



FERPA

Office of the University Registrar



What is FERPA?

- FERPA is the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. Statute: 20 U.S.C. 1232g; Regulations: 34 CFR Part 99. The intent of the Act is to protect the rights of students and to insure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.



Who is protected by FERPA?

- Students who are or have been “in attendance” at the institution, regardless of instructional delivery, regardless of their age or status in regard to parental dependency are protected by FERPA.



What are a student's primary rights under FERPA?

1. The right to inspect and review his or her education records.



What is an “education record”?

An “education record” is any record that is:

- Directly related to a student; and
- Maintained by an educational agency or institution, or by a party acting for the agency or institution.



Information Examples in an Educational Record

- Department or College files
- Graded materials (papers, videos, tests, artwork, computer graphics, etc)
- Evaluations (internships, research, placement tests)
- Any medium (paper, electronic, audio, video, emails)



What is not considered an education record?

- Sole possession records or private notes held by a school official that are not accessible or released to other personnel.
- Security records that are solely for law enforcement purposes and maintained by the law enforcement unit.
- Records relating to individuals who are employed by the institution (unless the employment is contingent on their status as a student such as work study).



What is not considered an education record?

(Continued)

- Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional and disclosed only to individuals providing treatment.
- Records of an institution that contain information about an individual obtained only after that person is no longer a student at the institution, i.e., alumni records.



Sole Possession Notes

- Are made by one person as an individual observation or recollection, are kept in possession of the maker.
- Notes taken in partnership with any other person are not sole possession
- Sharing the notes or placing them where the notes can be shared (department files) makes the notes education record
- Emails are never sole possession; Letters of Recommendation are never sole possession



What if a student wants to inspect his or her record?

- Must comply within 45 days.
- Required to provide copies of a record only if failure to do so would effectively deny access, such as if the student does not live within commuting distance.
- Respond to reasonable requests for explanations and interpretations of the records.
- Do NOT destroy records if a request for access is pending.
- Contact the Office of the University Registrar if you have questions or concerns.



What are a student's primary rights under FERPA?

2. The right to request an amendment to his or her education record that he or she believes to be inaccurate or misleading.



What if a student wants to amend his or her record?

- A student who believes that information contained in his or her education records is inaccurate or misleading, or that it violates his or her privacy or other rights, may seek correction of the records through a request to amend the records or through a hearing.
- Challenges can only be made to the accuracy of the records and not to the judgments the records contain.



What are a student's primary rights under FERPA?

3. The right to consent to disclosures of personally identifiable information contained in his or her education records, except to the extent that FERPA authorizes disclosure without consent.



What is personally identifiable information?

- Personally identifiable information (FERPA DATA) includes but is not limited to:
 - The student's name;
 - The name of a student's parent or other family member;
 - The address of the student or student's family member;
 - A personal identifier such as the student's social security number or **student identification number; includes partial numbers**
 - A list of personal characteristics that would make the student's identity easily traceable; or
 - Other information that would make the student's identity easily traceable.



FERPA Data and Educational Record

Disclosing Personally Identifiable Information along with information specific to the Student's educational record is not allowable without consent or legitimate educational interest



Confidential and Public Information

- Most information in an educational record is confidential and requires written permission for release
- Directory Information is specifically identified information allowable for public release as denoted in the law



Disclosures of Confidential Educational Record without Consent

Virginia Tech School officials with a legitimate educational interest



Who is a “school official” and what is “legitimate educational interest”?

- School officials are those individuals who engage in the instructional, supervisory, advisory, administrative, governance, public safety and support functions of the University.
- Legitimate educational interest refers to the need of a school official to access a student’s education records in the course of performing his or her duties for the University. **ASK: does this person need the information to do his or her job?**



Student Employees

- May have inquiry access to student records if required for job responsibilities
- Employers must inform students of their FERPA responsibilities via employment contract.
- Violation of FERPA (accessing data for personal reasons; disclosures) are dismissible offenses



Additional Disclosures without Consent

- Health and Safety Emergency
 - Knowledge is necessary to protect the health and safety of individual or other individuals
 - Immediate emergency call 911
 - Safety concerns should be reported to Dean of Students who will contact the appropriate office
- Communication in Class
 - No anonymous students



Additional Disclosures without Consent (continued)

- Accreditation Organizations
- Tax Dependent as defined by Commonwealth of Virginia and IRS Regulations (Sec. 152)
- Officials with Statutory Purpose (U.S. Secretary of Education, U.S. Attorney General, State Council of Higher Education)
- Violations of drug or alcohol policy (under 21)
- Final Results of disciplinary hearing of certain criminal acts per Federal Statute



What is directory information?

- Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed.
- It may be released to third parties without the consent of the student, unless the student has chosen to mark directory information as confidential by using Hokie SPA.



What does Virginia Tech include as elements of directory information?

- Student's name
- Local and Permanent address
- Telephone Number(s)
- Major field of study
- Whether a student is currently enrolled
- Enrollment status (full-time, half-time, etc.)
- Class
- Academic level
- Anticipated graduation date
- Certification that student has applied for degree
- Dates of enrollment
- Degree(s) earned, including date and level of distinction
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Electronic Thesis Titles



May never be directory information:

- Race
- Gender
- SS Number or Student Number
- Grades
- GPA
- Country of Citizenship
- Religion



How would I know if a student has marked his or her record confidential?

- The education record of a student is flagged in Banner and on **Faculty Access** if the student does not want his or her directory information released to third parties or if the student has marked his or her entire record confidential. Appears as “Confidential” above first block on all BANNER forms; Appears by name on faculty rosters or on Advisor Demographic view
- If entire record confidential, nothing will not appear in People Search
- If a student has marked his or her entire record confidential, you must answer third party inquiries about this student with: **“I have no information on this individual.”**



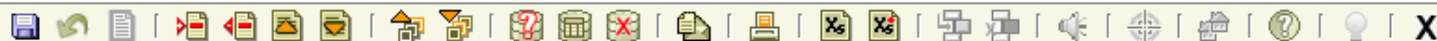
Parent Disclosure Options

- FERPA Waiver with a Pass Code must be available and provided by the third party
- Guest Access assigned by student to a third party for view but not discussion



FERPA Waivers

- Check Banner SZIFERP
- Check HOKIE SPA, Class List
- Check HOKIE SPA, Advisor Menu



ID:

FERPA Information

Parent/Guardian Last Name	Parent/Guardian First Name	Relationship	Tax Dependent?	Pass Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

ID number; press LIST for person name/ID search.



Search

FERPA Disclosure

i **The Family Educational Rights and Privacy Act (FERPA)** requires that you authorize the university prior to release of any academic record information to a third party. Completion of the following online form allows you to approve disclosure of your academic record information to parent(s) and/or guardian(s). The disclosure will remain valid until you remove the authorization via the add/delete button. It is important that you create a 8 character PASS CODE to be shared with your parent and/or guardian. The parent/guardian must disclose the pass code to the appropriate university official prior to receipt of any of your academic record information.

Tax Dependent? It is important to note that the Commonwealth of Virginia requires tax dependent students attending Virginia's colleges and universities to release academic record information to their parents. This requirement is allowable within the guidelines of FERPA. If you are a tax dependent of your parent or guardian, please denote that information by checking "YES" in the question column, "Are you a Tax Dependent?" Remember to complete the 8 character PASS CODE information as well.

Refer any questions relative to this process or laws should be directed to Wanda Hankins Dean, University Registrar, registrar@vt.edu.

[Return to Registration Status page](#)

Parent/Guardian Name		Relationship	Are you a tax dependent to this person?	Create Pass Code
First name <input type="text"/>	Last name <input type="text"/>	Father <input type="button" value="v"/>	Yes <input checked="" type="radio"/> No <input type="radio"/>	<input type="text"/>
<input type="button" value="Add/Delete Record"/>		<input type="button" value="Reset"/>		



Advisor FERPA Disclosure view

Student Demographic Information Menu - Windows Internet Explorer

https://banweb-dev.banner.vt.edu/ssb/pprd/twbkwbis.P_GenMenu?name=bmenu

File Edit View Favorites Tools Help

Search: Go

Hokie Plus **Hokie Team** **Hokie Spa** **Faculty Access** **WebTailor Administration**

MENU SITE MAP HELP EXIT

FACULTY ACCESS

Student Demographic Information Menu

- [View Student General Academic Information](#)
- [View Student Address\(es\) and Phone\(s\)](#)
- [View Student E-mail Address\(es\)](#)
- [Advisee FERPA Disclosure](#)
Verify Parent/Guardian passcode.

[[VT Alerts](#) | [Hokie PLUS](#) | [Hokie Team](#) | [Hokie Spa](#) | [Faculty Access](#) | [Web Tailor Administration](#) | [Department Access Maintenance](#) | [Timetable of Classes](#) | [Registrar Maintenance Access](#) | [Undergraduate Admissions](#) | [Graduate Admissions](#) | [University Account Information](#) | [Departmental Authorization](#) | [Obsolete Credit Calculator](#) | [Emergency Contact Information Report](#) | [Room Reservation Request Menu](#) | [Faculty Online Credential System](#) | [Faculty Online Credential System - Individual](#)]

Done Internet 100%

Faculty & Advisors Menu - Windows Internet Explorer

https://banweb.banner.vt.edu/ssb/prod/twbkwbis.P_GenMenu?name=bmenu.P_FacMainMnu













File Edit View Favorites Tools Help

Favorites | Blogging Away Debt » Ou... | Web Slice Gallery

Faculty & Advisors Menu

Faculty & Advisors Menu

Attention Scholar to replace Blackboard, with full implementation by Fall 2010. Read more.
http://www.vtnews.vt.edu/campus_notices/campusnotice.php?item=2381

-  Faculty and Advisor Student Menu
 -  Faculty Detail Schedule
 -  Faculty Schedule by Day and Time
 -  Detail Class List
 -  **Summary Class List**
-  Faculty Grade Sheet Menu
 - Enter and print Midterm, Tentative and Final Grades.
 -  FERPA Disclosure
 - View the FERPA disclosure information for the students in your class.
 -  Grade Change
 -  Term Selection
 -  CRN Selection
 -  Create/Update Class Listserv
-  Email the Registrar's Office

[[VT Alerts](#) | [Hokie PLUS](#) | [Hokie Team](#) | [Hokie Spa](#) | [Faculty Access](#) | [Web Tailor Administration](#) | [Department Access Maintenance](#) | [Timetable of Classes](#) | [Registrar Admissions](#) | [University Account Information](#) | [Departmental Authorization](#) | [Obsolete Credit Calculator](#) | [Emergency Contact Information Report](#) | [Room Reservation Re Credential System - Individual](#)]



Non Standard Requests:

- Investigators
- Subpoenas
- Surveys/Research
- Student Organizations/Honor Societies
- Scholarships



Safeguarding and Communicating FERPA Data

Guarantee the data you receive to perform your job is kept safely

- Files
- Desktop
- Laptops
- Emails



Flash Drives





Communicating Protected Data

Emailing Information
Attaching Spreadsheets,
Reports, or Scanned
Documents



Email Standards

- Do not include personally identifiable data in totality: full student ID number and full name
- Do not list name and ID number in subject line
- Communicate using either: 999999999 (ANW) or Alice N. Wonderland (x9999) or 999999999(Wonderland).
- Do not attach spreadsheets or scanned documents with **full identifiers or non directory info** via email; communicate spreadsheets via secure links or SCHOLAR or shared electronic files.



Emails Gone Wild

- Dean of Students, Wesley College, Delaware (student in so much academic trouble he dug a hole deeper than mine shaft in Chile) [Oct 2010]
- Graduate Dean, University of Missouri, sent email to all graduate students mistakenly describing a student as mentally distressed with details. [Oct 2010]
- Program Chair sent dismissal comments to sophomore with similar user id as faculty member.
- Spreadsheet of student names on academic suspension emailed to students.



Reports

- Reflect Confidential Flags for any Student Record
- Redact Student Record Data if marked confidential AND if provided to a third party



Disposal of Confidential Information

- Do not throw in office trash
- Shred
- Send to Records Management for destruction



Exposure of Protected Data

Contact University Registrar
Immediately



IT Security

- IT Security Reviews
- Sensitive Data Review
- Change your Passwords
- Contact itso@vt.edu or 231-1688
- Visit website: security.vt.edu



REMINDERS FOR INSTRUCTORS

- Return of Assignments/Tests
- Do not email responses to Non VT accounts
- Do not post grades with names/numbers
- May create identifiers to post



Letters of Recommendation

- If personally identifiable information obtained from a student's educational record is included in the letter of recommendation (e.g. grades, GPA, etc.), the writer is required to obtain a signed release from the student specifying it may be disclosed



Letters of Recommendation

- Subjective Observations do not require written release
- Example: I have known Jane for the past year through her work in my classes. Her participation and interaction in these classes, plus her knowledge of the subject, have been well above average. She exhibits a natural ability to conduct research independently and arrives at conclusions that demonstrate significant intellectual depth.



Letters of Recommendation

- Letters are part of the educational record and are viewable
- Students may waive their right to inspect the letters of recommendation
- Do not assume student has waived right to inspect.



What are some strategies for dealing with individuals who cannot gain access to education records because of FERPA?

- Listen. Make sure that you have heard and understand the entire story before you respond.
- Empathize. Acknowledge that FERPA may seemingly be making this situation more difficult.
- Tell them what you can and cannot do, and WHY. (Use your knowledge of FERPA).



What are some strategies for dealing with individuals who cannot gain access to education records because of FERPA?

(continued)

- Do not access the screen where the information is contained so you are not tempted to share information that you should not share.
- Use information the caller is providing, with hypothetical situations and policies, to formulate answers.
- Try to speak directly to the student.



What are a student's primary rights under FERPA?

4. Filing a Complaint

The right to file a complaint with the United States Department of Education concerning alleged failures by an institution to adhere to FERPA.



**When in
doubt, don't
give it out!**



FERPA Tutorial



Under FERPA, which of the following would NOT be acceptable:

- a. The release of the title of a congressman's degree to the local paper.
- b. The Provost having access to all students' education records.
- c. Notifying students of their FERPA rights in the student handbook.
- d. A faculty member announcing to his/her class that they can pick up their graded term papers from the chair outside the office.



To be an “education record,” the information must be:

- a. personally identifiable to the student.
- b. maintained by the institution.
- c. kept in the University Registrar’s office.
- d. made available to law enforcement.
- e. All of the above
- f. a and b only



Under FERPA, which of the following is NOT an “education record”:

- a. a student’s traffic violation.
- b. the GRADE from a student’s term paper.
- c. a student’s e-mail address.
- d. the women soccer team’s roster showing home town, height, weight, and current class level.
- e. work-study student’s work record.



Student representatives on university committees (e.g., honors, curriculum, etc.) may have the right to see other students' education records during the deliberations of that committee:

- a. True
- b. False



A former student has the same right to inspect and review his/her record as a student currently attending the institution:

- a. True
- b. False



The student scholarship chair of a Virginia Tech fraternity has asked that you provide the grade point averages for all of their members, in order that scholarships and academic honors can be awarded. This information can be provided.

- a. True
- b. False



An institution must release to anyone, upon request, any information identified as directory information by the institution:

- a. True
- b. False



You receive a phone call from the father of a student who states that his son just received a grade report and after reviewing the report, the father and son have some questions. Can you answer their questions?

- a. Yes
- b. No



You receive a phone call from excited parents claiming that there is a family emergency, and they need to get in touch with their daughter immediately. Can you tell the parents the day, time and location of their daughter's class?

- a. Yes
- b. No



Faculty have a right to inspect education records of any student attending Virginia Tech without giving a reason:

- a. True
- b. False