

# FERPA: Family Educational Rights and Privacy Act

Students are afforded certain rights to privacy under the Family Educational Rights and Privacy Act (FERPA).

## What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements designed to protect the privacy of student education records. FERPA governs (1) release of education records and (2) student access to education records.

## Who is protected under FERPA?

Current or formerly enrolled students (including continuing education students) are protected under FERPA. Students who have applied but have not attended are not protected.

## What are education records under FERPA?

Education records are defined as records that are:

- Directly related to the student, and
- Maintained by the college or a party acting for the college.

## Education records are not:

- Sole possession records (possessed by the maker only)
- Law enforcement records
- Employment records (unless contingent on attendance)
- Medical records
- Post-attendance records

## What information cannot be disclosed?

Information that would directly identify the student or make the student's identity easily traceable is considered non-directory and **cannot be disclosed without the student's written consent**:

- Name of the student in combination with any of the following items
- Student's parents or other family member
- Student or family address
- Student's Social Security number, COD ID number or other identifying number
- Student's schedule
- List of personal characteristics (such as gender, race, ethnicity or religion)
- Grading or attendance information
- Other information that could make the student's identity easily traceable

*Family Educational Rights & Privacy Act and College of DuPage Board Policy 20-15*

## What information can be disclosed?

Information that is available to the public and can be disclosed without a student's written consent is considered directory information.

- Student's name
- College-issued email address
- Student's community
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Terms attended
- Enrollment Status (e.g. full or part time)
- Degrees and awards received
- Last educational institution attended by the student

*Note: Students may request that directory information be withheld by contacting the Office of Student Records (SRC 2150) and completing proper documentation.*

## To whom can non-directory information be disclosed?

- To anyone if the college has obtained prior written consent of the student
- School officials whom the college has determined have a legitimate educational interest
- Other categories designated by FERPA (list available in the Office of Student Records)

## Who is a school official?

- Employees in the position of an administrator, faculty or staff member
- Member of the Board of Trustees
- Company employed by or under contract with the college to perform a special task
- Student serving on an official committee or assisting another college employee in performing his or her tasks

## What is meant by legitimate education interest?

The demonstrated need to know by those college employees who act in the student's educational interest.

## What about communicating with students via electronic modes?

College employees who communicate with a student about the student's education record through electronic modes, such as phone, fax and the student's personal e-mail, must be certain that the person with whom they are communicating is the student.

*College of DuPage Board Policy 20-15*

## Is the course management system secure?

Because students must sign on with their COD ID and password, information is secure. Faculty can be assured that when communicating with students using this system, they are in compliance with FERPA.

## Can grades be posted using Social Security numbers?

Grades cannot be posted using the whole Social Security number, the last four digits of the Social Security number, or any part of the Social Security number.

## What do FERPA and COD say about parents?

- When a student reaches the age of 18 or begins attending college, regardless of age, FERPA rights transfer to the student.
- Students must appear in person in the Office of Student Records to sign a release form to allow parents access to non-directory information.
- **Parents requesting non-directory information about their student should be referred to the Office of Student Records, SRC 2150. Instructors will be notified if the required documentation is received by the Office of Student Records.**

## How can privacy violations be avoided?

To avoid violations of FERPA, employees should not:

- Communicate electronically (fax, phone, e-mail) about non-directory information unless certain that the communication is with the student
- Link the name of a student with that student's Social Security number in a public manner
- Require that students share their phone numbers or e-mail addresses with other students
- 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 students' names, addresses, or Social Security numbers without written consent
- Discuss the progress of any student with anyone other than the student (including parents or spouse) without written consent of the student
- Provide anyone with lists of students enrolled in a class (or classes) for any commercial purposes
- Provide anyone (except the student) with student schedules or assist anyone other than college employees in finding a student on campus
- Leave student information visible to others who might walk into your office or pass by your desk
- Use personally identifiable information for educational research purposes without getting the proper college authorization

**The penalty for noncompliance with federal regulations can be withdrawal of Department of Education funds from the college.**

## For More information

For more information on the privacy of student education records, contact Katherine Norris, Registrar, SRC 2150, (630) 942-2620.

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