



FERPA
Family Educational Rights
& Privacy Act
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FERPA - Family Educational Rights and Privacy Act – What is it?

- Created to protect the privacy of Students' Educational Records (current & former).
- Affords students the right to:
 - Inspect and review their educational records;
 - Seek to amend those records;
 - Limit disclosure of information from those records;
 - File a complaint with the US Department of Education concerning alleged FERPA violations.



FERPA Background

- Enacted by the United States Congress in 1974 and significantly amended in 1992, 1994, and 2000.
- Administered by the Family Policy Compliance Office (FPOC) within the Department of Education.



What is an Educational Record?

- Any records that directly relate to a student that is maintained by the University or by a party acting for the institution. Including:
 - Handwritten Documents
 - Electronic Files
 - Email
 - Film & Video
 - All Media Storage Devices
 - Etc.



Educational Records

Do Not Include:

- Sole Possession Documents
- Medical Records
- Records maintained by law enforcement units that were created for the purpose of law enforcement.
- Employee Records (unless employment is contingent upon student status)
- Alumni Records



Who Can Access Educational Record Information?

- University Officials with a Legitimate Need to Know!
 - University officials have no inherent right to access educational record information.
 - Access is based upon a need to know/ legitimate educational interest in order to provide services or carry out University related responsibilities.



Who are considered University Officials?

- A person employed by the University in an administrative, supervisory, academic/research, or support staff position; including law enforcement personnel and health staff.
- A person or company with whom the University has contracted.
- A person serving on the Board of Trustees.
- A student serving on an official committee or assisting another school official in performing his/her professional responsibilities.



What is Directory Information?

- Information that may be disclosed **UNLESS** the student has set his/her FERPA privacy flag.
- Information which would not generally be considered harmful to the student, or an invasion of privacy, if released.



Directory Information at Cal Poly Includes:

- Name
- E-mail Address
- Photograph
- Place of Birth
- Previous Institution Attended
- Major Field of Study
- Degrees & Awards Received
- Dates of Attendance
- Height & Weight of Athletes
- Participation in Officially Recognized Activities & Sports
- Local Address *
- Local Telephone Number*

Note: Although address & phone are directory information, CP does not provide this info to the general public.



Non-Directory Information

Includes EVERYTHING Else:

- Empl ID
- Class Schedule
- Date of Birth
- Academic Action Status
- Financial Aid Recipient
- Grade Point Average (GPA)
- Grades in Courses
- Hold Status
- Social Security Number
- Residency Status
- Transcript of Academic Record
- Units Completed
- Parent, Guardian or Next of Kin
- Gender
- Ethnicity

Highly Protected & Confidential Information



Can students protect their information?

- YES – They can set their FERPA flag through the Portal...
- Options include:
 - Protect Directory Information
 - Blocks the University from providing and verifying ANY data without the student's written consent.
 - Protect Locator Information
 - Only allows the University to verify degree and dates of attendance without written consent. All other data remains protected.



What is Locator Information?

- Name
- E-mail Address
- Local Address*
- Local Phone Number*

Remember: CP does not provide address & phone number to the general public... This information is not included in the University directory.



How do students set their FERPA flags?

The screenshot shows the Cal Poly student portal. At the top left is the 'CAL POLY' logo. To the right, a user is logged in as 'Christopher I'. Below the logo is a navigation menu with buttons for 'Main', 'Admissions', 'What's Next', 'Orientation Events', 'Money Matters', 'Housing', 'Advising', 'Registration & Enrollment', 'Personal Info', and 'Camp'. The main content area is divided into two sections. The left section, titled 'My Student Info', contains a list of links for updating personal information: 'Addresses', 'Names', 'Phone Numbers', and 'Emergency Contacts'. A link labeled 'FERPA' is circled in red. The right section, titled 'Web Verify', features a 'NEW WebVerify' graphic with a red checkmark and a list of two primary uses: '1. Allow students to share...' and '2. Allow anyone not affiliated with students...'. Below this, it states 'You'll need to create an access code with information you provide to this information. Future employers, insurance companies, etc. will need this code to access your information.' and provides a link to get started.



Menu

Search:

- ▷ My Favorites
- ▽ Self Service
 - ▷ Enrollment
 - ▷ Campus Finances
- ▽ Campus Personal Information
 - [Addresses](#)
 - [Names](#)
 - [Phone Numbers](#)
 - [Emergency Contacts](#)
 - **Privacy Settings**
 - [Holds](#)
 - [To Do List](#)
- ▷ Academic Records
- ▷ Student Admission
 - [Student Center](#)
 - [Class Search/Browse Catalog](#)

Christopher

go to ...

FERPA Restrictions

The Family Educational Rights and Privacy Act (FERPA) authorizes the campus to release "Directory Information" concerning students. The campus may release this information at any time unless the campus has received notification from the student. Please review your current FERPA restrictions below. If the area below is blank then you do not have any FERPA restrictions.

"Directory Information" includes: Name, Major, Address, Photograph, Telephone, Dates of attendance, Email address, Place of birth, Degrees and awards received, Weight and height of athletic team members, Most recent previous educational institution attended, and Participation in officially recognized activities & sports. If your "Directory Information" is restricted, then all information listed above will NOT be given out unless you change your status or make your request in writing. This will block the university from providing future verifications of degree or enrollment information for you.

"Locator Information" includes: Name, Address, Email address and Telephone. If you restrict your Locator Information, then this information will not be included in the ASI Directory and any other on-line directories.

If you have questions regarding FERPA or your Information status please come to or call the Office of Academic Records, Adm 222 (805-756-2531).

If you restrict your information:

- You will not be included in the Cal Poly on-line Directory;
- You will not be included in the ASI Student Directory;
- You will not receive mailings from the Alumni Association;
- Only materials related to your educational program will be mailed to you.

To change your restrictions, click on the "Edit FERPA/Directory Restrictions" button.

No current FERPA restriction information found.

[EDIT FERPA/DIRECTORY RESTRICTIONS](#)





Edit FERPA/Directory Restrictions

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[restrict all fields](#)

[release all restrictions](#)

Restriction Categories

FERPA Restrictions

[restrict all](#)

[release all](#)



Restrict

- | | |
|--------------------------|--------------------------------|
| <input type="checkbox"/> | Restrict all my Directory info |
| <input type="checkbox"/> | Restrict my Locator Info Only |

[SAVE](#)

[Return to FERPA Restrictions Summary](#)



How do I know if a student has protected information?

- PeopleSoft Student Administration System
- Class List from the Printable Course Info Channel
- PolyProfile
- Ask



In PS, how can I tell if a student has set a FERPA flag?

[New Window](#) | [Help](#) | [Cust](#)

View Phones

Connie

A window shade appears.



Phone Detail				
Phone Type	Phone Number	Extension	Country Code	Preferred
FAX	805/756-7237		001	<input type="checkbox"/>

Menu 

Search:



- ▷ My Favorites
- ▷ Cal Poly Reports/Interfaces
- ▷ Self Service
- ▷ Workforce Administration
- ▷ Time and Labor
- ▷ Organizational Development
- ▽ Campus Community
 - ▽ Personal Information (Student)
 - ▽ Biographical (Student)

Releasable FERPA Directory Information

Connie

EmpID:


Student has chosen the following FERPA restriction: Restrict all my Directory info



[Return](#)

Menu 

Search:



- ▷ My Favorites
- ▷ Cal Poly Reports/Interfaces
- ▷ Self Service
- ▷ Workforce Administration
- ▷ Time and Labor
- ▷ Organizational Development
- ▽ Campus Community
 - ▽ Personal Information (Student)
 - ▽ Biographical (Student)
 - ▽ Addresses/Phones
 - [View Addresses](#)
 - [View Names](#)
 - [View Phones](#)
 - [View Electronic Addresses](#)

Releasable FERPA Directory Information

Patricia

EmpID:

Student has chosen the following FERPA restriction: Restrict my Locator Info Only



[Return](#)



How do I download Class Lists from the Printable Course Info Chanel?

Printable Course Info ↗ ▬ □ ✕

Class lists for I _____ :

Winter Quarter 2008 (2082) ▾ ENGL 149-08 ▾

Enrolled Students
 Waitlisted Students
 Enrolled/Waitlisted Students

[Download PDF](#) [Download Excel](#)

Note: Information available from this channel is refreshed on a nightly basis.



Printable Class List - PDF version...

Winter Quarter 2008

Class List

Instructor	Course	Term	Class Number	# of Units	Date
	ENGL 317-01 Technical Editing	2082	6346	4.00	Feb 5, 2008
Days	Class Time	Building - Room	Room Capacity	Enrolled Students	Waitlisted Students
MWF	11:10 AM - 12:00 PM	022 - 0314	30	28	0
R	11:10 AM - 12:00 PM	035 - 0217C	26	28	0

No.	Student Name	Student Username (@calpoly.edu)	EMPLID	Major	Class	Units	Status	FERPA	Grade				
1	A M		()	ENGL	Junior	4	Enrolled	No					
2	B		()	ENGL	Senior	4	Enrolled	No					
3	B		()	ENGL	Junior	4	Enrolled	Yes					



In Poly Profile, how can I tell if a student has set a FERPA flag?

CAL POLY Office of Academic Records
California Polytechnic State University

Poly Profile > Search > Search Results

Polym Profile Search

:: POLY PROFILE SEARCH RESULTS ::

This report contains PERSONAL AND CONFIDENTIAL student data.
FERPA = FERPA Protected Student. ([What is FERPA?](#))

<u>Name</u>	<u>Primary Major</u>	<u>Class Level</u>
Christopher	Computer Engineering	Freshman

Found 1 matching person.

FERPA appears in Red.

This report contains PERSONAL AND CONFIDENTIAL student data.

The data contained in this report is the property of California Polytechnic State University, San Luis Obispo (Cal Poly) and may not be shared without the express consent of the student.

By viewing this report, the user acknowledges the sensitive and private nature of the data contained in this report and agrees to abide by Cal Poly's Security and Confidentiality Policy. Without written student authorization, this data may only be used for official university business.

The report is intended for the requested purposes only.

Cal Poly Home | Cal Poly Find It

Powered by PolyData

Last Update: October 19, 2007

Office of Academic Records
California Polytechnic State University
San Luis Obispo, CA 93407
evaluations@calpoly.edu



Poly Profile > Search > Search Results > Display

- :: [Poly Profile Search](#)
- :: [View Printable Format](#)
- :: [View Higher Education Credits Detail](#)
- :: [View Test Credits Detail](#)

:: POLY PROFILE ::

[This report contains PERSONAL AND CONFIDENTIAL student data.](#)

,CHRISTOPHER

**** FERPA PROTECTED STUDENT **** ([What is FERPA?](#))

Campus ID:

Empl ID:

FERPA again appears in Red.

CONTACT INFORMATION

Preferred Phone

Mail Address

Univ. Housing Address

Home Address

United States

01 Grand Avenue
San Luis Obispo, CA 93410-2000
United States

United States



In Poly Profile, what would I see if the student does NOT have a FERPA flag set?

CAL POLY Office of Academic Records
California Polytechnic State University

Poly Profile > Search > Search Results

Polym Profile Search

:: POLY PROFILE SEARCH RESULTS ::

This report contains PERSONAL AND CONFIDENTIAL student data.
FERPA = FERPA Protected Student. ([What is FERPA?](#))

<u>Name</u>	<u>Primary Major</u>	<u>Class Level</u>
Christopher	Computer Engineering	Freshman

Found 1 matching person.

Nothing here... This space will be empty, unlike if the flag were set.

This report contains PERSONAL AND CONFIDENTIAL student data.

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Cal Poly Home | Cal Poly Find It

Powered by PolyData

Last Update: October 18, 2007

Office of Academic Records
California Polytechnic State University
San Luis Obispo, CA 93407
evaluations@calpoly.edu



Can I release Protected Information?

- FERPA only allows the release of educational records to NON-University officials (without written consent) under limited circumstances:
 - Valid Subpoenas
 - Search Warrants
 - Ex Parte Order (Patriot Act)
 - Emergency/Crisis Situation
- Confirmation and Verification of non-directory or protected information that is contained in educational records, without written consent from the student, VIOLATES FERPA.



What could a subpoena request?

EXHIBIT A

All DOCUMENTS that evidence, concern, refer, or relate to the education of ^{student name} [REDACTED], DOB: [REDACTED], including but not limited to: records from former schools, Head Start eligibility and attendance records, general attendance records, absence records, confidential individual education plan reports for special education services, learning disability records, records regarding medication use at school, report cards and grades for each year, standardized test scores, disciplinary records, incident reports, teacher comments, transcripts, suspension records, alternative placement records, counseling records, and teacher evaluations.

(The terms "DOCUMENT" and "DOCUMENTS" as used in this subpoena mean any "writings" in the broadest sense defined in Section 250 of the California Evidence Code. These terms include, but are not limited to, all writings of any nature whatsoever, written, recorded or graphic, including all contracts, agreements, communications, correspondence, telegrams, memoranda, records, reports, books, summaries or records of telephone conversations, summaries or records of conversations or interviews, diaries, forecasts, statistical statements, work papers, drafts, copies, graphs, charts, accounts, analytical records, minutes or records of meetings or conferences, consultants' reports, appraisals, records, reports or summaries of negotiations, brochures, lists, journals, advertising, telegraphs, telexes, electronic mail or other electronic correspondence, electronic media and files, reports, summaries, handwritten notes, corporate resolutions, minutes and agenda of meetings, conferences or the like, transcriptions of conversations, press releases, résumé, curriculum vitae, tabulations, work papers, cost sheets, promissory notes, financial statements, sales records, tape recordings, photographs, diagrams, schematic drawings, prints, slides, movies, videos and any other pictorial representations.)



What if there is an Emergency/Crisis Situation?

- The University must determine that release of the Non-Directory or Protected information is necessary to protect the health or safety of the student or other individuals.
 - The University must consider:
 - Severity of the threat to health and safety;
 - Actual need for the information;
 - Time required to deal with the emergency; and
 - Ability of parties to whom the information is released to deal with the emergency in another way/additional time.

Note: A record must be made of the disclosure and included in the student's permanent file.



What are some General FERPA Guidelines?

- When assisting students: Ask the student for his/her ID card or to enter his/her “ID number” into a keypad. Asking for “ID number” will allow the student to offer SSN or EmplID, whichever he/she is most comfortable with. Do not ask the student to state this information out loud if others can hear.
- Before discussing confidential information, be sure to ask for a photo ID for verification.



General Guidelines Continued...

- Do not post or give out student class schedules.
 - Class schedules are not Directory Information and are not available to other students or anyone other than School Officials who have a legitimate need to know.
- Try not to discuss confidential information over the phone or via fax and email.
 - It is difficult to confirm that you are speaking to the student whose information is being requested. However, because students have the right to access their educational record and are not always available to be on campus, make sure you ask student specific questions that even parents would probably not know. Such as: Who was your Eng 134 instructor last quarter? What grade did you receive in Bus 401?
 - When in doubt, do not give information out!



General Guidelines Continued...

- When students call and ask for their grades or class schedule, direct them to Blackboard or the Portal, Registration & Enrollment tab.
- When discussing confidential information with a student in an open environment, where a 3rd party can overhear, do not provide more confidential information than what the student has specifically asked for. If the student has not asked, the student has not given consent to disclose. Disclosure to 3rd parties, without consent, is a violation of FERPA.



General Guidelines Continued...

- Student information should never be shared with individuals who have no educational need to know. (ex: commenting on a student's grades at a social gathering.)
 - Remember, you have access to student information because you are a "School Official" with a "legitimate educational interest." You are responsible for using student information appropriately.
- When posting Dean's Lists, be sure to honor a student's FERPA setting. Students who have protected their Directory Information should not be posted without the student's written consent.
 - Awards received are part of Directory Information.
 - A personal letter from the department/dean to any student is acceptable.



General Guidelines Continued...

- Student information should not be shared with a student's parents without his/her consent.
 - All students enrolled at Cal Poly are considered to be adults, regardless of their age.
 - Cal Poly does not grant parents the right to access information regarding grades, academic standing, progress to degree, etc.
 - IF a Department or Instructor elects to, a student may be given a “Departmental FERPA Release” Form allowing a parent to receive specific information. This form can be found at:

http://www.security.calpoly.edu/what_employees/index.html



General Guidelines Continued...

- Verification requests for Degrees and Enrollment Status MUST be completed by the Office of Academic Records.
 - If the student has not protected Directory Information, this information can be verified without a signature. Please refer those calls to the Office of Academic Records at 805-756-2531.
 - Or, students can use Cal Poly's online verification system "WebVerify".
- Don't give out or verify a student's address or phone number.
 - Although this information is considered Directory Information under FERPA, Cal Poly only releases address and phone number to University related entities (i.e. Cal Poly Corporation, Clubs, etc.) for the student's privacy and protection.



What are some Guidelines Instructors should follow?

Students who have protected their Directory Information have explicitly requested that their information remain CONFIDENTIAL...

CP must honor this request!

- Refer to your Printable Class Lists to identify those students who have set their FERPA privacy flag.
- On the FIRST day of class, take role by:
 - Using First Name and Last Initial or vice versa – OR,
 - Don't call the names of FERPA "yes" students and have them see you after class – OR,
 - Circulate a sign in sheet, letting students know that they can come to you after class if they do not wish to list their names on that sheet.



Instructor Guidelines Continued...

- Tell students on the first day of class if their name, papers, or projects will be publicly displayed or posted. Include this information in your syllabus. No surprises!
- Use caution when communicating with a group of students. Use an alias or make sure the recipient names are placed on the “bcc” line.
- Use Blackboard for posting communications.
 - Remember students who have protected their Directory Information have the right to ask that their name and email addresses not be posted.



Instructor Guidelines Continued...

Public posting of grades, either by the student name or student ID, is a violation of FERPA. This includes leaving papers, exams, labs, etc. in an area accessible to the public.

- Use Blackboard for posting grades – it is the safest form of communicating grades.
- Assign a random number to students and post grades and return papers using only those numbers.
- Have students provide an envelope with their name on it. Leave that envelope in a box for pick up.
- Return papers by folding and stapling closed. Have students write their names on the outside. Leave in a supervised area for pickup or hand back in class.



Can I give references & letters of recommendation for my students?

- You can give references for students without permission if the student has not protected Directory Information, AND if the information given is based strictly on your “observation of the student and without any reliance on educational record information*”,
- Also, if the recommendation is directed to another educational institution inquiring about a student-in-common – references can then include relevant educational record information. *See next slide.



References & Letters of Recommendation Continued...

- If any educational record information* is requested/ provided to a non-educational institution, the student must sign a release detailing what you can provide.

* Relevant educational record information:

- May include a course grade, advising information, etc.
- May not include verification information (see next).

A “Departmental FERPA Release” form can be found at:

http://www.security.calpoly.edu/what_employees/index.html



What is the difference between a Reference Letter & a Verification?

- Reference letters should only include information for which you are the owner (data authority).
- Verifications include dates of attendance, GPA, transcript information, etc. These type of requests must be directed to the University Custodian of Records in the Office of Academic Records (OAR).
 - Students can use Cal Poly's online "WebVerify".



What about Student Assistants – are they treated differently?

- Student Assistants' employment records are protected under FERPA if the employment is contingent upon being a student.
- References can be given, but again, they must follow the rules previously outlined.
- Student Assistants must be made aware of FERPA and are required to sign a confidentiality agreement, just like all other employees.
 - Confidentiality-Security Agreements for Student Employees and a **Responsible Use Form** can be found at:

http://www.security.calpoly.edu/what_employees/conf_sec_agree_student.htm



What about FERPA and email communications?

- Email communications to students are considered part of the students' educational records if they are "maintained".
- Again, use caution when communicating with a group of students. Use an alias or make sure the recipient names are placed on the "bcc" line.
- Do not include confidential information on the subject line or in the body of the email.
- And, remember to respect students' FERPA settings.



Some Do's

- **Do** keep only those student records necessary for the fulfillment of your teaching or advising responsibilities.
- **Do** keep any personal records relating to individual students separate from their educational records. (Remember: Private notes concerning a student that are intended for your own use are not part of the student's educational record.)
- **Do** insure privacy when asking for a student's Empl ID number and discussing confidential information.
- **Do** ask for only the last four digits of the Empl ID on exams and other documents, **ONLY** when needed, to identify different students with the same name.
- **Do** properly dispose of (shred) all papers and documents pertaining to students.
- **Do** refer requests for student educational record information to the Office of Academic Records (OAR).



Some Do Not's

- **Do Not** include confidential information on the subject line or in the body of an e-mail message.
- **Do Not** display student scores or grades publicly in association with the student name, Empl ID, Social Security number, or other personal identifier. Scores and grades may be posted using a code known only to you and the student.
- **Do Not** put papers or lab reports containing student names and grades in publicly accessible places. Students must not have access to the scores and grades of others in the class.
- **Do Not** share student educational record information with other faculty or staff members of the University unless their official responsibilities provide for a legitimate educational interest.
- **Do Not** share information from a student's educational record, including grades and advising information, with parents or others outside the University, including within letters of recommendation, without written consent from the student.



How do I obtain a list of my students & their FERPA settings?

- Printable Class List
- Brio Query

<http://www.polydata.calpoly.edu/>

Be sure to refresh your data each time it is used.

- Ad Hoc Data Request Form*

<http://www.forms.calpoly.edu/ITSforms.html>

* Important: Ad Hoc Queries are only approved for the purpose in which they were requested. Please do not share lists or retain lists for future use.



What about Records of Deceased Student?

- FERPA rights expire when the student is deceased.
- However, Cal Poly's Policy is to protect educational records for deceased students – indefinitely.
 - Only a Parent or the Executor of the Estate can obtain copies of confidential information.
- When sending communications, be sure to use an up-to-date mailing/distribution list – excluding deceased students!



Where can I find additional **FERPA Materials?**

- OAR Informational Guide
- OAR Website –
http://www.ess.calpoly.edu/records/stu_info/ferpa_policy.htm
- Information Security Website –
http://www.security.calpoly.edu/what_employees/index.html
- Annual Student E-mail
- Annual Faculty and Staff Mailing
- DOE Website – <http://www.ed.gov/offices/OM/fpco>



And if I have further Questions???

- Refer to materials mentioned on the previous slide.
- Contact the Office of Academic Records at 756-2532.
- Contact Patty Warnick-Wait at 756-2723.