



VANDERBILT
UNIVERSITY

FERPA Tutorial

Office of the University Registrar

What is FERPA?

FERPA stands for the **F**amily **E**ducational **R**ights and **P**rivacy **A**ct (sometimes called the Buckley Amendment). FERPA protects the rights of matriculated students at post secondary institutions, **regardless of age**, in regard to their educational records. Passed by Congress in 1974, the Act grants four specific rights to students:

- The right to inspect and review their educational records
- The right to seek to amend their educational records if they believe them to be in error, and in certain cases append a statement to the record
- The right to consent to disclosure of their records
- The right to file a complaint with the FERPA Office in Washington

What is a Student Educational Record?

Just about any records maintained by Vanderbilt University, or any party acting on the behalf of Vanderbilt University, that contain personally identifiable information on a student including:

- biographical information
- enrollment records
- grades
- schedules

Student educational records come in a variety of formats. A student educational record may be:

- a document in the Registrar's office
- a computer printout in your office
- a class list on your desktop
- a computer display screen
- notes taken during an advisement session

Directory Information

There is some information about students that is not generally considered harmful or an invasion of privacy if disclosed. FERPA defines this information as *Directory Information* and gives institutions discretion over the release of these items. Vanderbilt considers name, ID photo, address, telephone number, date and place of birth, major field of study, e-mail address, dates of attendance, classification, school, degrees and awards received, most recent previous institution attended, participation in officially recognized activities and sports, and weights and heights of members of athletic teams as directory information.

However, students may opt to have directory information be considered confidential as well. To make this request, a student must notify the University Registrar in writing.

School Officials and Legitimate Educational Interest

A school official with a **legitimate educational interest** may be granted access to confidential student information if the official needs the information to fulfill his/her professional responsibility. This includes:

- Performing appropriate tasks that are specified in her/his position description or by a contract agreement
- Performing a task related to a student's education
- Performing a task related to the discipline of a student
- Providing services for the student or the student's family, such as health care, counseling, job placement, or financial aid
- Legitimate educational interest *does not* convey inherent rights to any and all student information. The law discriminates between educational interest, and personal or private interest; determinations are made on a case-by-case basis.

Educational interest does not constitute authority to disclose information to a third party without the student's written permission.

Responsibility of School Officials

School Officials have access to student information only for legitimate use in the completion of their responsibilities as university employees. Need to know is the basic principle—not curiosity.

All Vanderbilt employees with access to student-related data must understand the need for maintaining the confidentiality of student records under federal law and University policy.

School Officials have a legal and ethical responsibility to safeguard confidential student information in their possession.

Proper Custody of Confidential Records Includes . . .

- Not leaving records on desks or tables where others can see them.
- Securing computer screens so that people who come to your work area cannot see student information.
- Not placing copiers, fax machines, or printers in non-secure locations.
- Disposing of papers that contain private information in a secure way (shredding).
- Not sharing your personal passwords or system passwords.
- Not distributing grades, transcripts or degree audits for purposes of advisement in plain view or open mailboxes located in public places.

Downloading Student Data to Your Personal Computer or Server

Records stored on non-secure desktop computers and servers are at great risk. In most instances where university systems have been hacked and student data mined, the breach has occurred on non-secure subsystems, not on the main student systems.

- When student data is stored on a personal computer or departmental server, new educational records are created. These records are subject to the same FERPA regulations as any other student record. Student data should not be downloaded to non-secure systems.
- When student data is downloaded to a secure system, it should be kept only long enough to complete the required task. PCs and servers should be regularly purged of student data that is no longer needed and after the purge recycle bins should be emptied.
- Contact ITS for information on computer and system security, or visit their web site at <http://www.vanderbilt.edu/its/security/>

Posting of Grades/Distribution of Graded Materials

- The public posting of grades by the student's name, social security number, or any other identifier that allows a student to be known is a violation of FERPA. This includes the posting of grades to a class website.
- Leaving personally identifiable graded papers, exams, or lab books open and unattended for students to pick up is a violation of FERPA.
- As access to electronic communications increases, it may be tempting to send grades by e-mail. However, there is no guarantee of confidentiality when using e-mail.
- Since students have access to their grades on the secure AAI website, posting or distributing of grades by other means should be unnecessary.

Letters of Recommendation

- Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.
- If the person writing the recommendation keeps the letter on file, it is part of the student's education record and the student has the right to read it unless he or she has waived the right to access.

Sample of student release for a letter of recommendation

Destruction of Records

- Those who maintain educational records should have a policy and timeline for the destruction of records that are no longer valid and/or useful.
- Care must be taken that the policy is applied uniformly to all records of the same type in your care.
- Paper reports or documents containing confidential information should be shredded. Recycling without shredding is not an appropriate means of disposal.
- When a computer containing student data is sold or otherwise disposed of, care should be taken to clean or destroy the hard drive. Contact ITS for advise on how to properly clean a hard drive.

Vanderbilt University Surplus Policy

In Conclusion

- To protect the University and yourself, the release and review of materials from educational records are best handled by designated offices within the University. Direct inquiries to the University Registrar's Office.
- Do not share information from a student's educational record, including grades or grade point averages, with other faculty or staff members of the University unless it is your responsibility to do so. Those outside your line of responsibility who need confidential student information should obtain the information from the official source (typically the University Registrar).
- Do not share confidential information from student educational records such as grades or grade point averages with parents or others outside the institution, including in letters of recommendation, without written permission from the student. (Contact either the School Registrar or the University Registrar's Office to determine if a parental release is on file.)



VANDERBILT
UNIVERSITY

Resources

- Menah Pratt, Office of General Counsel
322-8363
menah.pratt@vanderbilt.edu
- Lydia Norfleet, Associate University Registrar
322-7709
lydia.norfleet@vanderbilt.edu
- Family Policy Compliance Office
US Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202-4605
(202) 260-3887
<http://www.ed.gov/offices/OM/fpco/>