

FERPA 101

Office of the University Registrar

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Agenda

- FERPA Basics
- Educational Records
- Directory/Non-directory Information
- FERPA and Parents
- Legitimate Educational Interest
- FERPA Breaches
- FERPA and Social Media
- Scenarios
- Resources

Let's level set!

- FERPA can be complicated and hard – it is murky at times, but there are also lots of clear answers to many FERPA FAQ's
- Many FERPA violations stem from a lack of understanding – the good news is we are here to help!
- This session is being recorded and will be shared on OUR's FERPA page
- Due to volume of attendees, we will not be able to respond to chat questions or a Q&A after the presentation
 - Reach out to OUR for follow-up regarding specific questions; contact information available on final slide

Knock knock
Who's there? ~FERPA

FERPA who?

Sorry, I can't tell you
that....

som^{ee}cards
user card



Why should I care about FERPA?

- FERPA is your responsibility!
- As member of the educational community at Cornell University, you have a legal responsibility under FERPA to protect the privacy of student educational records in your possession or have access to.
- Your position places you in a position of trust and you are an integral part of ensuring that student information is handled properly.

“Need to know” is the basic principle of FERPA.

What are the basic student rights under FERPA?

- 1. Right to inspect and review their education records except:**
 - Information about other students
 - Financial records of parents
 - Confidential letters of recommendation if they waived their right of access
 - Have up to 45 days to inspect after request is made
- 2. Right to seek amendment to records they believe are incorrect**
- 3. Right to have some control over disclosure of education records**
 - Consent to disclosure to third parties
 - Restricted directory information
- 4. Right to file a complaint with Student Privacy Policy Office within the U.S. Department of Education**

When is a student a student at Cornell?

- When a student reaches the age of 18 or begins to attend a post-secondary institution, regardless of age, all FERPA rights belong to the student
 - For elementary and secondary students, if they are under 18 and not in a postsecondary setting, the FERPA rights belong to the parents/guardian
- FERPA begins for a Cornell student on the first day of classes/semester or attendance, whichever comes first, and the student continues to be protected by FERPA for their lifetime

What are educational records?

- Any record directly related to the student (regardless of format or medium) maintained by the institution, or by a party acting for the agency or institution
- May not be released to a third party without a student's explicit written consent
- Examples:
 - Personal/biographic information (SSN, race/ethnicity, gender, nationality, student ID, etc.)
 - Enrollment records
 - Grades
 - Class list
 - Disciplinary records
 - Class Schedules
 - Student exams or papers
 - Financial aid information
 - Emails maintained by anyone at the institution, provided they are related to the student

What is NOT an educational record?

- Records in “sole possession of maker”
- Law enforcement records created for a legal purpose
- Employment records, unless employment is based on student status (work-study, graduate teaching assistants)
- Medical/psychological treatment records
- Alumni records (created after student was enrolled)

What is a sole possession note?

- Made by one person as an individual observation or recollection and are kept in the possession of the maker (e.g., memory jogger)
- Notes taken in conjunction with any other person are not sole possession notes
- Sharing the notes with another person or placing in an area where they can be viewed or accessed by others makes them “educational records” and they would be subject to FERPA
- Emails are never sole possession notes
- All information recorded in Salesforce and CUESR, including notes and reports, are part of the educational record
 - Follow guidelines from Salesforce Documentation Best Practices Committee for how to document student exchanges
 - Information available at <https://cornell1.force.com/cep/s/article/Advising-Portal-Documentation-Best-Practices>

FERPA Pro Tip:

Dance like no one is watching;
email/take notes

like it may one day be read aloud
in a deposition or appear on the front page
of your local newspaper.

What is Directory Information at Cornell?

- Directory information is an exception under FERPA that permits for the release of information in a student's educational record that is not considered to be harmful or an invasion of privacy if disclosed.
- Items that may be released without student consent (unless student has a FERPA flag):
 - Student name
 - Campus E-mail address
 - Local and cell phone numbers
 - Photograph
 - Major field of study and college attended
 - Academic level
 - Dates of attendance
 - Enrollment status (withdrawn, less than half-time, half-time, three-quarter-time, full time)
 - University assistantship status (e.g. teaching assistantship, graduate research assistantship, research assistantship, graduate assistantship)
 - Participation in officially recognized activities and sports
 - Weight and height (of members of athletic teams)
 - Any degrees earned and awards received
 - Date of birth and local address (for the sole purpose of federal census data responses)
 - **Note: Address information is not considered directory information at Cornell.**

“Just because you can, doesn't mean you should”

FERPA Reminders

- **FERPA indicates we MAY, not MUST release directory information – if in doubt, do not release.**
- It is ok to take time and circle back to someone requesting information.
- Other institutions may identify directory information differently than our institutional practices and that's ok!

How do I navigate FERPA and parents?

- Parents do not have a right to a student's education record, absent a student's express written permission
 - Even with student permission, this is a “may” disclose situation
 - We are not required to disclose student records even if the student has authorized it
- FERPA releases
 - Cornell does not accept “blanket” FERPA releases for parents to access information

How do I navigate FERPA and parents, cont.?

- In general, the university does not make education records available to the parents of a student. However, where the university believes that it is in a dependent student's best interest, information from the student's education records may, at the university's discretion, be released to the parents or legal guardians of such a dependent student.
- Such disclosure generally will be limited to information about a student's official status at the university, but parents or legal guardians of a dependent student may also be notified upon the authorization of the dean of the student's college, or the vice president for student and campus life, or the dean of students, or their designees in the following cases:
 - when a student has voluntarily withdrawn from the university or has been required by the university to withdraw;
 - when a student has been placed on academic warning;
 - when the student's academic good standing or promotion is at issue;
 - when a student engages in alcohol- or drug-related behavior that violates Cornell policies;
 - when a student has been placed on disciplinary probation or restriction;
 - in exceptional cases when a student otherwise engages in behavior calling into question the appropriateness of the student's continued enrollment in the university.


The Difference between “May” and “Must”

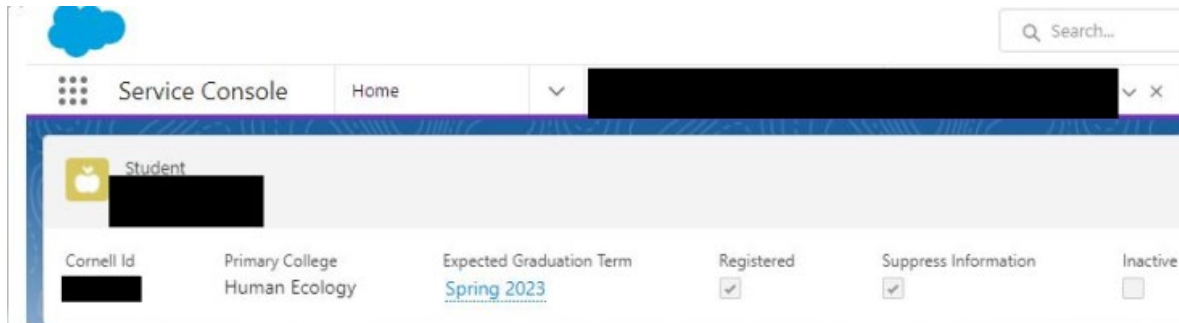
- When a child turns 18 or enters a postsecondary institution at any age the rights under FERPA transfer to the eligible student
- If a student is claimed as a dependent by either parent for tax purposes, then a parent is permitted to have access; the disclosure is NOT compelled
- This permutation of FERPA causes some parents some consternation and frustration

What about health and safety emergencies?

- Can disclose to appropriate officials in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals
- Typically working through a Crisis Manager/Dean of Students; contact the Office of the University Registrar with questions

What is a FERPA flag?

- Students have the right to suppress directory information from public release; students suppress all or none of their information
- Everyone at the institution must respect a student's record suppression
- This icon, found on the Peoplesoft Student Record, indicates the student has a FERPA flag/directory suppression on file
 - Text within this flag indicates language to use: “I have no information to release on this individual.” 
- In Salesforce this information is displayed via a checkbox



Is it ok to share educational records with others on campus?

- Institutions may disclose educational records, without consent of the student, if the disclosure is to school officials (including faculty and staff), whom the institution has determined to have a **legitimate educational interest**.
 - Faculty/Advisors
 - Campus Security/Police
 - Disability Services
 - Student Affairs/Academic Affairs
 - Alumni Relations
 - Athletics
 - Information Technology
 - College/School Offices
- Annual Notification of FERPA Rights includes criteria for determining who constitutes a school official and what constitutes a legitimate educational interest
 - Legitimate educational interest generally means a “need to know”: the school official needs access to the education records in order to fulfill their professional job responsibilities
 - Emailed to students annually; also included in Courses of Study

What is written consent?

- To disclose educational records, a student must provide a signed and dated written consent
 - The consent must:
 - Specify record that may be disclosed;
 - State purpose of disclosure; and
 - Identify party or class of parties to whom disclosure may be made
- Each college manages this process differently; as of now, there is not a centralized solution or form

What is written consent, continued?

- Some examples of exceptions to written consent requirement:
 - Directory information
 - School official with a legitimate educational interest
 - Seeks or intends to enroll at an institution
 - Audit (OUR notes in PeopleSoft)
 - Health or safety emergencies (must be documented)
 - Accrediting organization (OUR notes in PeopleSoft)
 - Complying with a judicial order or subpoena

How can I share educational records appropriately?

- Review CIT's Regulated Data Chart to determine FERPA usability for various products (permitted/restricted/prohibited)
 - <https://it.cornell.edu/regulated-data-chart-0>
- Utilize CIT's Secure File Transfer
 - <https://sft.cornell.edu/login>

What happens when there is a FERPA breach?

- A FERPA breach is when an educational record is shared where it should not have been – big or small
- Reach out to your college registrar or OUR
- Will need to know date, time, what occurred, etc.
- OUR reports to CIT's DPIRT for review and action



Are there FERPA considerations with social media?

- Be cautious about posting any course related information on social media, including information about grades, course enrollments, class schedules or asking students to “check in” with a location
- Avoid taking/posting photos of students in class activities where they are identifiable and named specifically by course, unless signed permission is obtained from each student

FERPA! FERPA!

FERPA!

Are these FERPA Dos or Don'ts?

- Use SSN to identify a student
- Release class schedule to attempt to locate a student
- Release directory information if student has FERPA suppression
- Leave sensitive information on desk when away from office
- Discard documents with sensitive information without proper destruction and disposal
- Leave papers/exams in a stack for students to pick up
- Circulate lists with student IDs, SSNs or grades
- Access student records for personal or reasons other than those required for job
- Release lists with student information to third parties
- Give information to another university official without verifying they have an educational need to know
- Submit a student's paper to an anti-plagiarism service without first removing the student's name, ID number, or other personally identifiable information.

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All FERPA Don'ts

Scenario 1

- There are various reports/queries available within colleges and departments. A doctoral student teaching in your college needs data for their dissertation. Since you have access to these reports, you could quickly help out this graduate student.
 - Should you release the data?
 - Why or why not?
 - What are potential next steps?

Scenario 2

- You work in your college's student services office, which means you have access to a lot of student data. Your sister's children attend Cornell. Recently, while working through reports and communication you discovered your nephew has been placed on academic warning. You know your sister will want to know and your nephew is unlikely to share his grades and past semesters' academic info.
 - Should you release the data to your sister?
 - Why or why not?
 - What are potential next steps?

Scenario 3

- John is a teaching assistant for Dr. Herstory's 1234 history class. After a prelim exam, Dr. Herstory is called away for a family emergency. The prelims are already graded but have yet to be entered into Canvas. Eager to get this off his plate, Dr. Herstory gives John their username and password for Canvas.
- Over the weekend, John logs into Canvas and enters in the grades.
 - Is this acceptable?
 - Can TA's have access to education records?

Scenario 4

- You receive a frantic phone call from someone stating to be a student's mother who must get in touch with her daughter immediately due to a family emergency.
 - Can you provide information pertaining to the student's class schedule?
 - Why or why not?

Scenario 5

- A parent of one of your advisees wants the ability to speak with her daughter's instructors on a regular basis regarding her progress in classes. The daughter has signed a consent form granting her mother access to this information.
 - Are you required to honor this request?
 - Why or why not?

Scenario 6

- You receive a call from an employer asking for names and campus addresses of students with a GPA of 3.0 or better. They say they have multiple position opportunities for these students. We have a strong relationship with this employer.
 - Can you help these students get jobs by sharing this information?

Scenario 7

- A parent calls and is logged into Student Center for the student. They are trying to add/drop classes.
 - Is it okay to proceed talking to them?
 - How would you advise them?

FERPA Ferret



Key Resources

- Cornell University Office of the University Registrar
 - <https://registrar.cornell.edu/service-resources/ferpa>
 - Courses of Study details the Annual Notification Under FERPA
- Cornell University Policy 4.5 – Access to Student Information
 - <https://policy.cornell.edu/policy-library/access-student-information>
- American Association of Collegiate Registrars and Admissions Officers (AACRAO)
 - <http://www.aacrao.org/>
- U.S. Department of Education’s Student Privacy Policy Office (SPPO)
 - <https://studentprivacy.ed.gov>

OUR Contact Information

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