

FERPA

Objective:

To determine whether the department protects the privacy of student education information.

Important Information:

The Family Educational Rights and Privacy Act (1974) is a federal law that protects the privacy of student records. Students have specific protected rights regarding the release of educational records and FERPA requires that institutions adhere strictly to these guidelines. Just about any record that contains personally identifiable information that is directly related to the student is considered an educational record under FERPA. There are two types of educational records under FERPA:

1. Directory information (can be disclosed without written consent of the student)
2. Non-directory information (cannot be disclosed to anyone, including parents, without the prior written consent of the student).

Potential Impact:

Results in negative impact to the student and possibly subjects the institution to legal liability, negative publicity, and the loss of federal funding if private student data is inappropriately disseminated.

Helpful Tools:

- UH System Administrative Memorandum:
[P01.D.06 - Protection of Confidential Information](#)
- UH – Downtown Policy Statement:
[A03.A.22 - Access to Student Records/Information](#)
- UHD Website:
[Registrar's Office](#)
[Release of Student Records](#)
[Enrollment & Degree Verifications](#)
[Privacy Statement](#)
[Financial Aid Forms](#)
[UHD Family Educational Rights and Privacy Act – GLB and FERPA Procedures](#)
[Student Handbook- Academic Issues - \(See Page 9\)](#)
- Others:
[Family Educational Rights and Privacy Act \(FERPA\)](#)
[Texas Government Code, Chapter 552](#)

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Frequently Observed Weaknesses/Deficiencies:

- Failure to properly protect student records.
- Releasing student information without proper written authorization.
- Accessing student educational information without a legitimate need related to completing job responsibilities.
- Publicly posting test grades where students can view each other's information.
- Leaving a stack of graded tests for students to pick up and sort through.
- Discussing student information with anyone (including parents) other than the student or a school official with a work-related need to know without written consent from the student.
- Identifying a student using the social security number or student ID instead of first name, last name and date of birth.
- Having a third party present during a meeting with a student such as in an advising session without obtaining the student's written consent that the third party can be present listening to the disclosure of the student's education record.

Best Business Practices:

1. Ensure that personnel with access to student education information, as well as all students, are aware of FERPA requirements. FERPA requires that UHD annually notify students of their educational privacy rights. UHD publishes FERPA information in the UHD Catalog, Student Handbook and Semester Bulletin each year.
2. Ensure that personnel whose work-related responsibilities include access to student record data and individually identifiable information in any medium or format have signed UHD's Applicant Confidentiality Statement included in the IT access forms, such as the Banner Access Approval Form and the Fortis Access Approval Form.
3. Ensure all requests for access to student records are routed through the Registrar's Office for approval and forwarded to Information Technology for granting of access and records maintenance.
4. Consider information in student records confidential and do not disclose or release, except as allowed by law and UHD policy. UHD may not disclose non-directory student information without an UHD work-related need or prior-written authorization by the student, except when authorized by law to do so. Students must submit a signed release to the Registrar's Office authorizing a disclosure and the Registrar's Office will direct the student and/or department personnel appropriately. If the disclosure of records includes financial aid information, the student may submit a signed release directly to the Office of Scholarships and Financial Aid.
5. Non-directory information includes, but is not limited to: social security number, student identification number, race, ethnicity, nationality, gender, transcripts, and grade reports.
6. At UHD, directory information includes all of the following: Student's name, mailing address, primary telephone number, date of birth, place of birth, University assigned e-mail address, major and minor fields of study, degrees, certificates, awards and honors received, dates of attendance, graduation date, expected graduation date, student's user name, most recent previous education institution attended, classification, participation in officially recognized activities and sports, weight and height of members of athletic teams, enrollment status.
7. Ensure that personnel with access to confidential student records complete annual mandatory FERPA training.

Case Scenario: Mrs. Jones, the mother of Lisa Jones who is a student at UHD, telephones Ms. Taylor. Ms. Taylor is Lisa's Academic College Advisor and has assisted Lisa with her degree plan. Mrs. Jones explains that she has been very concerned about her daughter's attendance and a recent test grade; she asks Ms. Taylor to tell her how her daughter is performing in school. Ms. Taylor does not have written consent from the student to release this information; however, because the mother seems so concerned, she feels certain it is ok. Ms. Taylor reviews Lisa's records and tells Mrs. Jones that Lisa has all A's in her classes and that there is no need to worry. Did Ms. Taylor violate FERPA by providing this information?

Case Scenario Answer: Yes, the student did not authorize release of her educational information. This violates FERPA and as well as UHD's policies.

Case Scenario: Mark, a human resources representative from a local company, calls to verify the enrollment dates and degree awarded for a former UHD student who is applying for a job. Melissa knows that dates of attendance, enrollment status and degree awarded are part of the directory information list so she believes it is ok to check the student's record on the student information system and release that information to the caller. Melissa finds the student record and realizes that that the person has been awarded a degree, there is, however, a signed statement from the student (confidentiality form) requesting that no information is to be released. She figures that the student has already been awarded the degree and you do not want to negatively impact his chances of getting a job. Melissa releases the information to Mark. Is this a violation of FERPA?

Case Scenario Answer: Yes it is. Melissa must honor the student's FERPA right of non-disclosure. Instead, she should have responded: " I have no information that I can release on that individual" and ask Mark to let the job applicant know that he/she can contact the Registrar's Office if there are any questions of concerns.

Case Scenario: Professor Frank receives a call from the local police department. Officer James explains that he is in the middle of an investigation and is wondering if Lyle Maddox was in class the week before on Friday, July 10th. Professor Frank checks his attendance records for class that day and tells Officer James, yes, Lyle was in class on that Friday. Is this a violation of FERPA?

Case Scenario Answer: Yes, the officer should have been directed to the UHD Police Department and the Registrar's Office so that appropriate procedures could be followed prior to release of such information.

Case Scenario: Antonio is responsible for offering assistance at his department's front counter. Mrs. Morrison, who works for a health insurance company, approaches the counter requesting information about a Mandy Nguyen. Mrs. Morrison is interested in obtaining any records specifically dealing with the student's medical history (if UHD has any) and provides him with a request letter on company letterhead. Antonio looks in Fortis and sees that we have hospital discharge documentation and several physician notes/letters that were submitted last semester as proof because the student requested to withdraw after the deadline. Upon careful inspection of the letter Antonio notices that it does not include the student's signed approval to release the information. He does not release the information to Mrs. Morrison. Did Antonio meet FERPA requirements with his decision?

Case Scenario Answer: Yes, he complied with FERPA by not releasing the information which was requested because the student did not provide a signed release and also, please note that the following are NOT education records: Sole Possession Records, Law Enforcement Unit Records, Employment Records, Post-Attendance Records, and **Medical Records**.

AREA

This questionnaire is designed so that “no” answers indicate that an internal control weakness may exist and the procedure/process may need to be examined in greater detail. **Comments should be provided for “No” answers.** When such weaknesses are identified, a change in the process may be necessary OR a control may need to be put into place to address the weakness. The appropriate UHD contact office (as outlined in the self-assessment text) may be contacted for assistance with identified weaknesses.

Self-Assessment of Internal Controls for Contracts	Yes	No	N/A	Comments
Does workforce of the department only disclose protected student information as directed by the Registrar’s Office when an authorized release has been submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Have all UHD employees (faculty, staff, temporary staff, contractual employees and students) of the department signed the UHD Applicant Confidentiality Statement in the IT Access Forms (Banner, Fortis)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are UHD personnel with access to protected student information familiar with FERPA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the department periodically communicate information regarding FERPA to all students and employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are UHD personnel aware of what is directory and non-directory information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are records properly safeguarded to avoid unauthorized access and improper release?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are safeguarding measures taken to reasonably protect student information that is: <ul style="list-style-type: none"> – submitted in person, – copied, – received and/or sent via fax, or – forwarded via e-mail? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are sealed confidential envelopes utilized when student information is being transferred between authorized individuals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the practice of emailing grades to students avoided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Have all employees with access to confidential student information completed the annual mandatory FERPA training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

This is a living document and will be updated as revisions are necessary. Periodically, you may want to check for updates and revisions. We welcome any questions and feedback regarding the information contained in this tool including any comments regarding how this may be more useful and effective.