

# UCR

## Family Educational Rights and Privacy Act (FERPA)

Training for Teaching  
Assistants at UCR

UNIVERSITY OF CALIFORNIA, RIVERSIDE

# What is FERPA?

- ▶ A federal law that protects the privacy rights of students and families
  - ▶ At the elementary/secondary level, parents have the *right* to inspect and review their children's educational records so long as the children are under 18 years of age.
  - ▶ At the postsecondary (college) level (or at the secondary level when students are over 18), parents no longer have this right. Rather, they may be *permitted* to view their children's educational records, but only if certain conditions are met.
- ▶ This training will focus only on issues at the postsecondary level

# Defining Educational Records

- ▶ An education record is:
  - ▶ Related to the student

AND

- ▶ Maintained by the institution
  - ▶ If a piece of information meets both conditions, it is considered an educational record. This includes, but is not limited to, data in the Banner Student Information System, iGrade, and/or iLearn; email communications; files maintained in shared areas; photographs; and videos.

# NOT Educational Records

- ▶ The following do not qualify as educational records:
  - ▶ Personal notes
    - ▶ That are NOT shared with or accessible to others
  - ▶ Observations of personal knowledge
    - ▶ Ex: overhearing another student make a threat, a student's mood or demeanor, etc
  - ▶ Law enforcement/public safety records
    - ▶ Maintained solely for law enforcement purposes
  - ▶ Employment records
    - ▶ As long as employment is NOT connected to student status; if it is, then FERPA may apply
  - ▶ Treatment records
    - ▶ Maintained by a healthcare professional as part of medical or psychological treatment

# Disclosure

- Generally, the University must have written permission from the student before releasing a student's educational records
- Exceptions include, but are not limited to:
  - Subpoena or court order that specifically states not to notify student
  - **Directory** information (public information)
  - **School official** with **legitimate educational interest**
  - Health or safety emergency (with conditions)

# Directory Information

- › Defn: Information contained in education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed (1988 Final Regulations)
- › Directory information as defined at UCR includes:

Name

Local Address

Permanent Address

Telephone Number

Place of Birth

Date of Birth

Email Address

Dates of Attendance

Previous Schools Attended

Degrees Awarded

Major/Degree Program

Honors

Sports Participation

Height/Weight of Athlete

# Directory Information (continued)

- › Students may opt to restrict the release of their Directory Information to the public
  - › This privacy setting will NOT exclude the student from appearing on reports used by school officials with a legitimate educational interest
  - › Students may choose to place these privacy restrictions in R'Web
    - › Any requests for directory information on individual students should be sent to the Registrar's Office
    - › Request for directory information on groups of students should be sent to:  
<http://ucrbanner.ucr.edu/data-requests/index.html>

# Legitimate Educational Interest

- ▶ Non-directory (confidential) education records can be released without student's prior consent to a **school official with legitimate educational interest**, which is defined as:
  - ▶ Performing a task that is specific in his/her position description or contract
  - ▶ Performing a task related to a student's education or a student's discipline
  - ▶ Providing a service on behalf of a student
  - ▶ Maintaining safety and security on campus



# Health and Safety

- ▶ FERPA's health and safety emergency provision permits disclosure of education records without the student's consent IF it is necessary to protect the health and safety of the student or other individuals
  - ▶ At UCR, the **Registrar** will make the determination of whether to disclose student information in the event of such an emergency
  - ▶ TAs should refer any requests for information to the Registrar's Office

# Students Have a Right To:

- Inspect and review their educational records
- Seek amendment of educational records
- Consent to the disclosure of educational records
- Obtain a copy of the school's FERPA policy
  - <http://registrar.ucr.edu/registrar/privacy-ferpa/ucr-ferpa-policy.html>
- File a complaint with the FERPA office in Washington, D.C.

# Parents

- ▶ FERPA permits institutions to disclose educational records to parents without the student's consent only under the following conditions:
  - ▶ Student is a dependent for tax purposes\*
  - ▶ Health or safety emergency
  - ▶ If the student is under age 21 and has violated any law or policy concerning the use/possession of alcohol or controlled substances and the institution has determined the student committed a disciplinary violation
  - ▶ Information is based on a school official's personal knowledge or observation of the student

# Parents (continued)

- ▶ \*At UCR, we do **NOT** release information to parents based solely on the student being listed as a dependent for tax purposes
  - ▶ FERPA says institutions **MAY** disclose based on this – it does not mandate we **MUST** do so
- ▶ We will only release information to parents with the student's written consent
  - ▶ Students can designate Authorized Users through R'Web with whom their information may be discussed by the following offices: Financial Aid, Student Business Services, and Housing. This consent does **NOT** include the Registrar's Office, any college/department or unit at UCR, or any TAs.

# Securing Sensitive Data

- › Password protect files that contain student data and share them only over secure networks
- › Delete files that you are not required to maintain
- › Use discretion when sending student data via email
  - › Never include the SID/SSN in the subject line of an email
  - › Do not send student information to non-UCR email addresses

# Your Responsibilities

- ▶ Security and Confidentiality
  - ▶ You may not release or otherwise disclose any confidential information to any third party and/or other University official who does not “need to know” (have a legitimate educational interest)
  - ▶ You are not permitted to seek personal benefit or allow others to benefit personally by knowledge of any confidential information that comes to you as a result of your work assignment
  - ▶ You should report any violations of FERPA to your supervisor IMMEDIATELY

# Consequences

- ▶ The consequences of how you handle or mishandle student information are significant
  - ▶ Any intentional disclosure – written, oral, or otherwise – by you of FERPA-protected information to any unauthorized person could subject you to **criminal and civil penalties** imposed by law and could lead to **termination of employment**
  - ▶ Willful unauthorized disclosure also violates UCR's student conduct policies and could constitute cause for **disciplinary action**, including but not limited to: being placed on **disciplinary probation**, **loss of privileges**, **exclusion from campus activities**, **suspension**, or **dismissal regardless** of whether criminal or civil penalties are imposed

# Review

- › The next few slides will take you through various scenarios you might encounter. Try to answer each question before reviewing the correct answer to test your knowledge.

# Question

A person enters your TA office and retrieves information about a student from a computer you left unattended. Under FERPA regulations, are you responsible?

*Answer on next slide...*



# Answer

- ▶ Yes, the medium through which the student information is obtained is unimportant. The same answer would apply to a report or file on a student that you left on your desk. It is your responsibility to ensure that no student information is left accessible or unattended, including data on a computer you are using.

# Question

- Which of the following are not considered educational records?
  1. Student's traffic violation
  2. Grade from a student's term paper
  3. Date of birth
  4. Work-study student employment record

*Answer on next slide...*

# Answer

- ▶ The correct answer is number 1, a student's traffic violation. A traffic violation would be a record kept by the UCR Police for law enforcement purposes only and would not be covered by FERPA. All of the other items would be considered educational records, and therefore would be covered by FERPA. Note that FERPA rights for a student begin when the student **enrolls** in courses.

# Question

- At UCR, do parents have the same rights as students to access the student's educational records? What if they are the ones paying for the student's books, housing, and meal plan?

# Answer

- No, parents do not have the same rights as students to access the students' educational record. UCR requires written consent from the student to release information to any party – including the parent. Students may authorize their parents (or any party) to view grades and other information on R'Web, but UCR faculty and staff still cannot speak to a parent about the educational records they have viewed online.

# Question

- One of your students is traveling after the end of the term and does not have Internet access to look up her grade. She contacts you by phone and asks what grade she received in the course. Can you tell her?

# Answer

- No, you cannot. You should not discuss educational records over the telephone. In addition, you should not provide grades to a student over email if they contact you from a non-UCR email account.

# REMEMBER

- Your job is to protect the rights of the student – when in doubt, don't give it out!
- WHO TO ASK:
  - Your immediate supervisor and/or the course instructor
  - Registrar's Office (2-7284)
- Other Resources:
  - Department of Education  
<https://www2.ed.gov/policy/gen/guid/foco/ferpa/index.html>
  - UCR FERPA policy: <http://registrar.ucr.edu/registrar/privacy-ferpa/ucr-ferpa-policy.html>
  - Student Employee FERPA Training  
[http://sais.ucr.edu/docs/ferpa\\_student\\_employees.pdf](http://sais.ucr.edu/docs/ferpa_student_employees.pdf)



Thank you for completing this FERPA training  
for Teaching Assistants at the University of  
California, Riverside.