

From WWU's REGISTRAR'S OFFICE:

FERPA: Family Education Rights and Privacy Act

PRIVACY AND EDUCATIONAL RECORDS

WHAT IS FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that sets forth requirements regarding the privacy of student records. FERPA governs the release of records maintained by an educational institution and access to those records. Institutions that receive funds administered by the Federal Office of Education are bound by FERPA requirements and failure to comply may result in the loss of federal funding.

WHAT ARE EDUCATION RECORDS?

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an educational agency, institution, or party acting for the agency or institution. Education records can exist in any medium, including, but not limited to, typewritten, hand-written, computer generated, videotape, audiotape, film, microfilm, microfiche, and email.

Education records do not include:

- Sole possession records, i.e., records/notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person except a temporary substitute for the maker of the record. This may include notes an instructor makes while providing career or professional guidance to a student.
- Medical treatment records that include, but are not limited to, records maintained by physicians, psychiatrists, and psychologists.
- Employment records unless employment is based on student status, i.e. a graduate teaching assistant or work-study student.
- Records created and maintained by a law enforcement unit.
- Post-attendance records, i.e., information about a person that was obtained when the person was no longer a student (alumni records) and not related to the person as a student.

ACCESS TO STUDENT RECORDS

Western Washington University may not disclose information contained in education records without the student's consent, except under certain limited conditions. For example, the University may disclose what is considered to be "directory" information unless the student has restricted disclosure of such information with the Registrar's Office.

While “directory information” can be defined more broadly, WWU has elected to allow only the following to be releasable as “directory information.” Directory information at the WWU is defined as:

- Name
- Dates of attendance
- Degrees and awards received
- Enrollment status

If the student has restricted the disclosure of directory information, a privacy restriction will appear on the student’s academic record. In the University’s computer database, there is “confidential” notation that the student has requested privacy.

In addition, the University can release information to a school official if it can be determined that the individual has a legitimate educational interest; i.e. if the official is performing a task that is specified in his/her job description, by contract agreement, is related to a student’s education, or to the discipline of a student. Faculty members do not have access to student academic records unless their normal job duties specifically require access (i.e. the student is enrolled in their course(s) or is the advisor of record).

POSTING GRADES

The public posting of grades by the student’s name, student identification number, or social security number is a violation of FERPA. This includes the posting of grades to a class website and applies to any public posting of grades for students taking distance education courses. Even without the name, using a student I.D. number or any part of a social security number in relation to the posting of grades violates FERPA, as the information may be personally identifiable to the student. Instructors can use code words or randomly assigned numbers that only the instructor and individual student know. Even then, the posting of grades should not be in alphabetical order. Faculty who wish to send grades to students via email need to be extremely carefully with this distribution process. An inadvertent and unauthorized release of grades to someone other than the student would be a violation of FERPA.

RETURNING ASSIGNMENTS

Assignments and papers that contain “personally identifiable” information should not be distributed to the student in a way that would allow other students to view the information. Graded papers should not be left unattended in an office or classroom for students to sort through or returned to students via another student. Both of these examples are a violation of FERPA. A possible solution would be to leave the exams, quizzes, etc. with an assistant or secretary who requests proper identification prior to distributing the information to the student.

PARENTS REQUESTING INFORMATION

When a student reaches the age of 18 or begins attending a post-secondary institution, regardless of age, FERPA rights transfer to the student. Concerns such as progress in a course, deficiencies in a subject area, scores and grades on papers, exams, etc. are all examples of personally identifiable information that constitute part of the student's education record. This information is protected under FERPA and parents may not have access unless the student provides written authorization that specifically identifies what information may be released to the parent(s). While some institutions allow students to authorize on-going permission for parental access to their records, Western Washington University does not provide this option.

CRISIS SITUATIONS/EMERGENCIES

If non-directory information is needed to resolve a crisis or emergency situation, an education institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals." Factors considered in making this assessment are: the severity of the threat to the health or safety of those involved; the need for the information; the time required to deal with the emergency; and the ability of the parties to whom the information is to be given to deal with the emergency. Requests of this nature should be directed to the Registrar's Office.

LETTERS OF RECOMMENDATION

Written permission from the student is required for a letter of recommendation if any information included in the recommendation is part of the "education record" (courses taken, grades, GPA and other non-directory information). The signed release must specify the records to be disclosed, the purpose of the disclosure and the party to whom the disclosure can be made. If the letter of recommendation is kept on file by the person writing the recommendation, then it becomes part of the student's education record and the student has the right to read it unless he/she has specifically waived that right of access. The only time a written release from the student is not required is if the recommendation will be based solely upon personal acquaintance/observation with the student and the letter will not contain any information derived from educational records concerning the student's participation, performance or academic achievement in school.

WHO TO CONTACT WITH QUESTIONS/CONCERNS

Any questions concerning FERPA may be directed to the Registrar's Office.