

Managing Student Records Legally and Effectively

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Family Educational Rights & Privacy Act (FERPA)

- What is it?
- Why was it enacted?
- Who is covered?



The Three Main Provisions

College students, *generally*, have the right to:

- control the disclosure of their records to others;
- inspect and review their records;
- seek amendment of their records.



Additionally...

- students have the rt. to complain



“Educational Records”

- Any documents or records directly related to the student that are maintained by the institution or by a party acting on behalf of the institution.
- “Any information recorded in any way”—medium is irrelevant.



“You might be a FERPA-protected record if....”

- Paper Files
- Electronic documents
- Email-directly related to student
- Databases
- Class lists
- Student Account Information
- Grade files
- Class rosters
- Exams
- Student Schedules
- Transcripts
- But not: medical, law enforcement, or alumni records.



Two new exceptions

1. peer-graded papers
2. sex offender information



Directory Info (excluded from FERPA)

- Name
- Address
- Telephone number
- Email address
- Dates of attendance
- Classification
- Major
- Honors
- Degrees conferred



Disclosure of educational records

Okay if:

1. Student has consented to disclosure or
2. law provides exception that permits disclosure w/out student's consent.



FERPA Consent Form

- Who - For students and Baylor employees
- What - Specific information listed on Consent Form
- When - Before you can speak to third party persons listed on Consent Form
- Where - Registrar's Office (RT, 3rd floor)



Consent Forms

Must specify the:

- records to be disclosed
- the purpose of the disclosure
- the persons to whom they may be disclosed



Exceptions to Consent Requirement

1. Directory information
2. Univ. officials w/ “legitimate educational interests”
3. Judicial order or subpoena
4. Drug or alcohol violation if student is under 21
5. Health or safety emergency



Health/safety emergency

- “articulable and significant threat to the health or safety of a student or other individuals”
- “the Department will not substitute its judgment for that of the . . . Institution. . . .”
- Must record nature of threat and disclosure details



“Need to Know” Principle

Before accessing or releasing any non-directory information to a Baylor employee, ask:

- As part of my assigned duties, do I have a legitimate need to know the information?
- Does the person requesting the information have a legitimate need to know this information?



Once Need is Established. . .

Use information wisely.

- Keep your passwords confidential.
- When viewing records, keep private.
- If printing, go directly to printer to retrieve.
- Log off system when through.



New: id and authenticate

- “an educational . . . institution must use reasonable methods to identify and authenticate the identity of . . . parties to whom the institution discloses personally identifiable information from educational records”



Be smart

- the DOE is not pleased with accidental or negligent disclosures
- Consider:
 - encryption
 - locked file cabinets
 - limited users



When in doubt . . .

Don't share the information.



Parental Request for Grades

- Use FERPA Consent Form.
- Reinforce each year to your faculty.



Timeline for Keeping Student Records

- Grades and attendance: 3 years
- Papers, exams, and assignments: 1 semester after class is over
- Leaving the university? Give info. to chair.
- Shred all outdated records.



Academic Appeals

- Often requires use of your records from previous semesters and good understanding of FERPA.
- Respond to student in writing.



Anecdotal Notes

- Any notes made are subject to review by student.
- If review is requested, cannot destroy notes until student has reviewed.



Points To Remember

- “Need to know” principle.
- When in doubt - don’t share it.
- Maintain your records.
- Call with questions.
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