What You Should Know About FERPA
(Family Educational Rights and Privacy Act)

A brochure for faculty, staff and student workers

Office of Academic Records
Student Administrative Complex

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Last Updated July 9, 2002
What is FERPA?

The Family Rights and Privacy Act of 1974, as amended, (commonly known as the Buckley Amendment) is a federal law which provides that colleges and universities will maintain the confidentiality of student education records. The law basically says that no one outside the institution shall have access to students’ education records nor will the institution disclose any information from those records without the written consent of students. There are exceptions, of course, so that certain personnel within the institution may see the records, including persons in an emergency in order to protect the health or safety of students or other persons.

What is considered Directory Information?

In compliance with FERPA, the following statement reflects Hofstra University’s policy.

_The following directory information may be released by telephone: a) student’s dates of attendance; b) date of graduation and degree earned. Other kinds of directory information, such as a student's address, telephone listing, major field of study, awards received, and the most recent previous education agency or previous institution attended, will be released only in response to a written request. Hofstra reserves the right to refuse the above information if the reason for the request is not considered to be a sufficient need to know._

_Information regarding the student’s record: grades, courses, GPA, social security number and other personal information will not be released without the student’s written consent._

However, the Act states that each student has the right to inform Hofstra University that any or all of the information is not to be released. Hofstra University will honor the student’s request to restrict the release of “Directory Information” as stated previously. Hofstra University students may withhold disclosure of either or both categories of information. A student must notify the Office of Academic Records in writing. A form requesting non-disclosure may be obtained at the Student Administrative Complex, Memorial Hall. No information will be released without the written consent of the student. Status of disclosure at the last enrollment period is binding until such time that Hofstra is notified in writing by the student to permit release of “directory information.” Release of information contained on a student’s education record without the written consent of the person(s) identified on the document(s) is a violation of Sec. 438 public Law 90-247 (FERPA).

Definitions of terms contained in this pamphlet or in the ACT such as education records, legitimate education interest, designated school official, and the need to know may be obtained from the Office of Academic Records.

What about . . . .?

Parental Access to Children’s Education Records

At the postsecondary level, parents have no inherent rights to inspect a student’s education record. The right to inspect is limited solely to the student.

Records may be released to parents only under the following circumstances: (1) through the written consent of the student, (2) in compliance with a subpoena, or (3) by producing a copy of the most recent Federal Income Tax form showing that the student was claimed as a dependent. An institution is not required to disclose information from a student’s education record to the parents of a dependent student. It may, however, exercise its discretion to do so.

_Please contact the Office of Academic Records_ before releasing information on a dependent student to see if a student has signed a non-disclosure form.

Posting of Grades by Faculty

The public posting of grades either by the student’s name, institutional student identification number, or security number without the student’s written permission is a violation of FERPA. Even with names obscured, student identifier numbers are considered personally identifiable information. Therefore, the practice of posting grades by social security number or student identification number violates FERPA. The returning of papers via an “open” distribution system, e.g. stacking them on an open table, is a violation of a student’s right to privacy, unless the student submits a signed waiver to the instructor for such purpose. The
instructor must keep the waiver on file in order to avoid institutional or personal liability.

**Your responsibilities As A Staff Member**

As an employee of Hofstra University, you may have access to student education records. Their confidentiality, use, and release are governed by FERPA. Your utilization of this information is governed by the regulations and the duties and responsibilities of your employment and position.

Your job places you in a position of trust and you are an integral part in ensuring that student information is handled properly. Students have the right to expect that their education records are being treated with the care and respect that you would want for your own records.

In general, all student information must be treated as confidential. Even public or “directory information” is subject to restriction on an individual basis. Unless your job involves release of information and you have been trained in that function, any requests for disclosure of information, especially from outside the University, should be referred to the Office of Academic Records. Release of information contained on a student’s record without the written consent of the person identified on the document is in violation of Sec. 438 Public Law 90-247. As a college employee, all of you should have your own accounts and passwords on the administrative computer system and on e-mail. You are responsible for your personal account and will be held accountable for any improper use. Protection of your sign-on password and procedure is critical for security. Your password is the only protection your account has, and the only way the computer system can verify that you are actually who you say you are. Please pick a good password and protect it.

**Your Responsibilities As A Student Employee**

Security and confidentiality are matters of concern to all offices and all persons who have access to office facilities. The Office of Academic Records is the official repository for student academic records. Other education records are stored in both hard copy and electronic form in offices throughout the campus. Many offices are able to extend job opportunities and work experience to supplement student finances and education. In doing so, the student employee is placed in a unique position of trust since a major responsibility of offices is the security and confidentiality of student records and files. Since conduct either on or off the job could affect or threaten security and confidentiality of this information, each student employee is expected to adhere to the following: (1) No one may make or permit unauthorized use of any information in files maintained, stored or processed by the office in which they are employed, (2) No one is permitted to seek personal benefit or to allow others to benefit personally by the knowledge of any confidential information which has come to them by virtue of their work assignments, (3) No one is to exhibit or divulge the contents of any record or report to any person except in the conduct of their work assignments and in accordance with University policies and procedures, (4) No one may knowingly include or cause to be included in any record or report, a false, misleading entry. No one may knowingly expunge or cause to be expunged in any record or report, any prior data entry. (5) No official record or report, or copy thereof, from the office where it is maintained may be removed except in the performance of a person’s duties, (6) No one is to aid, abet, or act in conspiracy with another to violate any part of this code, and (7) any knowledge of a violation must be immediately reported to the person’s supervisor.

**Your Responsibilities as a Student On a Committee**

Students serving in an official capacity on University committees have been designated as school officials and must adhere to the same policies of confidentiality and security as all school officials and employees.

**In Summary, Remember . . .**

- Checking a person’s picture identification when releasing education records is required. Always check to see if the student permitted disclosure of information before you release any information on the student.
- Discussing a student’s record with any person who does not have a legitimate educational interest is a violation of FERPA. This pertains to conversations on and off the job.
- Removing any document from the office for non-business purposes is a violation of FERPA.
- Releasing confidential student information (non-directory) to another student, College or University, organization, or to any person who does not have a legitimate educational interest, or to the parents of a dependent student without the student’s written authorization is in violation of FERPA.
- Leaving reports or computer screens containing confidential information in view of others who do not have a legitimate educational interest in the data or leaving your computer unattended is in violation of FERPA.
- Making personal use of student information is in violation of FERPA.
- Allowing another person to use your computer access code is in violation of FERPA.
Putting paperwork in the trash with a student’s information (i.e., social security number or grades) is also in violation of FERPA.

In addition to the possibility of personal litigation, proven FERPA violations may result in loss of federal funds to Hofstra University.

Violation of confidentiality and security may lead to appropriate personnel action.

Questions???
If you have any questions concerning FERPA or what you can or cannot release, please contact the Office of General Counsel at (516) 463-1800. If they cannot answer your question, they will consult the Department of Education.