authorized Individual's Signature: _____ Date: _____/_____/_____

For Administrative Use Only:

Administrator Name: _____ Title: _____

Department/Office: _____

Decision (Circle one):   **APPROVED / DENIED**   Release period of time (Circle one):   **APPROVED / DENIED**

If request is DENIED, provide reason for decision: _____

If release period of time is DENIED, provide revised time: _____

Administrator Signature: _____ Date: _____/_____/_____

Everyone must follow FERPA

▶ As a faculty or staff member, you have a responsibility to protect educational records in your possession.

▶ You have access to information only for legitimate use in completion of your responsibilities as a university employee. Need to know is the basic principle.

▶ If you are ever in doubt, do **not** release any information until you contact your Office of the Registrar.

▶ **To avoid violations:**

  • Never circulate a printed or electronic copy list with student name, social security number or grades.

  • Never discuss the record/information of any student with anyone other than the student (including parents and spouses) without the consent of the student.

  • Never provide anyone with student schedules or assist anyone other than university employees in finding a student on campus

How can you view FERPA information in CUNYFirst?

The window shade symbol represents that the student opted to not disclose any/all **directory information**

The Positive Service Indicator indicates that the student opted to Release Non-Directory Information to an authorized personnel

★ Positive	⊘ Negative

Service Indicators		Customize | View All | 🔲		First ◀ 16 of 16 ▶ Last		
Type	**Details**	**Start Term**	**End Term**	**Start Date**	**End Date**	**Department**
★	Release Info Authorizaton	2015 Spring Term		03/19/2015		Registrar's Office

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FERPA (Quick Questions)

1. If a student's parent calls asking how a student is doing in a class, can you give out that information?

2. You get a frantic phone call from an individual who says that he is a student's father and must get in touch with the student immediately because of a family emergency. Can you tell him when and where the student's next class is today?

3. An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution liable?

4. A person comes up to the Dean's Office with a letter containing a signature that gives consent to release the transcript and financial information. Do you provide the information to this person?

5. You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Since they are in the middle of an investigation, are you allowed to give them this information?

Answers

1. **No**: Even though the person inquiring may be the student's parent, FERPA recognizes students in post-secondary education as adults, regardless of age. Therefore you cannot give out grades, or any other non-directory information. We must assume that the student is an adult who is entitled to privacy, even from parents.

2. **No**: For the safety of the student, you cannot tell another person where a student is at any time.

3. **Yes**: Information on a computer screen should be treated the same as printed reports. The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.

4. **No**: Transcripts and Records information can only be released by the Office of the Registrar.

5. **No**: The police should be first directed to speak to legal within your institution. The police must provide a subpoena to obtain the information.