

FERPA: What faculty and staff need to know

It's the Law

FERPA (Family Educational Rights and Privacy Act) was passed by Congress in 1974. It grants four specific rights to a post-secondary student:

- to inspect and review their education records;
- to seek to have their records amended;
- to have some control over the disclosure of information contained in their education records;
- to file a complaint with the FERPA Office with the Department of Education.

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education.

It's Your Responsibility

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student education records in your possession. Generally schools must have the student's written permission to release any personally identifiable (non-directory information) from their education record. However, FERPA allows disclosure, without the student's consent, in the following instances:

- to IECC officials with legitimate educational interest;
- to appropriate parties in health or safety emergencies;
- to certain federal, state, and local educational authorities for audit or evaluation purposes;
- to accrediting organizations to carry out the accrediting functions;
- to state and local authorities, within a juvenile justice system, pursuant to specific state law;
- to organizations conducting certain studies for, or on behalf of, IECC;
- in compliance with a judicial order or subpoena;
- IECC officials may disclose the final results of a title IX disciplinary proceeding (Ref. Board Policy 100.31);
- to parents of students under 21 regarding the student's violation of laws or policy regarding the use or possession of alcohol or a controlled substance;
- information concerning registered sex offenders may be released in a manner consistent with regulations.

You may not access education records for personal reasons.

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 unless it's encrypted.

Student personally identifiable information in paper format must be shredded before disposal or placed in a locked disposal bin.

Student Information Types

Education records ARE records, files, documents, and other materials in various media which are directly related to a student and maintained by IECC or by a party acting for IECC, such as the following:

- exams or papers
- applications
- grades
- schedules
- advising notes
- financial documents
- conduct/disciplinary records

FERPA requires institutions to allow students to review education records upon request. Students should be directed to the college's **Student Services** department to file a request.

Student education records DO NOT include such things as private notes made by faculty or staff (sole possession records), aggregate (statistical) data (that's not traceable to a student or students), and post-graduation alumni records.

Directory information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy, if disclosed. The primary purpose of directory information is to allow institutions to include student information in certain school publications (such as graduation and athletic programs, publicizing awards, etc.) or for verification purposes (such as employment, loans, etc.). All requests by outside parties for student directory information will be considered on an individual basis by the student records department. IECC takes very seriously its responsibility to safeguard the privacy of our students. At IECC directory information includes:

- name
- current/permanent address
- email address
- telephone number
- date and place of birth
- current term hours carried
- major field of study
- classification (freshman, sophomore, cont'g.)
- academic unit
- dates of attendance/anticipated graduation date
- degrees and honors earned and dates
- most recent previous educational agency or institution attended (prior to IECC)
- participation in officially recognized activity or sport and weight, height and pictures of members of athletic teams
- picture

Students have a right to prohibit the release of directory information and must complete the proper form and file it with their college's student records department. When this is done, it will be valid for an academic year and upon searching in Banner for that individual, a "confidential" alert will display.

Personally identifiable/non-directory information is considered confidential in nature and should never be released, except where allowed for in the FERPA Act (listed previously under "It's Your Responsibility"). At IECC non-directory information includes:

- social security
- student ID number
- race, ethnicity, nationality
- gender
- GPA
- religion
- parent information

As a general rule, do not disclose any student information in oral, written, or electronic form to anyone other than IECC staff and faculty who need the information to perform their job function.

Clarification of Parents' Rights

What rights do parents have under FERPA at IECC?

All students enrolled at IECC are considered "eligible students" which is defined as a student who has reached 18 years of age OR enters a postsecondary school at any age. Therefore, parents have no inherent right to education records of their children. However, there are exceptions in which IECC allows parents access to their child's records:

- a student may provide written authorization allowing parents access to education records;
- if a student is claimed as a dependent (regardless of age) by either parent for tax purposes, then either parent may have access;
- the disclosure is in connection with a health or safety emergency;
- the student (under 21 years of age) has violated any law, rule or policy governing the use or possession of alcohol or a controlled substance.

So remember, no matter the student's age, if they're enrolled at IECC, no education records may be provided to a parent without authorization by the student unless an above exception applies.

Avoiding FERPA Violations

To avoid violations of FERPA rules, DO **NOT**:

- require students to disclose personal information such as phone number and email address to another student;

- ask a student for their Entrata password or accept it if offered under any circumstances;
- at any time use a student's identification number in a public posting of grades, including an electronic environment **or** link the name with the ID number or (whole/partial) social security number;
- post grades in a web environment that does not require a secure password which might allow a student access to another student's education records (grades);
- circulate a printed class list with student names and student identification numbers or grades as an attendance roster;
- take photographs or video without permission from students in the class;
- discuss the student's progress or records with anyone other than the student (including parents) without the consent of the student (or as allowed for in the FERPA act);
- provide anyone with student schedules or assist anyone other than IECC employees in finding a student on campus;
- send a letter of recommendation that includes information from the student's education records such as grades, GPA, attendance, etc.;
- leave materials or computer screens with student information in view of others or leave terminal unattended;
- mail or email grades to a student.

No matter where classes are taught (online, off-campus sites, etc.), all students have the same rights under FERPA.

Officials Responsible for Records

The officials ultimately responsible for student records at the colleges follow; when information is requested, please contact one of these individuals:

FCC
Amy Loss, Ext. 4114

LTC
Julie Higginbotham, Ext. 1137

OCC
Andrea Pampe, Ext. 2005

WVC
Steve Patberg, Ext. 3101

WED
Laurie Taylor, 618-985-2828 Ext. 8319

To review the complete FERPA policy, go to www.iecc.edu/ferpa.