# FERPA
# Certification Training

# FERPA at Purdue University

As an employee, you may be working with sensitive and restricted data. In addition to being knowledgeable about how to classify and handle data at Purdue, you will need to be aware of federal regulations governing the data. This information will help prepare you for your FERPA certification which is required yearly.

# What is FERPA?

The Family Educational Rights and Privacy Act (sometimes called the Buckley Amendment) is a Federal law enacted by the United States Congress in 1974.

The Act sets forth requirements regarding the privacy of student educational records.  FERPA governs the release of records maintained by the University and access to those records.

# FERPA grants four specific rights to the student:

- **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 (with exceptions)

- **The right to file** a complaint with the U.S. Department of Education in Washington, D.C.

# Under FERPA, students do NOT have the right to:

- Inspect financial records of their parents

- Letters of recommendation when the student has waived his/her right to access

- Information about other students

The federal law requires that a written institutional policy complying with the Act be established and adopted procedures be published.

*Access to Student Education Records (VIII.A.4)* is Purdue University's official policy.  The policy is available for review at:

http://www.purdue.edu/policies/records/viiia4.html

# Purdue University must...

- Inform students of University record systems and identify what data is on the record.

- Assure students that this data is used only for intended purposes.

- Give students the opportunity to request a correction or an amendment to their record.

- Make certain employees with access to the student information protect students' privacy

The Data Security and Access Policy is available at:

http://www.purdue.edu/policies/information-technology/c-34.html

# When does a student become a student?

**At Purdue University, a student is an individual who is presently enrolled and attending, or has been enrolled and attended the University, and for whom the University maintains records.**

A student is deemed to be enrolled and attending once fees have been paid for a session (semester) or as of the first day of the session (semester) in which the student is enrolling, whichever comes first.
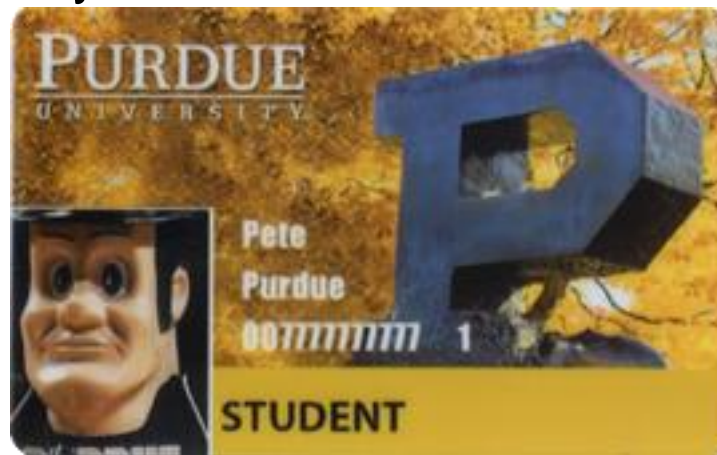
# What are educational records?

- Records that **directly relate** to a student (personally identifiable to a student).

- Records that are **maintained** by an educational agency or institution or by a party acting for the agency or institution.

# Examples of Educational Records

- PUID Card Photos

- Student Grade Records, which include class assignments and all graded materials

- Financial Aid Records

- Student Account Records

- Admission Application Records

# PUID Card Photos

- Student PUID card photos are now available in Banner, Brightspace, and StarRez. The photos ARE part of a student's education record and are NOT classified as directory information at Purdue University.

# Educational records are not:

- **Sole possession Records** - private notes held by a school official that are not released to other personnel. These are memory aids only, not anything pertaining to a student's educational record.

- **Law enforcement unit records** - this includes traffic violations

- **Employment records** - Records of individuals employed as a result of their status as students are education records; e.g. work study, graduate assistants.

- **Medical (Treatment) records**

- **Alumni Records** - created or received by the institution after the individual is no longer a student in attendance and are not directly related to the individuals attendance as a student

**These records have guidelines that respect privacy although they are not educational records subject to FERPA regulations.**

# Educational records are not (cont.)...

- **"Peer graded" tests or assignments** - FERPA permits "peer grading", the practice of instructors allowing a student to grade test or assignments of another student.  A grade does not become part of a student's educational record until the document has been collected and recorded by the instructor.

# What is Personally Identifiable Information?

Personally identifiable information includes direct and indirect information that would allow a reasonable person in the University or elsewhere, who does not have personal knowledge of the relevant circumstances, to be able to identify the student with reasonable certainty.

# Personally Identifiable Information includes, but is not limited to:

- Biometric records

- SSN

- PUID

- Date and place of birth

- Parent or other family member names

- Mother's maiden name

- Personal characteristics or other information that would identify the student

# Who is allowed to view a student record?

University Officials and employees of Purdue University may review student records as long as they have a **legitimate educational need** to review these records.

Faculty and staff members may inspect student records as long as they have an **academic** or **administrative** reason, such as to fulfill a responsibility as part of their contract with the University.

It is **illegal** for University officials, faculty, staff, student worker or any other member of our campus community to access student records for non-educational purposes.

Such access is considered a **violation of FERPA** and if allowed, the University is subject to fines from the United States Department of Education.

# Notifying students of exam grades

- **Faculty members need to be careful when notifying students what grade they earned for a course or exam.**

- Posting a grade in a public area or on a website that lists the student name, SSN or PUID (full or partial) alongside the earned grade is **strictly forbidden** under FERPA regulations.

# Posting of grades

Do **not** use e-mail, social media, Facebook, Twitter, Instant Messaging or texting to send out grades.

Although FERPA does not explicitly prohibit e-mailing grades, we do not recommend this practice.   Confidentiality cannot be guaranteed in transmitting information electronically.  If there is an unauthorized release of grades to someone who is not a school official or the student, then the institution is in violation of FERPA.

**HELPFUL HINT FOR INSTRUCTORS**

Do Not leave graded papers in a stack for students to sort through

# Student Information Release

- **If a student requests records to be made available to a third party, the University must collect <u>written</u> permission from the student before we release the information.**

- The information may be for an employment agency or another institution.

- A Student Information Release Authorization Form is located on the Registrar's website.

**The University must have written permission from the student to release non-directory information to a third party such as…**

- Student's PUID number or Social Security Number
- Grade Point Average (GPA)
- Grades
- Courses taken
- Student's schedule
- PUID card photo

# Directory Information for students at Purdue University includes only the following:

- Name

- Email address

- Address (local & home)

- Telephone number (local & home)

- College/school and curriculum

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# Directory Information for students (cont.)

- Enrollment status and credit hour load

- Dates of attendance

- Classification

- Receipt or non-receipt of a degree

- Academic awards received (dean's list, honors students)

- Participation in officially recognized activities

- Sports photograph

- Position, weight, and height of athletes

FERPA regulations allow the release of "Directory Information", without the written consent of the student.

**However….**

FERPA also gives students **the right to restrict** this information from the general public.

# Restricting the disclosure of Directory Information

A student has the right to request that their Directory Information not be released without their consent.  Such a request will apply only to subsequent actions by the University and will remain in place until removed by written request of the student, even after the individual is no longer a student.

Students have the option to request the restriction in writing through the use of the Request to Restrict Directory Information Form or to subsequently remove the restriction by submitting the Request to Remove Restricted Status Form.  Both forms are located online at http://www.purdue.edu/registrar/forms/index.html and can be submitted by mail or email to the Office of the Registrar.

# When information is restricted...

If a student decides to restrict Directory Information (making all information about them confidential) any requests for information **will not** be released to **anyone**, without written permission from the student. The University MUST continue to honor the restricted request, even after the individual is not longer a student, until informed otherwise by the student.

If the student decides to restrict their directory information, then any requests for items such as enrollment verifications, degree verifications, etc. will need their **written** permission before any of this information can be released to a third party, such as a health insurance company or prospective employer.

# Restricted Directory Information is CONFIDENTIAL

- **Note:** In Banner, if a student makes a request to restrict information, they are required to restrict ALL information. They cannot restrict portions of the information. **Therefore, if querying against the ODS system, it is important that you ensure you have requested the CONFIDENTIALITY_IND field so that it returns information on who has requested their information to remain confidential.**

- When data feeds are pushed out, they will always contain the Confidentiality Indicator field so that recipients understand that these individuals cannot have their information released.

# What about Web Reporting?

Purdue University may make available or publish for general use "summaries" of aggregated information from education records, without student consent, but only so long as there are no data sets that are small enough to identify an individual.

**Reminder:** Personally identifiable information is defined as information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to be able to identify the student with reasonable certainty.

# Small Data Sets & Single Cell Displays

If the information is released with small data sets intact, and it contains non-directory information, such as race, ethnicity, and gender, then it can only be released (without consent) **within** the institution to "school officials with legitimate educational interests."

# ALWAYS PROTECT STUDENT EDUCATION DATA/RECORDS

**Students, faculty and staff expect data in university systems to be secure from corruption and inappropriate disclosure.**

- Password protect your computer.

- Store confidential student information on a secure university network drive, or password protect and encrypt information on computers.

- Dispose of documents, CD's or floppy discs properly.

- Secure your office, lock doors, lock file cabinets, and desk drawers.

- Do not send PUID and FERPA protected (non-directory) information through e-mail unless password encrypted.

- Do not store restricted student data on laptops or other removable media.

# Parent or Legal Guardian's access to Education Records

- When a student reaches the age of 18 or begins attending a postsecondary institution at any age, FERPA rights transfer from the parent to the student.

- Several years ago the Department of Education amended FERPA so that institutions have the option to allow parents or legal guardians access to view their child's educational records. However, they must demonstrate to the Office of the Registrar that their child is a dependent per federal tax law.

# What type of information may be released to a student's parent or legal guardian?

- **Directory Information** may be released (at the discretion of the institution).

- Parent or Legal Guardians may obtain **non-directory information** (grades, GPA, etc.) at the discretion of the institution if the parent can demonstrate to the Office of the Registrar that the student is a dependent per federal tax law.

- Parents may have access to non-directory information by obtaining a signed consent from their child.  This is **a one-time use** form, submitted to the Office of the Registrar.

- A student can give parents, legal guardians, or other trusted parties access to view certain pieces of their student information online. This access is referred to as proxy access, and the person who is granted this authorization is called **myPurdue proxy**.

# MyPurdue Proxy

- The student controls the entire process through their **myPurdue Portal** and can add anyone with a valid e-mail address as a proxy

- A proxy will only see the pieces of information they have been authorized to view. Students select which information pages will be viewable online when they set up the account, and can grant and remove access through the Proxy Management page. Examples of information a student may grant access to see would be final grades, mid-term grades, registration, schedule and financial aid.

- Information and FAQ's available at www.purdue.edu/registrar/FERPA

# Students also have rights...

Students have the right to inspect and review their records. The University may take up to 45 calendar days (not business days) before providing students this access. **This includes the right to inspect information in their file in their major department.** *Most institutions provide immediate access, although FERPA regulations do not require immediate review.*

# More on Student Rights

- Applicants who are denied admission to the university, do not have the right to review their denied applications.

- Individuals, who are admitted but have not yet enrolled, have no FERPA rights until they are enrolled and become a student.  University policy states that a student is *"deemed to be enrolled and attending once fees have been paid for a session (semester) or as of the first day of the session (semester) in which the student is enrolling, whichever occurs first."*

- Former students have the same rights under FERPA as presently enrolled students.

Access to Student Education Records (VIII.A.4) is Purdue University's official policy, and is found at
http://www.purdue.edu/policies/records/viiia4.html

# FERPA and the USA PATRIOT ACT of 2001

Amendments to FERPA, relating to Anti-Terrorism Activities

FERPA generally requires prior written consent from the student before an educational agency or institution may disclose personally identifiable information from educational records to a third party.

**The law now includes exceptions to this general rule.**

# Ex Parte Orders

The amendments to FERPA permit release of personal information from educational records to the Attorney General of the United States or designee in order to comply with an **ex parte order**, in connection with an investigation or prosecution of terrorism crimes

**without the consent or knowledge of the student.**

# Lawfully Issued Subpoenas & Court Orders

FERPA permits educational agencies and institutions to disclose, without consent, information from a student's education records in order to comply with a "lawfully issued subpoena or court order" in three contexts:

- Grand Jury Subpoenas

- Law Enforcement Subpoenas

- All Other Subpoenas - *only if the school has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of the compliance.

**Please forward all subpoenas and court orders to the Office of Legal Counsel, Hovde Hall of Administration, for review.**

# Health or Safety Emergency

If the University determines there is an articulable and significant threat to the health or safety of the student or others, then *information from the education records may be released* to any person whose knowledge of the situation is necessary to protect the health and safety of the student or other individuals.

# CONCLUSION

# Things to Remember

- FERPA is **everyone's** responsibility

- **Directory Information** is the only information released without written consent of the student…  *provided* the student does not have a restricted directory

- **ALWAYS** check the confidentiality status of students to ensure compliance with privacy restrictions

- Contact the Office of the Registrar regarding FERPA issues and student privacy at ferpa@purdue.edu.

# Of Special Note

- Access to Student Information via Banner or other computer software does not authorize unrestricted use of that information

- Information on a computer screen should be treated with the same confidentiality as a paper copy

- Curiosity is not a valid reason to view student information

- Records should only be viewed in the context of official business

- **WHEN IN DOUBT – DON'T GIVE IT OUT**

# Helpful Hints for Instructors

To avoid FERPA violations – *remember*:

- Do Not use student name, SSN, PUID or any portion of these items to post grades

- Do Not leave graded papers in a stack for students to sort through

- Do Not e-mail grades to students

- Do Not circulate a printed class list with the student name, PUID, and PUID card photo

# Helpful Hints (cont.)

- Do Not provide anyone with student schedules or academic history

- Do Not provide anyone with lists of students enrolled in your classes

- Do Not include confidential information (i.e. grades, GPA) in a recommendation letter without the written consent of the student

**WHEN IN DOUBT – DON'T GIVE IT OUT**

# Helpful Hints (cont.)

- FERPA **permits** "peer grading", the practice of instructors allowing students to grade test or assignments of another student.  A grade does not become part of a student's educational record until the document has been collected and recorded by the instructor.

# Web Certification Instructions

**Certification completion**

1. Register for your certification at www.eventreg.purdue.edu/webcert

2. Once registered, allow five minutes for processing and then go to purdue.brightspace.com to complete the quiz.

Please note: A score of 100 percent on the quiz is required to be certified. Employees can take the quiz for their certification as many times as needed to achieve 100 percent.

For urgent matters or questions, please contact itap@purdue.edu.

# FERPA Certification Training

**Thank you for your attention and cooperation in protecting the privacy of our students!**

If you have further questions, please contact the Office of the Registrar.

For technical assistance, contact the Office of the Registrar, Data Steward, or ITaP.

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