



# FERPA FOR FACULTY AND STAFF

October 2010

## It's the Law

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a postsecondary student:

- to see the information that the institution is keeping on the student.
- to seek amendment to those records and in certain cases append a statement to the record
- to consent to disclosure of his/her records
- to file a complaint with the FERPA Compliance Office in Washington, D.C.

FERPA applies to all educational agencies or institutions, including Blue Mountain Community College, that receive funds under any program administered by the Secretary of Education. FERPA governs what **may** be released but **does not require** that any information be released.



### Inside this issue:

Key Terms and Definitions	2
Directory Information	2
Directory Exemptions	3
Authorization to Release Information	3
FERPA Q & A'S	4
WHAT NOT TO DO	4

## *It's Your Responsibility*

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession. You have access to student information only for legitimate use in the completion of your responsibilities as a college employee. **Need to know is the basic principle.**

Your access to student information, including directory information, is based on your faculty or staff role within the college. You may **not** release lists or files with student information to any third party outside your college or departmental unit.

Student educational records (other than directory information) are considered confidential and may not be released without **written** consent of the student. Student information stored in electronic format must be secure and available only to those entitled to access that information. This means you may **not** share information about the student (other than directory information) with anyone (including a parent, spouse, significant other, sibling, child, etc) without written consent from the student. This written consent must be on record with the Registrar's Office.

If you are in doubt about a request for student information, contact the Registrar at 541.278.5757 or the AVP of Enrollment Management at 541.278.5774.

# Key Terms and Definitions

**“EDUCATION RECORDS”** include any record maintained by the institution that contains information that is personally identifiable to a student (in whatever format or medium) with some narrowly defined exceptions:

- Records in the “sole possession of the maker” (e.g., private advising notes).
- Enrollment records
- Exam papers
- Grades
- Financial Aid information
- Student Employment Records
- Employment records. The employment records of student employees (e.g., work-study, wages, graduate teaching associates) are part of their education records.
- Medical/psychological treatment records (e.g., from a health or counseling center).
- Alumni records (*i.e.*, those created after the student graduated or left the institution).

**“PARENT:”** With reference to FERPA, the term “parent” refers to either parent (including custodial and non-custodial, if divorced).

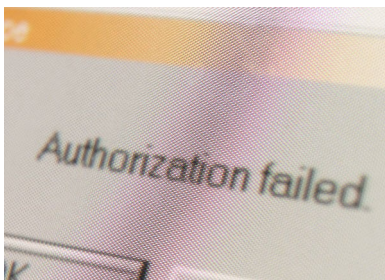
**“DIRECTORY EXEMPTION:”** This process is often referred to as a “no release,” “opt out” or “suppression.” Everyone within the institution must abide by a student’s request that no information be released about the student.

## What is and is not Directory Information at BMCC?

What is it? “Directory information is...information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.” (FERPA Regulations, 34CFR, Part 99.3). Directory Information at BMCC **includes**:

- Student’s full name
- Address
- Telephone number
- Field of study
- Class level
- Dates of attendance
- Degrees, honors and awards
- Athletic participation (height and weight of team members)

Information **not** included in the list above is considered confidential student information and may **not** be released.



Directory information does **NOT** include:

- BMCC ID
- Social Security Number
- Date of Birth
- Grades
- Student schedules
- Race or Gender

## Directory Exemption

Students have the option to “opt out” or not have their directory information released. Students may select this option within the Student Wolfweb by updating their personal information. This status stays in effect indefinitely or until the student elects to remove the directory exemption on their file. Students may remove this status by updating their information on the web or in writing but must do so in person with picture id. Mail or faxed written requests are accepted but only with a copy of their picture id. They can **not** give you a verbal request to do so either over the phone or in person.

The Directory Exemption status is posted in our AIS system and is noted in **red** at the top of the student’s electronic record as “**Directory Exemption Requested. DO NOT release information or respond to inquiries about this person**”. This includes inquiries from the student themselves without picture id.

This status is also noted on your course rosters. Students in *italics* have placed a directory exemption on their file.

For those with a Directory Exemption you **may not**:

- Assist them over the phone
- Assist them in person without picture ID. Not just the first time you speak with them in person—every time.
- Respond to an email from them unless it was sent to you from their assigned BMCC email account. You may **not** respond to their personal email accounts.

## Authorization to Release Information

Students have the option to allow others to have access to all or a portion of their student records. To do so they must complete our **Authorization to Release Information** form. The form may be found on the Students page of our website at <http://www.bluecc.edu/students> on the link “Forms for Students”. Completed forms may be turned in at any BMCC location with their picture ID. We will **not** accept release forms received in the mail or by faxed unless accompanied by a copy of their valid driver’s license or other picture id.

Once the Registrar’s Office receive this information a comment is made in the Student Management module and will indicate when we received the authorization, what we are allowed to share and with whom. Comments made in the Student Management module may also be viewed from the Advisor module.

**Example:**

**10.1.10 rec AUTH TO RELEASE grade transcript, term schedule with Tom Jones.-tbosworth**

Information released about a student (other than directory information) must be noted in a student’s record.

**PLEASE REFER ALL REQUESTS FOR INFORMATION ABOUT A STUDENT OR THEIR STUDENT RECORD TO THE REGISTRAR’S OFFICE.**

# FERPA Q & A'S

## Can student directory or public information always be released?

**NO!** Before releasing any information about a student, check for a “DIRECTORY EXEMPTION” or other restriction on release of specific types of information. If the student has requested that directory information be withheld, no information can be released. If the student does not have a restriction on the release of directory information, directory/public information may be released. Note that FERPA does not require that directory information be released. College faculty and staff who have a need to know may obtain directory information for a student with a no information release restriction, but must not release this information to anyone.

## What are parental rights under FERPA?

FERPA allows parental access to student’s educational records if the student requests that academic information be released to the parent(s) **or** if the parent claims the student as a dependent for Federal income tax purposes. While this is allowed under FERPA regulations, BMCC does not release educational information to parents without written authorization from the student.

## What must I do if I receive a subpoena concerning student educational records?

A copy of the subpoena should be sent immediately to the Registrar’s Office for review. It can be faxed to 541.278.5871. The original subpoena should be sent to the Registrar’s Office as soon as possible. You should also send and or fax a short description of how and when the subpoena was received. The Registrar’s Office will determine whether and how to comply with the subpoena, and will also determine whether student notification of compliance with the subpoena is required.

## Social Security Number Protection Policy

The BMCC ID is the primary identifier used by BMCC. Therefore, any use of social security number must comply with the FERPA regulations.

## WHAT NOT TO DO

- use the BMCC ID number of a student in a public posting of grades or any other information.
- link the name of a student with that student’s BMCC ID number in any public manner.
- leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- circulate a printed class list with student name and BMCC ID number, photo, or grades as an attendance roster.
- discuss the progress of any student with anyone other than the student (*including parents*) without the **written** consent of the student.
- provide anyone with lists or files of students enrolled in your classes for any commercial purpose.
- provide anyone with student schedules or assist anyone other than college employees in finding a student on campus.
- access the records of **any** student for personal reasons.
- store confidential student information on any computer unless that information is required and secure from intrusion.

## Key Resources for Additional Information:

### Registrar:

Theresa Bosworth  
Office: 541.278.5757  
Fax: 541.278.5871  
Email: [tbosworth@bluecc.edu](mailto:tbosworth@bluecc.edu)

### AVP Enrollment Management

Harvey Franklin  
Office: 541.278.5774  
Email: [hfranklin@bluecc.edu](mailto:hfranklin@bluecc.edu)