

FERPA 101

What Every Employee Should Know About

FAMILY EDUCATION RIGHTS AND PRIVACY
ACT

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights concerning their student educational records.

Basic Information

FERPA gives student's the right:

- To see information that the institution is keeping on the student
- Students have a right to expect that information in their Educational Records will be kept confidential and disclosed only with their permission or as allowed by law.
- To seek corrective action of invalid records in certain cases
- To consent disclosure of his/her student record
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

Basic Information Cont'd

FERPA requires that a written institute policy complying with the Act be established and that a statement of adopted procedures concerning the privacy right of students be covered.

UTEP's written policy of procedures can be found in the current catalog under "Student Educational Records", and the Handbook of Operating Procedures.

Annual FERPA notification to students

Annual Records Security and FERPA Compliance online module to campus employees by the UTEP Institutional Compliance Office.

What does Disclosure mean?

Per FERPA, “Disclosure means to permit access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written or electronic means, to any party except the individual identified as the party that provided or created the record. “

What is Personally Identifiable Information?

The term includes, but is not limited to-

- Student name;
- Student's parents name or other family members;
- Address of the student or student's family;
- Student's social security number, student ID number, or biometric record*;
- Student's date of birth, place of birth, and mother's maiden name;
- Information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

*Biometric record means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

When Does FERPA apply to the Student?

FERPA applies to a student who is attending or has attended the University

It does not include individuals who have been admitted but have not attended

Attendance includes attendance in person, by correspondence, online, and during periods when the student is working on an internship program, which includes work-study.

Why Is This Important To You?

Institutions can lose federal funding if student information is not kept confidential

Misuse of information may result in being fired from your job

- Student's educational records are confidential and may generally be released only with the student's written consent
- You have a responsibility to protect educational records in your possession
- Student information should only be kept as long as deemed necessary

Why Is This Important To You?

Cont'd

As a faculty or staff member you should only have access to information legitimately necessary for the use in completing your job responsibilities to the university.

NEED TO KNOW is the basic principle

- Do not share information with other faculty or staff unless needed. This includes grades, gpa's, advising records, etc.

What are Student Educational Records?

Records that directly relate to a student

Records that are maintained by the University or a party acting for the University

Educational Records include:

- Admissions Application (For Enrolled Student)
- Advising Documents
- Class Rosters
- Class Schedule
- Courses Taken
- Discipline Records
- Disability Accommodation Records
- Exams/Papers
- Financial Aid and Scholarship

What are Student Educational Records? Cont'd

Educational Records include cont'd:

- Grades and GPA's
- Photographs
- Residency Information
- Student Employment records
- Social Security Number
- Student Payroll information
- Test Scores
- Transcripts
- Treatment Records for the purpose of disclosing in a health or safety emergency
- UTEP ID number
- Emails sent to and received by students
- Information reported to university officials

Materials can exist in any form: handwritten, computer, files, imaged documents, and microfilm

Educational Records not protected by FERPA:

- Records created or received by the institution after the person is no longer a student in attendance and that are not directly related to person's attendance as a student.
- Records of instructional, administrative, and educational personnel that are in the sole possession of the maker (i.e. file notes of conversations), are used only as a personal memory aid, and are not accessible or revealed to any individual except a temporary substitute.
- Grades on peer-graded papers before they are collected and recorded by a teacher.
- Law Enforcement records created by campus Police
- Employment records that don't require the individual to be a student to be in the job.
- Treatment records created by medical professionals . Records are protected by HIPAA (The Health Insurance Portability and Accountability Act of 1996 Privacy and Security Rules).

Who Can View a Student's Educational Record Without a Written Consent?

School officials in which their responsibilities requires them to access student records to complete their jobs

- Including Contractors, Consultants, Legal Providers, Parents and volunteers who assist the school in various capacities (teacher's aides serving on official committees, working in administrative offices, etc...), Debt Collectors, Fundraisers, Enrollment and Degree Verification Providers, Transcript distributors, Information Technology Services, Other non-employee/outside service providers performing institutional services and functions, Students on Discipline committees

Individuals who have obtained a judicial order to subpoena

To appropriate parties in a health or safety emergency, in order to protect the student and/or others

Parent or legal guardian of a student under the age of 21, without the student's consent, regarding the student's violation of any federal, state or local law, or any rule or policy of the institution governing the use, possession, or distribution of alcohol, narcotics, or other controlled substances.

Campus Police, if they have a legitimate educational interest

Who Can View a Student's Educational Record Without a Written Consent?

School officials in connection with Financial Aid to determine eligibility, amount, and to enforce terms and conditions of the aid

Organizations conducting certain studies for or on behalf of the University

School Officials who have a NEED TO KNOW concerning disciplinary action taken against a student

To certain gov't. officials in connection with state or federally supported education programs

To accrediting organizations

To attorney's representing UTEP

Other schools to which a student is transferring or has transferred and is attending

Specified officials for auditing or evaluation purposes

Directory Information

FERPA identifies a category of information known as “directory information,” which institutions may usually release without student permission. This information may be released since it is generally not considered harmful or an invasion of privacy if disclosed

FERPA gives student’s the ability to restrict disclosure of directory information with the student submitting a request of Non-Disclosure of Directory Information request to the Registration and Records Office during the 12 days of class of a long semester or the first four class days of summer session

Requests to withhold directory information will be honored by the University until such time that the request is revoked by the student or at the time of death

Student can obtain the request for Non-Disclosure of Directory Information by going to one of the following:

- www.utep.edu/register
- Goldmine. Complete the form located under Personal Information.
- Stop by the Records and Registration Office , Mike Loya Academic Service Building, Rm. 107

UTEP Directory Information

UTEP designates the following minimum information as Directory Information:

- student's name
- local and permanent address
- e-mail address
- telephone number
- place of birth
- field of study
- dates of attendance
- enrollment status
- student classification
- Degrees/awards received
- Photographs
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- and the most recent previous educational agency or institution attended

Is the Social Security number or Student ID covered under Directory Information?

No, directory information does not include a student's:

- Social security number; or
- Student ID number.

Use of Social Security Number

Can the SSN be used to confirm the identity of a student?

- The university is prohibited from using the SSN or other non-directory information to identify a student when releasing or confirming directory information, unless the student has provided a written consent
- If the person requesting the confirmation, such as potential employer, uses a student's non-directory information or social security number to identify or help identify the student for which they are requesting information, such as if the request provides a student's name and social security number then the directory information should **NOT** be disclosed or confirmed without written consent from the student; but if the requester provides a student's name and date of birth then the disclosure **may** be made if the student has not elected the withholding of directory information.

Access to Electronic Systems

UTEP ID number, user ID, or other unique personal identifier, used by the student, for purposes of accessing or communicating in electronic system can be used only if the identifier is used by the student in conjunction with one or more factors that authenticate the user's identity; such as, a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

When implementing such access consult with the UTEP Information Security Officer

When It's Permissible to Disclose Information to Parents

Parents' rights under FERPA transfer to a student, no matter their age, once the student enters college or turns 18.

Disclosures to parents are permissible without their student's consent in three exceptional situations:

1. May disclose education records to a parent of a dependent student under any circumstances. Parents may demonstrate the tax dependency of a student only by submitting to the University a copy of their most recently filed federal income tax return.
2. If a student isn't a dependent but is under the age of 21, the university may disclose education records to a student's parent under the alcohol or controlled substance exception. If the University has determined that a student under 21 violated its alcohol or other drug rules, it may disclose the fact to parents. However, the student must be under 21 at the time of disclosure, not just at the time the violation occurred.
3. If a student isn't a dependent, the university may disclose education records to a student's parent in connection with a health or safety emergency.

When It's Permissible to Disclose Information to Parents cont.

Student may also give authorization to third parties to access their education records by completing the Student Authorization to Release Education Records located at one of the following:

- www.utep.edu/register
- Goldmine. Complete the form located under Personal Information
- Stop by the Registration and Records Office, Mike Loya Academic Services Building, Rm.123

Guidelines for Faculty and Staff

DO: Use randomly assigned numbers or codes to display scores or grades

DO: Keep personal notes relating to individual students separate from educational records

DO: Keep only those individual student records necessary for fulfillment of your responsibilities

Guidelines for Faculty and Staff cont'd

DO NOT: Display student scores, grades, SSN, or UTEP ID numbers

DO NOT: put papers, projects, graded exams, or reports in publicly accessible places

DO NOT: Share information, including grades, GPA's, with other faculty or staff unless their responsibilities warrant a **NEED TO KNOW**

External Requests for Directory Information

External requests from an outside agency or business for student directory information must be officially requested as follows:

- Requests can be mailed, hand-delivered, faxed, or sent by electronic mail. Electronic mail or facsimile requests must be sent to the electronic address and fax number listed.
- Fax: (915) 747-5068
- E-mail: tpia@utep.edu
- Address: 500 W. University Ave., Suite 301
El Paso, TX 79968
- More information can be found in the VPBA Open Records website:
<http://admin.utep.edu/Default.aspx?tabid=47537>

Guidelines for Faculty and Staff

cont'd

DO NOT: Discuss a student's progress with anyone (including parents) without written consent of the student

DO NOT: Provide anyone with lists of students' enrolled in your class for any commercial use

DO NOT: Leave student records unsecured on your desk when not in attendance

DO NOT: Leave a student record open on your computer monitor, especially when the information does not pertain to the student that you are assisting

DO NOT: Leave file cabinets unlocked that contain student's educational records

Inquiries About Student's Whereabouts

Never give out a student's class schedule

- Emergency and Non-Emergency requests locating a student need to be referred to UTEP campus police at:
 - UTEP Police Administration Building -3118 Sun Bowl Drive (next to the Facilities Services Complex)
 - The UTEP Police Department maintains a patrol of the campus area by patrol officers 24 hours a day, 7 days a week, 365 days a year.
 - The UTEP Police Department Administrative office hours for the UTEP Police station are 8:00 a.m. to 5:00 p.m., Monday through Friday (closed on holidays)
 - The UTEP Police can be reached by phone at the following numbers:
 - (915) 747-5611 - EMERGENCY-Dispatch Office-Non-emergency calls
 - E-mail: police@utep.edu

When In Doubt

If you have a doubt, then don't give it out

- Contact the Registration and Records Office at:
- Phone: 747-5544
- Email: registrar@utep.edu
- Room 123 Mike Loya Academic Services Building (corner of Schuster and Hawthorn)

Additional FERPA Information

Additional information on FERPA can be found in the following locations:

- Online University Catalog, Student Educational Records located in the Academic Regulations Section at:
<http://www.utep.edu/catalog/>
- UTEP Handbook of Operating Procedures, Section III (Academic Policies and Faculty Personnel Matters), Chapter 4, Section 4.16 (Student's Rights to Privacy and Access to Records):
<http://admin.utep.edu/hoop>
- Family Policy Compliance Office (U.S. Department of Education)
<http://www.ed.gov/policy/gen/guid/fpc/index.html>
- Additional information on technical controls can be found on the Information Security Office site <http://www.it.utep.edu>