

**8. When do you need consent to disclose personally identifiable information from an education record (including transcripts)?**

*Except for specific exceptions (listed in #10), a signed and dated consent by the student must be obtained before any disclosure is made.*

*The written consent must:*

- a) *specify the records that may be disclosed*
- b) *state the purpose of disclosure*
- c) *identify the party or class of parties to whom the disclosure may be made*

**9. What is “personally identifiable” information?**

- a) *the student’s name*
- b) *name of the student’s parent or other family members*
- c) *address of the student or student’s family*
- d) *a personal identifier, such as a social security number or student number.*
- e) *a list of personal characteristics*

**10. When is the student’s consent not required to disclose information?**

*The 11 exceptions are:*

- a) *to school officials (defined in policy)*
- b) *to schools in which a student seeks to enroll*
- c) *to Federal, State and local authorities involving an audit or evaluation of compliance with educational programs*
- d) *in connection with Financial Aid*
- e) *to State and local authorities pursuant to a State law adopted before Nov. 1974 requiring the disclosure.*
- f) *to organizations conducting studies for or on behalf of educational institutions*

- g) *to accrediting organizations*
- h) *to comply with judicial orders or subpoena*
- i) *health or safety emergency*
- j) *directory information*
- k) *results of disciplinary hearing to an alleged victim of a crime of violence*

*Requests to disclose should always be handled with caution and approached on a case-by-case basis.*

**11. How does increasing technology impact FERPA on our campuses?**

*The use of computerized record-keeping systems is increasing at a tremendous rate. We can anticipate that electronic data will eventually replace most paper documents. Registrars should ensure that appropriate policies are established to protect the confidentiality of those records, educate faculty and administrators about the policies, and make sure the policies are enforced. The same principles of confidentiality must be applied to electronic data as apply to paper documents.*

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These guidelines are not intended to be legal advice. Please refer to your own legal counsel for specific legal advice regarding FERPA.

WVACRAO acknowledges that these guidelines were assembled and prepared in full by the Michigan Association of Collegiate Registrars and Admissions Officers (MARCAO) in November 1994.

This brochure may be photocopied.

# Family Educational Rights and Privacy Act (FERPA)

## Guidelines for West Virginia Colleges and Universities



## Southern West Virginia Community and Technical College

Admissions, Records and Office of the Registrar

## Family Educational Rights and Privacy Act Informational Guidelines for Colleges and Universities



### 1. What is FERPA?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The Act applies to all institutions that are the recipients of federal funding.

### 2. Who is protected under FERPA?

Students who are currently enrolled in higher education institutions or formerly enrolled regardless of their age or status in regard to parental dependency.

Students who have applied but have not attended an institution do not have access to the student's educational records.

### 3. What are educational records?

With certain exceptions, a student has rights of access to those records which are directly related to him/her and which are maintained by an educational institution or party authorized to keep records for the institution.

"Educational Records" include any records in the possession of an employee which are shared with or are accessible to another individual.

FERPA contains no requirement that certain records be kept at all. This is a matter of institutional policy and/or state regulation. The records may be handwritten or in the form of print, magnetic tape, film or some other medium. FERPA coverage includes records, files, documents, and data directly related to students. This would include transcripts or other records obtained from a school in which a student was previously enrolled.

### 4. What is not included in an educational record?

- a) sole possession records or private notes held by educational personnel which are not accessible or released to other personnel.
- b) law enforcement or campus security records which are solely for law enforcement purposes.
- c) records related to individuals who are employed by the institution (unless contingent upon attendance).
- d) records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- e) records of an institution which contain only information about an individual obtained after that person is no longer a student at the institution (i.e., alumni records).

### 5. What documents can be removed from an educational record before the student views the record?

- a) any information that pertains to another student.
- b) financial records of the student's parents.
- c) some confidential letters and statements of recommendation under conditions described in FERPA section 99.12.

### 6. What is directory information?

Institutions may disclose information on a student without violating FERPA through what is known as "directory information." This generally includes a student's name, address, telephone number, date, and place of birth, major field of study, participation in officially recognized sports and activities, weight and height of athletes, dates of attendance, degrees and awards received and other similar information.

Each institution is required annually to identify what constitutes directory information within its policy. This notice must also provide procedures for students to restrict the institution from releasing his/her directory information.

### 7. Who is entitled to student information?

- a) the student and an outside party who has the student's written consent.
- b) school officials who have "legitimate educational interests" as defined by FERPA.
- c) a judicial order or subpoena which allows the institution to release records without the student's consent; however, a "reasonable effort" must be made to notify the student before complying with the order.