CONFIDENTIALITY

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FERPA

• The Family Educational Rights and Privacy Act affords students certain rights concerning their student educational records. The law is also known as FERPA and failure to follow it can result in loss of all federal funding.

• The Act provides students with the right to inspect and review education records, the right to seek to amend those records and the right to limit disclosure of information from the records.
STUDENT RIGHTS RELATING TO EDUCATIONAL RECORDS

With certain exceptions, an educational records is any record (1) from which a student can be personally identified and (2) maintained by the college.

For example:

- Grades
- Enrollment records
- Schedules
- Class Lists
- CWID (Campus wide identification number)
- SSN (social security number)
- Student employment and payroll information
WHO CAN ACCESS INFORMATION FROM A STUDENT’S EDUCATIONAL RECORD?

• SWTJC school officials who have a legitimate educational interest

• A school official has a legitimate educational interest in accessing or reviewing a student’s educational records, if he/she is:
  • Performing a task related to a student’s education or student’s discipline
  • Providing a service or benefit related to the student or student’s family
  • Maintaining safety and security on campus
WHO MUST COMPLY WITH FERPA?

• All SWTJC employees including:
  • Faculty: Full-time and adjunct
  • Staff: Full-time and part-time
  • Student employees
  • Student organization leaders
  • Contractors, consultants, and volunteers (whose job roles have given them access to student educational records).
FERPA permits the release of some information without student permission. For example:

- To school officials with legitimate educational interests – must have a need-to-know
- To comply with a judicial order or lawfully issued subpoena (after appropriate notice to the student)
- To appropriate parties in a health or safety emergency, such as parents, University Police, Student Health Center
DISCLOSURES WITHOUT CONSENT (CONT.)

- In connection with financial aid for which the student has applied or received if the information is necessary to determine eligibility for aid, the amount of the aid, the conditions for the aid, or enforce the terms and conditions of the aid
- To certain government officials in connection with state or federally-supported education programs
- To accrediting organizations
- To attorneys representing SWTJC
- To organizations conducting certain studies for or on behalf of the University (with certain conditions)
GUIDELINES FOR FACULTY AND STAFF

DO:

- Keep any personal notes relating to individual students separate from educational records.
- Keep only those individual student records necessary for fulfillment of your responsibilities.
- Refer information requests to the proper educational record custodian. When in doubt, contact the Registrar.
SOME GUIDELINES FOR FACULTY AND STAFF (CONT.)

• DO NOT:
  Ø Share student information, including grades or GPA’s, with other faculty or staff unless their responsibilities warrant a need-to-know
  Ø Discuss a student’s progress with anyone (including parents) without written consent of the student
  Ø Provide anyone with lists of students enrolled in your classes for any commercial purpose
  Ø Leave any confidential information displayed on an unattended computer or in view of others
WHEN IN DOUBT

• Err on the side of caution and do not release student educational information.
• Refer requests for student academic information to the Registrar’s Office.
• Check student’s consent before releasing any student education records information.
• **3.9.2 Student Records**
  The institution protects the security, confidentiality, and integrity of student records and maintains security measures to protect and back up data.
SCENARIOS

• Instructor Morris who teaches MATH 141 comes to you with a request for the MATH 140 grades and cumulative GPA's for three of his current students. Can you provide this information to him? (Note: MATH 140 is a prerequisite for MATH 141)

• A parent calls to talk about his son who was dropped to non-degree conditional status. What can you tell the parent?
SCENARIOS

• Instructor Morris has a "legitimate educational interest" in knowing the MATH 140 grades of the students since it's a prerequisite course for MATH 141. However, he does not have a need to know the students' cumulative GPA's. Instructor Morris could, alternatively, run the prerequisite class list in the system to determine if the students have satisfied the necessary prerequisites for MATH 141.

• The cautious approach is not to discuss any specifics of the student's situation. Instead, discuss in general terms the policies and procedures surrounding non-degree conditional status and what the next steps are for students in this situation.
SCENARIOS

• An applicant provides a high school transcript as part of his SWTJC application. The student is not admitted to SWTJC. Another college asks for a copy of the transcript. Can we provide it?

• A student who is a high school junior enrolls in an SWTJC course during the summer. The student is 16 years old. The parents ask for a copy of the student's grades. Are you permitted to release the grades to the parents since the student is under the age of 18?
SCENARIOS

• No. Even though the student did not enroll at SWTJC and, therefore, his transcript is not part of our educational record, FERPA prohibits us from re-disclosing an educational record received from another institution unless we have the student's written consent.

• No. When the student enrolls in a post-secondary institution regardless of age, all FERPA rights belong to the student.
SCENARIOS

- Are comments and notes related to a discussion you had with a student considered part of the education record?
SCENARIOS

• Yes. If those comments and notes are recorded in or kept in a file that is accessible to others. Unless they are "sole possession" records, comments and notes are part of the student's education record and subject to FERPA. Since FERPA gives the student the right to review any or all of his/her education record, these notes could be included in that review. Therefore, it is important that notes or comments be factual and objective and that University employees who are recording notes or comments avoid making value judgments or using inappropriate language.