



Edward Via College of  
Osteopathic Medicine

VIRGINIA • CAROLINAS

# FERPA Tutorial

Office of the Registrar

# What is FERPA?

The Family Educational Rights and Privacy Act of 1974, commonly referred to as the of 1974, commonly referred to as the “Buckley Amendment”, is a federal law designed to, establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearing.

# FERPA Simplified – the primary principles

Basically protects the privacy of student records and provides students the:

- Right to inspect and review their records
- Right to seek to amend those records
- Right to limit disclosure of those records

# FERPA – Operational Framework

- Identifies who must comply and under what circumstances
- Provides definition of terms
- Includes provisions for exceptions to minimize institutional constraints
- Applies to all institutions of higher education who receive federal funding
- Violations reviewed by US Department of Education with wide range of consequences – the most severe being the loss of federal financial aid funding.

# Who is protected under FERPA?

- Currently enrolled or formerly enrolled students
  - Regardless of age or parental dependency\*
- Does not apply to deceased students or persons who have applied but not attended

# What are educational records?

Practically any record that's maintained by VCOM, or any entity acting on the behalf of the College that contains personally identifiable information on a student, regardless of medium.

Examples include:

- ❑ Biographical information
- ❑ Enrollment records
- ❑ Grades
- ❑ Course schedules

Educational records come in a variety of mediums and formats.

Examples include:

- ❑ A printed document from the Registrar's Office
- ❑ An electronic notice sent via e-mail
- ❑ Student information housed in a computer
- ❑ Handwritten notes taken during an advising session

# What is not included in an educational record?

- a. Sole possession records or private notes
- b. Law enforcement or campus security records (different from judicial records)
- c. Records relating to individuals who are employed by the institution \*
- d. Records relating to treatment by physician, psychiatrist, psychologist, etc. that are only accessible to the student and those providing the treatment \*
- e. Records solely obtained after that person is no longer a student

# Directory Information

FERPA allows the release of directory information without the students explicit written consent. Directory information at VCOM includes:

- Name and address
- Telephone and e-mail
- Date and place of birth
- Most recent previous school attended
- Program of study, attendance, degrees, and awards received
- Participation in officially recognized activities
- Location, training institution and medical specialty identified for postdoctoral education

# More on Directory Information

Students must be notified annually of their rights under FERPA & what constitutes directory information at VCOM.

Students have the right to request that directory information not be released.

- ❑ All students are provided the opportunity to initiate a FERPA hold on their account at the beginning of each academic year during Orientation and Registration. Initiating this hold prevents the University from releasing Directory Information to any entities not specifically excluded from this release as specified by FERPA. Students should carefully consider whether they want to initiate a FERPA hold because it means agents of the College are prevented from even acknowledging their attendance at the school, which sometimes has unintended consequences.

# 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 responsibilities. This includes:

- ❑ Performing appropriate tasks that are specified in his/her position description, by special directive from the administrative team or by contractual agreement.
- ❑ Performing a task related to a student's education or the discipline of a student.
- ❑ Providing services for the student or the student's family, such as health care, counseling, clerkship and/or residency placement, or financial aid

Legitimate education interest does not, however, 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 and faculty should not be offended when their requests for access are carefully considered by the Registrar's Office.

In addition, educational interest does not constitute authority to disclose information to a third party with out the student's signed permission.

# Responsibility of School Officials

- School officials have access to student information only for legitimate use in the completion of their responsibilities as College employees. The “need to know” is the primary principle – not curiosity.
- All VCOM employees have a legal and ethical responsibility to safeguard confidential student information in their possession.

# Suggestions for Ensuring Student Record Confidentiality

- Don't leave student information out on desks or tables where others can easily see them.
- Don't distribute grades, transcripts, enrollment eligibility letters or other sensitive information in plain view or in open mailboxes located in public places.
- Secure computer screens so that people who enter your work area can't easily see what's displayed.
- Never share your personal or system passwords.

# Letters of Recommendation

- Faculty and other agents of the College may generate letters of recommendation without the student's written consent only if the letter is limited to that person's personal observations or knowledge of that student. However, if personally identifiable information obtained from a student's education record is included in the letter of recommendation (e.g. GPA, Class Rank, etc), the writer **MUST** obtain a signed release from the student which (1) specifies the records/data that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party/parties to whom the disclosure can be made. The form, Authorization to Release Information, found under Important Forms of the Registrar webpage may be used to make such a request/release.
- If the person writing the recommendation intends to keep a copy on file, then a copy of the letter must be provided to the Registrar's Office and the student may have access to that document unless they have otherwise waived that right.

# Disclosure to Parents

- FERPA allows an institution to disclose educational records to parents without the students written consent under the following circumstances:
  - ❑ Student is a confirmed dependent for income tax purposes and has not requested non-disclosure.
  - ❑ Student is involved in a health or safety emergency.
  - ❑ Student is under 21 and has violated any law/policy concerning use/possession of alcohol or a controlled substance.