

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

WHAT IS FERPA?

“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 THE CORRECTION OF INACCURATE AND MISLEADING DATA THROUGH INFORMAL AND FORMAL HEARINGS.”

Introduced in 1974 by Senator James Buckley of New York, the Family Educational Rights and Privacy Act began as a section of the General Education Provisions Act called the Protections of the Rights and Privacy of Students and Parents. The Act is also referred to as the Buckley Amendment.

The Family Educational Rights and Privacy Act is enforced by the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605

FERPA applies to all educational institutions that receive federal funds. Federal Funds can include grants and financial aid. If an institution is found to have violated FERPA, or not to be in compliance with FERPA, those federal funds may be revoked.

WHAT DOES FERPA GUARANTEE STUDENTS?

FERPA guarantees to students:

- the right to inspect and review their educational records
- the right to seek to amend their educational records
- the right to limit the disclosure of their educational records.

WHAT IS A STUDENT, AND WHAT ARE EDUCATIONAL RECORDS?

A student at an institute of higher education is anyone currently or formerly enrolled, regardless of age and parental dependency. FERPA does not apply to students who applied but did not attend the institution, nor does it apply to deceased students.

An education record can be defined as any information provided by a student to the university for use in the educational process or any record from which a student can be personally identified. Educational records may include any records in the possession of an employee that are shared with or accessible to another individual. An education record may be:

- A document
- A computer printout
- A class list on a desktop
- A computer display screen
- A handwritten note

Educational records do not include:

- Sole possession records or private notes
- Law enforcement or campus security records solely for law enforcement purposes
- Records relating to employees of the institution (unless employment is contingent upon school attendance)
- Records relating to treatment by a physician
- Records obtained after a person is no longer a student (i.e. alumni records)

WHAT DOES THIS MEAN FOR ECU FACULTY AND STAFF?

Institutions must annually notify students in attendance of their rights under FERPA. East Carolina University's annual notification appears in the Undergraduate and Graduate Catalogs.

Institutions must also declare what they consider to be Directory Information. Directory Information is information which would not generally be considered harmful or an invasion of privacy if disclosed. ECU lists the following as Directory Information:

Student's Name	Address
Major Field of Study	Participation in Officially Recognized Activities and Sports
Dates of Attendance	Weight & Height of Athletic Team Members
Degrees and Awards Received	Most Recent Previous Educational Agency or Instituted Attended

Students are made aware that they can notify the Office of the Registrar in writing if they do not wish this information to be released without prior consent.

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According to FERPA, any information that is not considered Directory Information MAY NOT be disclosed to anyone except the student without prior written consent.

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There are several exceptions to this rule. Institutions may release information from student records (that is not considered Directory Information) without prior consent:

- To school officials with legitimate educational interest (e.g. one faculty member to another)
- To schools in which a student seeks or intends to enroll (e.g. a graduate school Office of Admissions)
- To Federal, State, and local authorities involving an audit or evaluation of compliance with educational programs (e.g. NCAA)
- In connection with Financial Aid
- To comply with a judicial order or subpoena
- In a health or safety emergency
- To the student (if positive identification provided)
- To parents of dependent students (with proof of dependent status)

Examples of information that is not considered Directory Information include, but are not limited to grade point average, class schedule, grades, number of hours completed, and exam scores.

The public posting of grades either by the student's name or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class website and applies to any public posting of grades for students taking distance education courses. Instructors and others who post grades should use a system that ensures that FERPA requirements are met. This can be accomplished either by obtaining the student's written permission or by using code words or randomly assigned numbers that only the instructor and individual student should know.

East Carolina University provides a secure web application (Pirate Port) for students to view their academic record. Students must supply a username and password to access this web application.

Faculty and staff should not do any of the following:

- use the Social Security Number of a student in a public posting of grades
- link the name of a student with that student's social security number in any public manner
- leave graded tests in a stack for students to pick up by sorting through the papers of all students
- circulate a printed class list with student name and social security number or grades as an attendance roster
- discuss the progress of any student with anyone other than the student (including parents) without the consent of the student
- provide anyone with lists of students enrolled in your classes for any commercial purpose
- provide anyone with student schedules or assist anyone other than university employees in finding a student on campus