

## FERPA Guidelines for Faculty and Staff

### What is FERPA?

#### The Family Educational Rights and Privacy Act of 1974, or the Buckley Amendment

- Federal law designed to protect the privacy of student education records
- Applies to all educational agencies or institutions, including SVA, that receive funds under any program administered by the Secretary of Education
- Provides guidelines for appropriately using and releasing student education records
- Students are the **owners** of their education records, and the institution is the **custodian** of the records
- FERPA governs **what** may be released, but does not require that **any** information be released

### Student Rights

#### Students have the right to:

- Inspect and review records that the institution maintains on the student
- Request amendment to those records and, in certain cases, append a statement to the record
- Agree or disagree to disclosures of the student's education records, except to the extent that FERPA authorizes disclosure without consent
- File a complaint with the Family Policy Compliance Office in Washington, D.C.

### Student Information Types

**Education Records** – Any record maintained by the institution related to a student, including but not limited to:

- Personal information (name, ID, etc.)
- Enrollment records
- Grades and Transcripts
- Class schedules and rosters
- Student exams or papers
- Student financial records
- Student employment information (work study, internships, etc.)

**Storage Media** – may include the following:

- Electronic documents or emails
- Computer printouts
- Class lists
- Notes taken during an advising session
- Databases
- Documents and materials that are handwritten, taped, saved on disks, film, etc.

**Exceptions to Education Record definitions:**

- Records that are in the sole possession of the maker (i.e. used as a personal memory aid and not revealed to others)
- Law enforcement records
- Employment records not based on student status
- Medical/psychological treatments (otherwise protected under HIPAA)

### DIRECTORY vs. NON-DIRECTORY INFORMATION

**Directory Information:** Information that is not generally considered sensitive or confidential and **can be released** without student consent:

- Student name, address, telephone, email
- Major field of study
- Enrollment status (undergraduate/graduate, full/part time)
- Dates of attendance
- Degree(s) conferred

**Non-Directory Information:** Information that is **confidential** and **cannot be released** without the written consent of the student:

- Ethnicity or race
- Gender
- Nationality
- Social security number
- Student ID number
- Religious affiliation
- Grades or GPA
- Course enrollment or schedule

**Students have the right to restrict the disclosure of Directory Information by completing a FERPA Disclosure Form, which is available in and maintained by the Office of the Registrar. If you have any questions about whether a student has restricted the disclosure of Directory Information, please contact the Office of the Registrar.**

### Can student Directory Information always be released?

Student directory information should not be released to third parties. All inquiries should be directed to the Office of the Registrar to ensure that the student has not requested that SVA restrict the release of Directory Information.

### Can student non-directory information ever be released?

All non-directory information is considered confidential and will not be released to outside inquiries without the express written consent of the student, except to the extent that FERPA authorizes disclosure without consent (for example, to comply with a subpoena, in a health/safety emergency, to employees with a legitimate educational interest, etc.). Questions regarding the release of non-directory information may be directed to the Office of the Registrar.

### What should I do if I'm concerned about a student's health or safety, or the health or safety of those around the student?

You should speak with your department chair, director, or the Office of Student Health and Counseling Services anytime you have a health or safety concern. FERPA allows you to make disclosures of education records to others within the College who have legitimate educational interests in the information, which interests include the performance of services to students, the effective functioning of the College, and the safety and security of the campus. FERPA also permits disclosures of information in a health or safety emergency, if in light of the circumstances and information available at the time, knowledge of the information is necessary to protect the health or safety of a student or other individuals. Your own personal observations of a student's behavior or condition generally are not considered education records and thus are not regulated by FERPA.

### What if someone needs to reach the student because of an emergency?

All such inquiries should be directed to Campus Security.

### What are parental rights under FERPA?

When a student reaches the age of 18 or begins attending a post-secondary institution (regardless of age), FERPA rights transfer to the student. Parents may obtain Directory Information at the discretion of the College. Parents may obtain non-directory information (grades, GPA, etc.) at the discretion of the College **and**:

- If the student has signed a FERPA Disclosure Form authorizing the release of non-directory information to his/her parent(s) or guardian(s),  
**OR**
- It has been determined that the student is claimed as a dependent on the most recent income tax return of the parent(s) or guardian(s)

It is generally the College's practice not to make disclosures from a student's education records involving academic matters to parents or guardians without the student's written consent. Parents wishing to obtain information from a student's education record should be directed to the Office of the Registrar.

### What must I do if I receive a subpoena concerning student education records?

Immediately fax a copy of the subpoena to the Office of the Registrar at 212.592.2069. The Registrar will consult with legal counsel, who will determine whether and how to comply with the subpoena and will determine whether student notification of compliance with the subpoena is required.

## DO NOT!

- Disclose information to a student or College official before authenticating the identity of the person
- Disclose confidential non-directory information about a student to any third party without the written consent of the student
- Link a student's name with his/her social security number, SVA ID number, or any portion of these numbers in any manner
- Use a student's SSN or SVA ID number in posting grades or other information
- Send confidential information (such as grades) in an email
- Leave graded tests, papers, or other student materials in a stack for student pick-up
- Leave sensitive information on desk/desktop when away from office
- Discuss the progress of any student with anyone other than the student or the student's academic advisor without the consent of the student. Refer inquiries from any third parties (including the student's parents or guardians) to the Office of the Registrar.
- Provide anyone with lists or files of students enrolled in your classes for any purpose
- Provide anyone with student schedules or assist anyone other than College employees in finding a student on campus. Refer such inquiries to Campus Security
- Discard documents with sensitive information without proper destruction and disposal
- Access the records of **ANY** student for personal reasons
- Release your SVA username and/or password for **ANY** reason

For more information, please contact the Office of the Registrar at 212.592.2200 or registrar@sva.edu.