

FERPA for Faculty and Staff

It is the Law!

*The **Family Educational Rights and Privacy Act (FERPA)** affords eligible students certain rights with respect to their education records. An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age. FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education (FERPA, U.S. Department of Education). Note: Most financial aid is administered by the Secretary of Education)*

The following are violations of FERPA:

1. Posting of grades by the student's name, social security number and/or the college identification number without the student's permission.
Note: If grades are posted by codes, it should not be done alphabetically.
2. Announcing or verbally mentioning a student's grade in class without the student's permission
3. Discussing a student's grade or graded work with another person, even with family members, without the student's permission
Note: Verbal permission is NOT valid. The student must complete the FERPA release form from the Registrar's office.
4. Intentionally or unintentionally exposing a student's identifiable graded paper, academic advising notes, and counseling notes
5. Leaving unattended graded paper with identifiable information for anyone to see
Note: Graded papers should be returned personally and individually to students in class or outside of class hours if needed.
6. Disclosing of personal information that is not considered "Directory Information"
Note: A student may choose to include a "no release" of all his/her personal and school information, including directory information
7. Disclosing Academic Adjustment applications and supporting documents. All applications must be sent only to the Academic Dean or designated Disability Coordinator. All results of academic adjustment applications are confidential and approved adjustments (but not the application and supporting documentation/s) are communicated to the faculty concerned only.
8. Disclosing results of academic appeals. All appeals are channeled to the Department Head or Academic Dean.
9. Disclosing of identifiable course registration of a student (Note: This includes schedules completed by the faculty advisor and student during the course registration period), completed Add/Drop -Withdrawal and Academic Probation forms and other documents not listed in EIC's Directory Information.
10. Disclosure of a student's medical record (e.g. Castle Branch) and criminal background result) to anyone not involved in the coordination and supervision of clinical, medical, and background check completion for externship and clinical rotations.

Note: FERPA requires explicit, NOT implied, consent, and it must be specific of what information the student allows to be disclosed. All consents must be done in writing.

Additional Notes:

1. Do not disclose the cumulative GPA (or any non-directory) information in a student's recommendation letter without the student's permission.
2. Do not upload class lists to a vendor's website for any purpose, including accessing online learning tools and/or references. Class enrollment is not considered directory information and therefore requires written consent of every student in the class.
3. If there is someone in the law enforcement field who is seeking information regarding a student, the law enforcement officer should be referred to the Campus Director or Director of Operations, who will ask for a copy of a subpoena. The Campus Director immediately notifies the CEO, College President, and the Legal Liaison for EIC to comply with the request.

Directory Information

The U.S. Department of Education describes "Directory Information" per FERPA as

FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Eastern International College considers the following as "Directory Information"

- Name
- Degree program and year level (first year-freshman, second year-sophomore, etc)
- Enrollment status (fulltime, part-time, active or inactive)
- Date of graduation
- Degree obtained from EIC
- Award/s received from EIC

Directory information **DOES NOT** include any of the following:

- Social security number
- Student ID number
- Ethnicity/Race/Gender/Nationality
- GPA or grades
- Religion
- Immigration status

A student's directory information may be released to an inquirer outside EIC, unless the student explicitly requests that directory information be withheld. However, the release of directory information is at the discretion of EIC as FERPA does not require that directory information be released.

As a faculty or staff member, you have the legal responsibility under FERPA to protect the confidentiality of student educational records in your possession.

Take note:

1. You access student information only for legitimate use in the fulfillment of your responsibilities as an EIC employee. You are not permitted to release lists or files with student information to any third party outside your unit, department, or College.
2. Except for directory information, the educational record of a student is considered private and may not be released without the written consent of the student. EIC requires a student to sign the FERPA release form that can be obtained from the Registrar's Office if the student wishes a second party to obtain information outside the listed directory information.
3. Student information stored in electronic formats (e.g. Diamond D, Canvas, etc) must be secure and accessible only to those entitled to access the information.

References

Frequently asked questions- FERPA. U.S. Department of education. Retrieved from <https://www2.ed.gov/policy/gen/guid/fpco/faq.html#q4>

Model notification of rights under FERPA for postsecondary institutions. U.S. Department of Education. Retrieved from <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/ps-officials.html>

College Policy on Student Records

Eastern International College accords all rights under the Family Educational Rights and privacy Act of 1974 to its students. The collection, maintenance, security, destruction, access, and dissemination of student educational records shall, at all times, be in compliance with FERPA. Disclosure of non-directory information requires the completion of the FERPA release form signed by the student. Disclosure on information without a student's consent may be possible for the following cases:

- College officials with a legitimate educational interest in the information
- Other schools to which a student is transferring or seeks enrollment.
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- Appropriate officials in cases of health and safety emergencies
- State and local authorities within a juvenile justice system, pursuant to the state law
- Victims of violent crimes and certain sex offenses, in accordance with the requirements of Title IX
- Compliance with a judicial order and/or lawfully issued subpoena.

In accordance with FERPA, the College affords current and former students the right to access their records. The College shall provide annual notification to students of their rights concerning student records as required by FERPA including the following:

- The right to inspect and review the student's education record within forty-five days (45) of the College's receipt of the request for access.
- The right to request amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise violate the student's privacy rights.
- The right to a hearing if a request to amend a student's education record is denied.
- The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the US department of Education's Family Policy Compliance Office concerning alleged failures by the College to comply with the requirements of FERPA.

Students may not inspect and review the following, as outlined by the ACT: Financial information submitted by their parents; confidential letters and recommendations associated with admissions; recommendations for employment, job placement, or honors to which they have waived their rights for inspection and review.

Education records containing information about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.