

FERPA
Family Educational
Rights and Privacy Act



Students' Rights & Our Responsibilities

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saintpeters.edu/ferpa

Rights & Responsibilities

- **You play a critical role in the confidentiality of our students' educational records***
- It is important that we understand our rights and responsibilities as employees of the university to ensure the **privacy and safety of our students and their academic records.**
- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law designed to protect the confidentiality of students' educational records. It provides a framework for what institutions **must** do and what we **may** do with the information contained in the educational record.
- FERPA is enforced by the Family Policy Compliance Office, by the U.S. Department of Education in Washington, D.C.
- Failure to comply with FERPA may result in the Department of Education withdrawing federal funding.

What is an educational record?

- An educational record is a compilation of records, files and documents that contain information **directly related** to a student and is maintained by *Saint Peter's University*.
- This includes grades, transcripts, schedules, registration forms, papers, tests, disciplinary records, personal information, etc...

Educational Record Types:

- **Directory Information**

- Generally considered not harmful or an invasion of privacy if disclosed
- We **may** release without consent

- **Non-Directory Information**

- Personally Identifiable information
- We **only** release with consent unless it's...
 - To University officials (including third parties under contract) with legitimate educational interests
 - To comply with a judicial order or lawfully issued subpoena
 - To appropriate parties in a health or safety emergency in order to protect the student or others
 - To parents in cases of drug or alcohol violation when the student is under the age of 21

Directory Information

The **U.S. Department of Education** has designated the following information as "directory information":

- Student Name and Spirit Number
- Address Information
- Phone number
- Date and place of birth
- Field of study
- Participation in student organizations and sports
- Dates of attendance, degrees and awards
- Most recent previous school attended and/or High School
- Full or Part-time status

Non-Directory Information

Releasing personally identifiable information would be a violation of a student's privacy. Therefore, we require the student consent to release the following:

- GPAs and Grades
- Transcript(s)/academic history
- Student schedules
- Class attendance
- Gender
- Race/Ethnicity
- SSN
- Religion
- Country of Citizenship

Special Provisions for Law Enforcement Records

- Institutions may disclose information from law enforcement unit records to anyone, including outside law enforcement authorities, without student consent.
- University security officers are considered "school officials" with a "legitimate educational interest" but must protect the privacy of education records it receives and may disclose them only in compliance with FERPA.

Protecting Immigration Status

- Saint Peter's does not and will not voluntarily share student information with immigration enforcement officials
- Any request by Immigration and Customs Enforcement (ICE), U.S. Customs and Border Patrol (CBP) or U.S. Citizenship and Immigration Services (USCIS) for information must be directed to the Office of Campus Safety and (if necessary) Legal Counsel
- The University will not share any information about any undocumented student with these agencies unless presented with valid legal process

Best Practices for Administration

School Officials


- School officials with a legitimate educational interest may access student education records **within the scope of performing their job duties** (need to know). Simply being an employee does not convey a “legitimate educational interest.”

Professor Smith asks you what grade Joe Johnson earned in your Italian 101 class last semester. Can you tell him?

- It depends. FERPA allows disclosure of education records to school officials with a legitimate educational interest. For example, Professor Smith would have a legitimate educational interest if he were teaching Italian 102 or if he were Joe's *Academic Advisor*.
- **If there is no legitimate educational interest, you cannot tell him the grade**, even though he is a professor at Saint Peter's.

Student Employees & Graduate Assistants

If student workers and graduate assistants will **access academic information**, supervisors must enforce FERPA by discussing and signing a Non-Disclosure Agreement *(available at Enrollment Services)*

 Saint Peter's
UNIVERSITY

**Family Educational Rights and Privacy Act (FERPA)
Non-Disclosure Agreement**

The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that guarantees the confidentiality of a student's records. As a **student employee** or **graduate assistant** of Saint Peter's University, it is important that you understand the basic provisions of FERPA to ensure that you do not violate this federal law. FERPA information is available on our website at <http://www.saintpeters.edu/ferpa>.

Unless your position specifically requires you to, you may not disclose information about a student to anyone. To do so is a violation of federal law. Unauthorized disclosure could constitute disciplinary action including termination, regardless of whether criminal or civil penalties are imposed.

Even a seemingly minor disclosure of information, such as telling another student of someone's class schedule, is a violation and would result in punitive action.

I have read and understand my employee responsibilities as stated under the Family Educational Rights and Privacy Act, Non-Disclosure Agreement.

Student Employee/Graduate Assistant's Name (please print)	Spirit ID
Student Employee/Graduate Assistant's Title	
Department	Supervisor
Student Employee/Graduate Assistant's Signature	Date

Handling of Student Information

- It is very important that you **maintain the privacy of all student academic work** (paper and electronic) at all times—at work, at home, and in transit.
- Records containing student names, identification numbers, etc. should always be **shredded** not just thrown in the garbage.

A student comes to your office to ask for her grade. While you're not paying attention, she looks at your computer screen and sees the grades of her classmates. Have you violated FERPA?

Yes, education records that are **personally identifiable** are protected by FERPA, regardless of the medium in which they are maintained, and it is your responsibility to protect the privacy of the records that you access.

Verification of Students Identity

When a student **calls** to request information about their own record, it is our responsibility to authenticate the identity of the student. You should require the caller verify **two pieces of information** in addition to the student's name. This information can include: Student ID number, major, current or previous class schedule, or other information that is not widely available but the university can reasonably expect the student to know. The Department of Education recommends that we do not use any part of the social security number or date of birth to authenticate identity.

- Student education records are considered confidential and **may not be released without the written consent of the student.**
- If you receive a request to disclose student information you must forward this request to registrar@saintpeters.edu. **Campus offices are not authorized to disclose any student information to an external entity unless approved by the University Registrar,** who is the FERPA compliance officer.
- Students have the right to restrict the disclosure of any information by filing a **“FERPA Request to Withhold Student Information”**. For this reason, all requests for student information should be directed to the University Registrar.

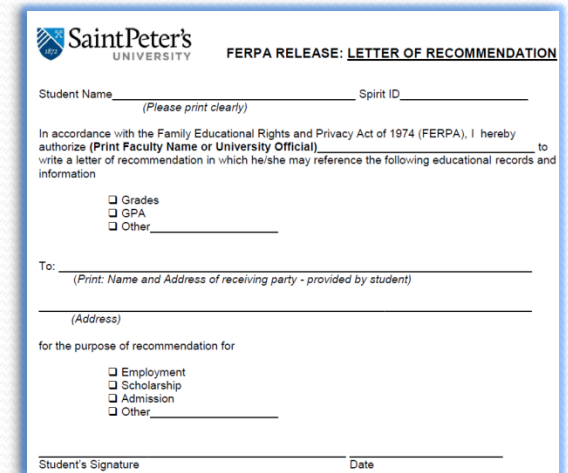
Letters of Recommendation

A student requests that you write a letter of recommendation for them. Do you need a release from the student?

In general, a written release is recommended, not required.

Faculty may include information from personal observation or knowledge without the student's consent.

- If the recommendation will include non-directory/personally identifiable information you cannot release any education records (**grades, GPA**, etc.) without written permission.
- Releases from the student should specify the information that may be disclosed, the identity of the party to whom the disclosure can be made, the student's signature and the date of the request.



The form is titled "Saint Peter's UNIVERSITY FERPA RELEASE: LETTER OF RECOMMENDATION". It contains fields for "Student Name" and "Spirit ID" with a note "(Please print clearly)". Below this is a paragraph stating: "In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), I hereby authorize (Print Faculty Name or University Official) to write a letter of recommendation in which he/she may reference the following educational records and information". This is followed by checkboxes for "Grades", "GPA", and "Other". Then, there are fields for "To:" with a note "(Print: Name and Address of receiving party - provided by student)" and an "Address" field. Below these are checkboxes for "Employment", "Scholarship", "Admission", and "Other". At the bottom, there are fields for "Student's Signature" and "Date".

Saint Peter's UNIVERSITY FERPA RELEASE: LETTER OF RECOMMENDATION

Student Name _____ Spirit ID _____
(Please print clearly)

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), I hereby authorize (Print Faculty Name or University Official) _____ to write a letter of recommendation in which he/she may reference the following educational records and information

☐ Grades
☐ GPA
☐ Other _____

To: _____
(Print: Name and Address of receiving party - provided by student)

(Address)

for the purpose of recommendation for

☐ Employment
☐ Scholarship
☐ Admission
☐ Other _____

Student's Signature _____ Date _____

Releasing a Students Location

A man identifying himself as the father of one of your students shows up at your office. He says that it is an emergency and he must find his daughter. Is it okay for you to tell him where she is?

- No, for the safety of the student, never tell anyone the location of a student. In this situation, the correct action is to refer the person to the *Office of Campus Safety*.

Since you refuse to give the student's location, the parent asks for the student's current phone number. You remember that directory information is not considered a confidential education record, so can you give him the number?

- No, students have the right to prevent the disclosure of this information. If they have requested this, it will be on file in *Enrollment Services*. For that reason, all requests for student information should be directed there.

Law Enforcement Investigation

A police officer, showing identification, says that he is conducting an investigation and must know if a certain student was in attendance on a specific day. Is it okay to give him this information?

- Absolutely not. He should be referred to *Enrollment Services*.

What if he has a subpoena – is it now okay to give him the information?

- No. There are specific procedures, required by FERPA, that must be followed. Refer the officer to *Enrollment Services*.

Classroom Best Practices for Faculty

On the first day of class, you pass your roster around the room, asking the students to sign beside their names. Any problems here?

- YES! You have just circulated every student's ID number. This is part of the student record that the University maintains, and must be kept confidential.

Can students evaluate each other's work in class?

- Yes, students may evaluate each other's work in class as long as **it has not yet been graded by the instructor**

Is it acceptable to place exams on the table in the front of the room and have the students find their own as they enter class?

- No, even if you don't have the grade written on the exam, it is still an education record belonging to each student, and thus, protected by FERPA.

I am going on vacation for the winter break and won't be back until the first day of the Spring semester. Can I leave an envelope of final exams on my door and have the students pick out theirs?

- NO! Recorded grades are Non-Directory information and cannot be made public without the student's written consent.
- *What to do:* Either make arrangements for your **Department to distribute the exams** in your absence, or – if you'd like - tell the students that if they wish to receive their exams before you return to campus they can provide you with a **stamped addressed envelope**.

Student Populations

You would like to contact all *Buddhist* undergraduate students to see if they'd be interested in a minor that you are proposing. Can the Registrar's Office supply their email addresses?

- YES but...email addresses are considered Directory Information *but*...Religious affiliation is Non-Directory and cannot be released without the student's permission.
- *What to do:* **Design a generic communication for all enrolled students** and send this via the University's mass communication email.

What should you do when...

One of your students emails you and asks for his grade on last week's exam. Can you send it to him?

- YES but...Emailing Non-Directory Information is “discouraged” because of the ability to forward.
- Email from a Saint Peter's account to a Saint Peter's account has an implied level of security but if the email leaves our server, who knows what could happen to it. It's just good practice to NOT email Non-Directory Information, but can you? Yes.
- A better approach would be to utilize the University's student database (SpiritOnline). Student's can view their grades securely online by logging into Spirit.

A parent calls to see how her son is doing in your class. What should you tell her?

- **Nothing**, even by letting them know that the student still enrolled, you could be violating FERPA (*he may have signed a request to prevent disclosure of directory information*).
- *The best approach is to advise the parent to ask their son or daughter directly.* There is a “FERPA Consent to Release Student Information” Form that is available at Enrollment Services. Students can submit this to grant a parent/proxy access to their records.

A student has a form that asks for the grade received in your class and asks you to fill it in and sign it. Should you?

- While this wouldn't be a violation of FERPA, you still should not do it. The student may have a hold on his account (unpaid tuition, etc). FERPA requires that we allow him access to his grade, but we do not have to give him any official copy of it if he owes us something. **Refer these forms to Enrollment Services.** We will either complete the form or return it to you stamped “Approved by the Registrar” (at which time you can complete the form).

To avoid FERPA violations-

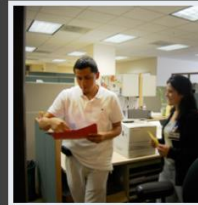
Please Do Not:

- Include confidential information (*i.e. grades, GPA, # of credits*) in a recommendation letter without the written consent of the student
- Discuss the progress of a student with anyone other than the student
- Email a group of students without placing student e-mail addresses in the blind carbon copy



When in doubt, **do not release student information**; instead contact the Registrar's Office at registrar@saintpeters.edu or 201.761.6050

**Enrollment
Services**



[Home](#) > [Enrollment Services](#) > [Records And Registration](#) > [FERPA](#) > [FERPA for Faculty & Staff](#)

FERPA for Faculty & Staff

Saint Peter's University is committed to the protection and confidentiality of student education records, adhering closely to the guidelines established by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) is a federal law designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for how this information can be released.

What Are Education Records?

Records that are directly related to a student that include any information in any medium including, but not limited to, handwriting, print, audio and video tapes, film, e-mail, microfilm, and microfiche. Records that are maintained by an institution or by a party acting for the institution.

Examples of an Education Record are:

- [Home](#)
- [News & Events](#)
- [Records and Registration](#)
 - [Change of Information](#)
 - [Consumer Information](#)
 - [Diploma Replacement](#)
 - [Enrollment Verification](#)
- [FERPA](#)
 - [FERPA for Faculty & Staff](#)
 - [FERPA for Students](#)

saintpeters.edu/ferpa