

Fall Faculty Forum: Promoting Equity and Privacy

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FERPA and Privacy

What is FERPA? The Family Educational Rights and Privacy Act of 1974 (PL 93-0280, amended December, 2011), better known as FERPA, allows students the right to control the release of official education records maintained by Florida Southern College, except to the extent that FERPA authorizes disclosure without consent.

What rights does FERPA confer to students?

1. Inspect and review their education records.
2. Seek amendment to education records they believe to be inaccurate or misleading.
3. Provide written consent before the College discloses Personally Identifiable Information from the student's education records. However, FERPA provides 16 exceptions.
4. File a complaint with the U.S. Department of Education.

What is covered by FERPA? Education records. This includes:

- Any record, directly related to student with personally identifiable information that is maintained by the college such as
 - Attendance
 - Accountability/disciplinary records
 - Disability Records; Medical Records
 - Financial Aid information
 - Social Security or other Student Identification numbers
 - Grades or Grade Point Average (GPA)
 - Ethnicity, race, nationality, gender or religion

Some things not covered by FERPA

- Directory Information (please see below)
- Personal knowledge or observations (what you see or overhear, if not committed to record, is not protected)
- "Sole Possession" records (if you keep "memory jogging" notes that no one else will ever see or be told)
- Anything students share with one another (gossip is not protected by FERPA)
- Anything the student her/himself wishes to share (the information always belongs to the student)
 - *NOTE: No such thing as "implied consent" with FERPA*
 - *So a student can disclose to Channel 9 News the college failed to accommodate, protect, or respond to them when in need*
 - *They are not giving us permission to share anything with anyone unless they sign a Consent Waiver*

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FERPA authorizes disclosure without student consent: Appropriate Sharing in the Absence of a Student Waiver

- Florida Southern College officials, including administrators, supervisors, staff (including law enforcement unit and health center officials), teachers, board of trustees members, contractors, consultants, volunteers, or students working in an official capacity for the college, with “legitimate educational interests”, who require information for the proper performance of their professional responsibilities
- Appropriate persons in case of health or safety emergencies
- Parents of students who are defined as dependents in the Internal Revenue Code of 1986- Generally, please refer a parent seeking information to the Student Solutions Center, SDS Office, or your Dean.

Here are some things that we should *not* do:

- Reveal student schedule or location to an unauthorized or unapproved individual, including a student’s parent or spouse
- Post student information by SSN or ID number.
- Leave graded tests or papers out in a stack for students to sort through and pick up. **However**, students can grade peer work. Scores don’t become “education records” until the grade is recorded.
- Send student personally identifiable information in a group email instead of one-on-one or by “bcc”.
- Discuss a student’s situation with others not directly involved in the situation or where you might be overheard.
- Release student information by phone or e-mail without first verifying the identity of the recipient.
- Leave student records where they could be seen or accessed by others.
- Dispose of old student records in the normal trash versus by shredding
- Access the student information database or other student records for reasons unrelated to our individual College duties and functions.

What is “Public” or “Directory” Information?

Under the terms of FERPA, FSC is permitted to disclose “Directory Information” without the student’s consent.

- The student’s name
- School and home addresses
- FSC email address
- Major Field of study
- Dates of attendance
- Full-or part-time status
- Classification (total hours earned)

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What is “Public” or “Directory” Information? , cont’d

- Degrees, honors, and awards received (including Dean’s List, but excluding GPA)
- Most recent previous educational agency or institution attended
- Participation in officially recognized activities and sports
- For members of athletic teams, weight and height

Final Remarks

*FERPA permits students to inform FSC that Directory Information is not to be released. A student may restrict the release of Directory Information by submitting the Request to Withhold Disclosure of Directory Information form to the Student Solutions Center.

In general, all student information should be treated as confidential. Even Public or Directory Information is subject to restriction on an individual basis.

The only person to whom we are required to provide PII and education record is the student.