

## WHAT IS FERPA?

FERPA stands for Family Educational Rights and Privacy Act, also known as the Buckley Amendment. Passed by Congress in 1974, the Act is intended to protect the rights of students and to ensure the privacy and accuracy of education records. FERPA applies to all institutions that receive federal funds from the US Secretary of Education and grants four specific rights to the student:

- the right to review the information that the institution is keeping on the student
- the right to seek amendment to those records
- the right to limit disclosure of “personally identifiable information”
- the right to file a complaint with the US Department of Education

## WHO IS PROTECTED UNDER FERPA?

Students who are currently or formerly enrolled, regardless of their age or status in regard to parental dependency, are protected. FERPA is a legal agreement between the student and the institution (“school officials”). All others, including parents, are “third parties” to this relationship.

## WHAT IS A STUDENT EDUCATION RECORD?

With certain exceptions, an education record is any record (1) maintained by the university and (2) from which a student can be personally identified. Examples include personal information, enrollment records, grades, and course schedules. **The storage media in which you find this information does not matter.** A student education record may be a document in the registrar's office or the dean of the college's office; a computer printout in your office; a class list on your desktop; a computer display screen; magnetic backup tapes, microfilm, or video or audio tapes; email correspondence, etc.

## WHAT ARE THE BASIC RULES?

- **Student educational records are considered confidential and may not be released to a third party without the written consent of the student.**
- Some information is considered public (sometimes called "directory information"). This information may be released without the student's written permission. However, the student may opt to designate this information as confidential as well.
- **The following items are NOT directory information and may NOT be released without the student's written consent:** ethnicity/race, gender, Social Security Number, country of citizenship, religion, grades, GPA, class schedule.
- The right of faculty or staff members to access student education records is narrowly defined. FERPA allows school officials the right to access information *only* for legitimate use in completion of their responsibilities as a university employee. “Need to know” is the basic principle. **The ability to access student education records does not confer the right to view them.** Neither curiosity nor personal interest is a legitimate educational “need to know.”
- **As a faculty or staff member you have a responsibility to protect educational records in your possession. Good intentions or innocent mistakes do not excuse FERPA violations.**
- If you are ever in doubt, do not release any information. Call Neil Albert, University Registrar, at 228-7408, or refer the request to the registrar's office.

## WHAT ABOUT PARENTS' RIGHTS?

At the college level, parents have **no** inherent right to information included in a student's education records. This right is limited to the student. (Under FERPA, parents are considered a “third party.”) Faculty and staff members should not discuss a student's academic standing or record with a parent without the consent and signature of the student.

## FERPA Reference Sheet for Staff

**Directory information may be disclosed**, unless the student requests otherwise. Student requests to withhold directory information should be made to the Registrar's Office prior to the end of the drop/add period each term. Colgate has defined the following items as directory information:

- Name
- Class year
- Address (home and CU box only—not dorm)
- Phone listing
- E-mail address
- Date and place of birth
- Major/minor field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Photographs
- Dates of attendance
- Enrollment status (full-time or part-time)
- Degrees and awards received
- Most previous educational agency or institution attended

**Personally identifiable information and education records *may not* be released to anyone but the student**, and only then with the proper identification. **Parents, spouses, faculty, and other third parties must present the student's signed consent before Colgate University may release to them personally identifiable information or education records. This includes faculty (not the student's adviser) requesting information to write a letter of recommendation, etc.**

**Personally identifiable information (non-directory)** includes, but is not limited to

- Social security number
- Student identification number (Banner/Student ID number)
- Residency status (citizen, permanent resident, non-resident alien, etc.)
- Gender
- Race/ethnicity
- Religious preference
- Passwords (ITS)

**Education records (non-directory)** includes, but are not limited to

- Grades/GPA
- Academic transcripts
- Student's class schedule
- Test scores
- Academic standing (e.g., on academic warning)
- Number of course credits student is presently enrolled in
- Completed or outstanding graduation requirements
- Financial aid status or account information
- DOC information (e.g., petitions, leave requests, disciplinary information, etc.)

**The law requires staff members to treat students' education records in a legally specified manner.**

**General Practices to keep in mind:**

- Access to **Banner, Degree Works** and the **Colgate Portal** does not constitute authorization to view the data. Staff members are deemed to be "school officials" and can access data in Banner/Degree Works/the Colgate Portal if they have a legitimate

educational interest (“need to know”). Legitimate educational interest exists if the staff member needs to view the education record to fulfill his or her professional responsibility. **Neither curiosity nor personal interest qualify as “legitimate educational interest.”**

- **You have a responsibility to protect all education records in your possession.** Leaving reports, files, class rosters, grade sheets, or computer screens, etc., containing confidential student information in view of others who do not have a legitimate education interest in the data or leaving your computer unattended is in violation of FERPA. The information contained on them should also not be disclosed to third parties.
- **Parents**, spouses, roommates, etc. do not have a right to information contained in a student’s education record such as grades or course schedule (unless the student’s written consent is received).
- **Employers** do not have a right to educational information pertaining to a student (unless the student’s written consent is received).
- “Written consent” implies receiving the person’s physical signature. E-mail and voicemail don’t count, nor do electronic signatures. It must be the person’s physical, handwritten signature. (Signatures may be received in person, by fax, by mail, or scanned and e-mailed.)
- Do not discuss the progress of any student with anyone other than the student (including parents) without the student’s written consent.
- Do not provide anyone with a **student’s schedule**; do not assist anyone in finding a student on campus. Refer such inquiries to Campus Safety, the Office of the Registrar, or the student’s administrative adviser/dean.
- Do not provide a student (or faculty member) with data on other students for research purposes (i.e., honors thesis) or student activities, etc. Permission must be granted by the associate dean of the faculty or the registrar’s office.
- Do not provide anyone outside of Colgate with **lists of students** for any commercial purpose. Requests of this nature should be referred to the Office of the Registrar.
- When writing letters of recommendation, faculty members may not disclose a student’s course grade or GPA (or rank) unless the student has provided written consent.
- Do not post **registration PINs** in public places. If faculty members do, please ask that they be taken down and treated as confidential.
- Assist one student at a time in your office. Be aware of who else is in your office (or within ear shot) when discussing FERPA protected information.
- If you don’t personally know a student you are assisting (a new major perhaps, or a student taking a course in the department/program) you should always ask to see their Colgate ID card to confirm their identity before releasing any non-directory information.
- Do not leave **graded papers or tests** unattended on a desk in plain view in a public area nor should you allow students to sort through papers or tests in order to retrieve their own work.
- Shred all papers that contain personally identifiable information (e.g., Colgate ID numbers, class lists, transcript analysis sheets). Never throw away or recycle these items.
- **When sending an e-mail to more than one student, blind copy (Bcc) the students’ e-mail addresses.** Even if it’s going to students registered in the same class, you should still use blind copy because schedule information is confidential.
- **When in doubt**, please contact the Office of the Registrar for guidance (315-228-7408).