



ASBURY UNIVERSITY

OFFICE OF THE REGISTRAR

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FERPA: What you need to know as faculty and staff

Understanding the Federal FERPA Law

FERPA (Family Educational Rights and Privacy Act) was passed in 1974 and has been amended since that time.

FERPA governs the disclosure of education records maintained by an educational institution and access to those records. FERPA governs what may be released, but does not require that any information be released.

It grants four specific rights to a post-secondary student:

- to inspect and review the student's education records.
- to request an amendment to their education records.
- to limit the disclosure of "personally identifiable information" contained in their education records, except for situations involving legitimate educational interest or as may be required by law.
- to file a complaint with the Department of Education FERPA Office in Washington.

FERPA applies to all educational agencies or institutions, including Asbury University, which receive funds under any program administered by the Secretary of Education.

Your Responsibilities

Student records in your possession as an employee of the University are private confidential records protected by FERPA. You have a legal responsibility under FERPA not to disclose personally identifiable information contained in these records to persons other than the student and/or a University official who has a legitimate educational interest without the student's written consent. You may not access student education records for personal reasons.

As a general principle, this means you may not disclose student information in oral, written, or electronic form to anyone except AU staff and faculty who need the information to perform their university functions.

An AU official has a **legitimate educational interest** to access information when she or he has a demonstrated "need to know" acting in the student's educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information, or provide a service or benefit relating to the student or student's family, including student employees or agents. Examples of such services may include safety and security, housing, health care, counseling, career center, financial aid, or other tasks related to the function of the University.

You may not release lists or files with student information to any third party outside your college or department.

Student information stored in an electronic format must be secure and available only to those entitled to access that information.

Student information should not be stored on laptops or home computers.

Student information in paper format must be shredded before disposal.

Education Records & Access Limits

Student education records include records directly related to a student and maintained by the institution or by a party acting for the institution. Examples include exams, papers, advising notes about a student, applications, financial documents, and correspondence that contains information about a student, including e-mail.

FERPA requires institutions to allow students to review educational records upon request. Personal notes maintained by and for a sole individual as a memory aid and not made available or revealed to any other faculty or staff members are exempted from this requirement under FERPA. (But such "sole possession records" could be subject to discovery through a subpoena).

Exclusions to student education records include certain law enforcement records, certain treatment records, non-matriculant records, employment records, and post-graduation alumni records.

Directory Information

Directory information is certain, defined categories of information in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Information designated by the University as directory information is listed in full in the *Compliance* section of the University Bulletin and includes e-mail addresses, address, telephone numbers, and enrollment status. Directory information is considered public and may be released by the Registrar's Office without the student's written permission, unless the student has requested to keep this information confidential by notifying the Registrar's Office.

Directory information does NOT include:

- ethnicity or race
- gender
- nationality
- social security number
- student identification number
- religious affiliation or denomination
- grades or GPA
- course enrollment or schedule

How can a student request to withhold release of directory information?

A currently enrolled student may prevent the release of all directory information. In order to do this, students contact the Registrar's Office. The student accepts all consequences of having directory information withheld. Student directory information will not be withheld from faculty and staff conducting official University business.

Can student directory information always be released since it is considered public?

Student directory information should NOT be released to third parties. Refer all inquirers to the Registrar's Office who will determine whether a student has an active FERPA block preventing release.

Can student non-directory information be released?

All non-directory information is considered confidential (personally identifiable information/PII) under FERPA and will not be released to outside inquiries without the express written consent of the student, unless it falls within a specific exception under the law. Non-directory PII should not be sent by standard non-encrypted email.

What are parental rights under FERPA?

When a student reaches the age of 18 or begins attending a post-secondary institution regardless of age, the FERPA rights transfer from the parent to the student. It is Asbury University's practice not to make disclosures from a student's education record involving academic matters to parents without the student's written consent. Instead, we provide answers to general questions related to academic policy and procedure, and politely encourage parents to communicate with their student when asked specifics related to a student's education record.

Caring For Student Needs & FERPA

What should I do if I'm concerned about a student's health or safety, or the health or safety of those around the student?

If you have this type of concern about a student, please report it. You should speak with your department chair or dean or to the Center for Wholeness & Wellness if you have a health or safety concern. FERPA permits you to make disclosures of education records to others within the University who have a legitimate educational interest in the information, including presenting good faith health or safety concerns. FERPA also permits disclosures of information in a health or safety emergency, if considering the circumstances and information available at the time, knowledge of the information is necessary to protect the health or safety of a student or other individuals. One's own personal observations of a student's behavior or condition generally are not considered education records. Federal and state laws (in addition to FERPA) limit what may be disclosed from a student's health or counseling records, but these rules also contain exceptions for community health and safety emergencies.

What if someone needs to reach the student because of an emergency?

Direct all such inquiries to the Registrar's Office or Campus Security (through the switchboard).

How do I communicate with a guest given Shared Portal access by a student?

Permission granted to view aspects of a student's record through the Shared Portal does not permit guests to contact a University representative to discuss the items contained in the student record. Direct or written student consent is required before a University representative will engage in conversation with anyone other than the student, including parents. Please see "What are parental rights under FERPA."

FERPA DO NOTs!

- disclose information to a student or University official before authenticating the identity of the person and determining that the person has a legitimate educational interest to share the information.
- release your password for ANY reason. Doing so grants access to student personal information in your trust as an employee of the University.
- disclose personally identifiable information about a student to the media. The official spokesperson for the university is the Director of Marketing & Communications, 859-858-3511 x2175.
- link a student's name with his/her social security number, AU student ID number, or any portion of these numbers in any manner
- post grades (physically or virtually) or leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students. The only graded work a student should see is their own.
- send non-directory personally identifiable information (PII) by standard non-encrypted email; this includes emails to the student or to a university employee with legitimate educational interest. Email is not a secure method of communicating PII.
- include confidential information such as grades or GPA in a recommendation without the written consent of the student.
- discuss the progress of a student with anyone other than the student or the student's advisor without the written consent of the student. This includes inquiries from a student's family, such as parents.
- provide anyone with lists or files of students enrolled in your classes to any third-party.
- provide anyone with student schedules or assist anyone other than university employees in finding a student on campus. Refer such inquiries to the Registrar's Office or Campus Security (switchboard).
- access the records of any student for personal reasons.

If you have any questions related to FERPA, please call the Office of the Registrar, 859-858-3511 x2325 or email registrar@asbury.edu.