

A photograph of a large, ornate brick clock tower at the University of Idaho, featuring a prominent clock face and Gothic-style architectural details. The scene is captured during sunset, with a warm orange and pink glow in the sky. The tower is the central focus, with other campus buildings visible in the background.

# FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT OF 1974 (FERPA) AND WHAT YOU NEED TO KNOW



# WHAT IS FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records. This law applies to postsecondary institutions as well as K-12 schools.

FERPA governs:

- The disclosure of education records maintained by an educational institution; and
- Access to these records.



# WHAT DOES THAT MEAN?

Institutions have obligations.

Students have rights.

(not the other way around)

In K – 12 the student's rights belong to the parent.

In Post Secondary the student's rights belong to the student – that means when a student participates in a University of Idaho course the right to the information maintained by the university belongs to the student. Even if they are a minor.



# WHO MUST COMPLY WITH FERPA?

Any educational institution or educational agency that receives funds under any program administered by the U.S. Secretary of Education.

For example, an educational institution, such as the University of Idaho, who administers Federal Financial Aid, and its employees are required to comply.



# WHAT IS OUR OBLIGATION?

- Annually notify students of their rights
- Protect students' rights
- Maintain records securely
- Keep records of disclosure



# WHY SHOULD YOU CARE?

- You are building a trust relationship with students. As a member of the university community, you are given access to private information about students. They trust that you are using that information in appropriate ways.
- Maintaining the confidentiality of educational records is the responsibility of all faculty, staff, and student employees with access to student-related data.
- Knowledge of the Family Educational Rights and Privacy Act is important to ensure that student educational information is maintained and released in compliance with FERPA guidelines.



# STUDENTS HAVE THE RIGHT TO:

- Inspect and review their record
- Seek an amendment to their record
- Request to restrict release of directory information
- File a complaint with the Family Policy Compliance Office (FPCO), which is part of the U.S. Department of Education



# WHO IS CONSIDERED A STUDENT?

A student is any individual:

- Who is or has been in attendance at an institution; and
- Regarding whom the institution maintains educational records
- At the University of Idaho we start to apply FERPA once a student is admitted to the university





# WHAT IS AN EDUCATIONAL RECORD?

An Educational Record is:

- Any record that is maintained by the institution that is directly related to a student or students that can contain a student's name(s) or information from which an individual student can be personally (individually) identified.
- Any record maintained by an educational agency, or institution, or by a party acting for the agency or institution



# WHAT IS IN AN EDUCATIONAL RECORD?

An Educational Record includes:

- Files
- Documents (handwritten, print, video or audio tapes, computer media, film, microfilm, microfiche, email, graded materials, class lists, individual student class schedules, financial aid records, student account records, etc.)
- Employment records related to work study, teaching, teaching assistantships, or research assistantships
- Anything that contains information directly related to students and from which students can be personally (individually) identified



# WHAT IS NOT AN EDUCATIONAL RECORD?

What is not part of the Educational Record?

- Sole possession record
- Law enforcement unit records
- Employment Records (unless employment is due to work study, teaching, teaching assistantships, or research assistantships – these are part of the educational record)
- Medical and Treatment records
- Alumni records



# WHAT IS A SOLE POSSESSION RECORD?

A Sole possession record is made by one person as an individual observation or recollection, are kept in the possession of the maker, and are only shared with a temporary substitute.

- Notes taken in conjunction with any other person are not sole possession notes
- Sharing these notes with others or placing them in an area where they can be viewed by others makes them “educational records” and subject to FERPA
- Emails can never be sole possession records
- Recommendation: if you don’t want it reviewed, don’t write it down



# WHAT IS PERSONALLY IDENTIFIABLE INFORMATION?

Personally Identifiable information or data includes:

- The name of the student, student parents or guardians, or other family members
- The student's campus or home/origin address
- A personal identifier (such as SSN, student ID, V#, NetID)
- A list of personal characteristics or other information which would make the student's identity known with reasonable certainty



# WHAT IS DIRECTORY INFORMATION?

Directory information is information not generally considered harmful or an invasion of privacy if disclosed.

- Directory information is outlined in the Faculty Staff Handbook 2600 B-5
- Directory information is also available on the Office of the Registrar's web site <https://www.uidaho.edu/registrar/faculty/ferpa>
- Students must be given the opportunity to request that directory information not be released. This right of non-disclosure applies to directory information only.



# UNIVERSITY OF IDAHO'S DIRECTORY INFORMATION

Student Name

Individual photo or image

Height/weights of members of athletic teams

Local address and telephone

Specific athletic achievements

Permanent address and telephone

Letters of commendation

Email address

High school and other institutions attended

Class

Scholarships awarded

Academic Major

Withdraw date

College

Degree earned and conferral date

Full/part time

Dates of attendance

Academic and other honors

Leadership positions in university organizations



# ITEMS THAT CAN NEVER BE DIRECTORY INFORMATION

Items that can NEVER be directory information:

- Race
- Gender
- Social Security Number (or any part of SSN)
- Grades
- GPA
- Country of citizenship
- Religion





# WHAT IF SOMETHING ISN'T LISTED ON THE DIRECTORY INFORMATION?

Only directory information can be released as long as the student isn't marked confidential.

If a piece of information isn't defined as directory information, it isn't directory information and can only be released

- If the student's written permission is obtained or
- If the release meets the requirements under one of the exceptions to student's written permission found in FERPA



# WHEN CAN STUDENT INFORMATION BE DISCLOSED WITHOUT CONSENT?

The exceptions to FERPA which allow disclosure of student information in postsecondary institutions are:

- To school officials with legitimate educational interests
- To schools in which a student seeks or intends to enroll
- To Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs
- In connection with financial aid



# DISCLOSURE EXCEPTIONS CONTINUED

- To accrediting organizations
- To comply with a judicial order or subpoena (reasonable effort must be made to notify student)
- In a health or safety emergency
- Directory information
- To the student
- To parent of student under 21 if institution determines that the student has committed a violation of its drug and alcohol policies
- Results of disciplinary hearings to an alleged victim of a crime of violence



# WHO IS CONSIDERED A SCHOOL OFFICIAL?

A school official is:

- An employee of the university in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health staff personnel),
- Or a company employed by or under contract to the university to perform a specific task, such as, an agent, an attorney, an auditor, or an outsourced service provider,
- Serving as a student representative on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.



# WHAT IS LEGITIMATE EDUCATIONAL INTEREST?

A school official has legitimate educational interest when the information is necessary for the school official to:

- Perform appropriate tasks that are specified in the job description or by contract;
- Perform a task related to the student's education;
- Perform a task related to the discipline of a student;
- Provide a service or benefit to the student (health care, counseling, job placement, financial aid, etc.)



# WHAT CAN YOU DO TO ENSURE PRIVACY, SECURITY, AND SAFETY OF STUDENT RECORDS?

1. Access student records only if you have a legitimate educational interest.
2. Maintain the privacy of all student academic work (paper and electronic) at all times – at work, at home, and in transit.
3. Never allow students to pick up their academic work by sorting through stacks of material that include classmates' work.
4. Do not circulate printed class lists/rosters that include student names, IDs, etc., for attendance purposes.



5. Do not use personal information, including student name, ID, and Vnumber, for the public posting of grades or for any other use.
6. When writing letters of recommendation include private information only after receiving written permission from the student. Ensure written permission identifies the information to be shared, purpose, date, and signature of student.
7. Always place student e-mail addresses in blind copy when sending e-mail to groups of students.
8. Avoid using personally identifiable information about students in e-mail subject lines and in the bodies of e-mail.
9. Be careful about sharing private information via wireless technology (cell phones, wireless internet, etc.).



10. Keep only student records needed for the fulfillment of your professional responsibilities; check with your department for information on record retention and disposal.
11. Follow University of Idaho guidelines for appropriate use of technology. For details visit <https://www.uidaho.edu/infrastructure/its/standards>.
12. Students who participate in a course that uses a course management system (BbLearn, Elluminate, etc.) may have access to personal information and academic work produced by other students and faculty members. Federal law and University policy require that students and faculty members not reveal any information about classmates, course work content, or its authors to anyone outside the course.





13. Never share or discuss private or withheld information (including student progress or schedules) with others outside the university without the student's permission. Do not share information with others who do not have a legitimate educational interest.
14. Never store student information on your computer, including laptops. Always store your work on the University's share drive or your university personal drive.
15. When in doubt, do not release student information; instead contact the Office of the Registrar at 208-885-6731 or [registrar@uidaho.edu](mailto:registrar@uidaho.edu).



# WHO TO CONTACT FOR ASSISTANCE

- Office of the Registrar; [registrar@uidaho.edu](mailto:registrar@uidaho.edu); 208-885-6731
- Dean of Students Office; [askjoe@uidaho.edu](mailto:askjoe@uidaho.edu); 208-885-6757
- Risk Management; [risk@uidaho.edu](mailto:risk@uidaho.edu); 208-885-7177
- Office of General Counsel; [counsel@uidaho.edu](mailto:counsel@uidaho.edu); 208-885-6125
- ITS Help Desk; [helpdesk@uidaho.edu](mailto:helpdesk@uidaho.edu); 208-885-4357

