“The Family Educational Rights Privacy Act”

Registrar’s Office Guidelines for FERPA Compliance

(Revised August 11, 2015)

Office of the Registrar
Pfeiffer University
Lourdes Silva, Registrar
Preface

The following document has been prepared for Pfeiffer University by the Registrar as a means to assist you in the knowledge and compliance of the “Family Educational Rights and Privacy Act of 1974” (also known as FERPA.) The guidelines have been updated to reflect changes under the Salomon and The Patriot Acts, and the 2009 and 2012 amendments. The guidelines are based directly on the FERPA act and on the official interpretation by the American Association of Collegiate Registrars and Admissions Officers of FERPA. These guidelines do not presume to be exhaustive, but to provide staff with the most common occurrences when it comes to the release of academic/student identifiable information. Of course, nothing will ever substitute good judgment when it comes to privacy matters. Always follow your instincts. If you feel that someone will use the information to harm a student in any way or for unlawful purposes, do not disclose any information, and instead refer the person to the Registrar. As always, the Registrar and the Registrar’s staff are available to support you. Do not hesitate to use our resources.
- **Protecting Students’ Privacy Rights**

Students have the right to view their own records (with certain exceptions, i.e. some letters of recommendation) after showing proper identification. A valid Pfeiffer identification card or a driver’s license are appropriate forms of identification. A student does not have the right to view other students’ records, including class schedules and grade rosters, without proper permission. An exception here is made for students working on behalf of some student organizations to which other students have applied for admission, such as honor societies; and student workers working on behalf of the University under appropriate supervision. These students may be able to see records or information on a “need to know” basis, in other words, they can see only what they must in order to perform their job duties. Any students with access to other students’ information must be required by their supervisors to sign a form agreeing to comply with FERPA.

- **Information which may be released to a third party (Directory Information)**

Absent the written consent of the student or a student’s request to withhold Directory Information, the University may disclose to third parties, including other students, information classified as Directory Information.

At Pfeiffer University Directory Information includes:

- Student’s name
- Address and telephone number
- Date and place of birth
- Major field of study
- Class year
- Dates of attendance
- Degrees and awards received
- Enrollment status (active or inactive, part-time or full-time)
- Past and present participation in officially recognized sports and activities
- Height and weight of student athletes
- Most recent academic institution attended
- Names and addresses a student’s parents or guardians.

FERPA states that the University may disclose Directory Information without a student’s written permission, however, there is no obligation on our part to do so. Any person working on behalf of the University, who is asked for Directory Information, must always use discretion. When in doubt, refer the person requesting the information to the Registrar. Please keep reading…

- **Restrictions on the disclosure of Directory Information**

On a case-by-case basis, students have the right to request that we restrict the release of Directory Information. To restrict the release of Directory Information a student must make a written request to the Registrar’s Office; forms are available at this office. When a student requests this restriction, Admission or the Registrar’s Office places a “flag” on the student’s record, which will alert the system’s users not to release any of the student’s information. This restriction however, does not apply to Pfeiffer’s staff with a legitimate academic interest as defined later in this document. Also, students taking on-line courses agree to share pertinent parts of their directory information with the instructor and other students in the course.
- Which information shall not be disclosed?
Information not listed above under Directory Information must not be disclosed without the student’s written consent. This includes information on courses, grades, academic standing, withdrawals, suspensions, and days and times of class meetings. Only the Registrar’s Office can disclose information not covered under “Directory Information”. In accordance with the law, we require the student’s written consent. In addition, we have the responsibility to inform the third party (person or entity) receiving student information that they have to agree not to share this information with others.

-What happens when a student needs to be located on campus because of an emergency?
Forward the request to the Registrar’s Office or the VP for Student Affairs, or his representative. Never send a parent or other individual to a student’s dorm or classroom. An administrator, campus security officer, or police officer should make every effort to find the student, explain the nature of the emergency and give the student the option to respond.

- Releasing Directory Information over the telephone or email
Directory Information may be released to others over the phone or email as long as the student does not have a confidentiality flag in the student database (Jenzabar). Many times the release of directory information is to the student’s advantage, for example, a non-profit organization seeking information to award a student a scholarship, or a landlord, or prospective employer verifying enrollment and dates of attendance, etc. However, never give other than Directory Information over the phone or email, since there is no way to identify the person asking for it. Anyone needing more information that what is included in our Directory Information must come to the Registrar’s office, with a signed release from the student, the Registrar’s Office after checking proper identification, will determine the validity of the release.

Exceptions (Yes, there are always exceptions!)
- You may not release a grade over the phone, but you may confirm if a grade change has been processed.
- You may confirm that a withdrawal or add/drop has been processed as long as the student can be specific as to which courses had to be added, dropped, or withdrawn.
- You may discuss the content of a letter sent to a student about his or her record if the student calls in with specific questions about the content of the letter.

- Disclosure of information to “University officials”
Students’ consent is not required when the disclosure is to Pfeiffer’s staff members with a legitimate academic interest in the information (see definition below.) If you do not know the employee asking for the information, call the person’s supervisor to confirm that the individual is a Pfeiffer employee; also verify the person’s title.
- Who are “university officials”?
University officials are those individuals who engage in the instructional, advisory, and administrative functions of the University. School officials also include those Pfeiffer students whom, while performing as officers in officially recognized honor societies or peer advisor groups, require information on particular students to determine the satisfaction of specified eligibility requirements. Also, students’ working for an academic or administrative unit, assuming the inquiry is directly related to their job and that the job is performed under the direct supervision of a school official. Attached to these guidelines you will find a release letter that every student worker or temporary non-teaching employee must sign alerting him or her of their responsibilities under FERPA. Have the student worker or temporary employee sign it and place it in his employment file in your office.

- Legitimate educational interest
A university official has a “legitimate educational interest” under FERPA when she or he requires the student’s educational information “in the course of instructional, supervisory, advisory, and administrative duties at the University.” According to this definition, a professor looking for academic information on his own non-dependent child may not have a legitimate educational interest. (see “Disclosure of Information to Parents” included in these guidelines) Compliance with FERPA goes along with the professional and ethical behavior expected from everyone at Pfeiffer University.

- Who has a legitimate educational interest at Pfeiffer?
As long as the student information is needed “in the course of instructional, supervisory, advisory, and administrative duties at the University”; the President of the University, Provost’s Office, Deans, Program Directors, faculty, and advisors; also personnel in Admissions, Financial Aid, the Office of the Registrar, and the Business Office. Additionally, the VP for Student Affairs, the Learning Center, the Athletic Office, and or entities performing audits or research on their behalf. Other members of the staff and certain students may also have access to the student record under special circumstances; please consult with the Registrar.

- Disclosure of information to parents
Dependent students - Student’s consent is not required to disclose academic information to the parents of a dependent student. The Registrar’s Office may use the information housed in the Financial Aid Office as the source of updated information on “dependency status”. The Registrar’s office considers a student as being a ‘dependent student’, if the student has used his parents’ income as the student’s income source when filing the FAFSA, or if the parents claim the student as a dependent in their IRS forms. To make the disclosure process less tenuous, at Pfeiffer, dependent students may sign a FERPA release form, giving their parents consent to access their academic records. This form is available to students from the Registrars’ Office. In the case of students with no financial aid, we use the following criteria to define students as non-dependent: students 24 years old or older,
veterans, orphans or wards of the court, married, students with dependents of their own, and graduate students.

Although parents of dependent students have the right to access their children’s academic record, only directory information can be disclosed to parents over email or the phone. Refer all parental inquiries about academic records (other than directory information) to the Registrar. When information is requested in person, it is necessary to establish that the person making the request is indeed the parent of the student. A form of identification, such as a driver’s license, is necessary before allowing a parent of a dependent student to view a student’s record. Parents of dependent students have the right to request a copy of their child’s record for their review. Parents do not have the right to request a copy of the transcript for a third party since only the student can authorize the release of a transcript to a third party. Parents with a written authorization from the student can act on their behalf in requesting a transcript for a third party.

- Disclosure of information to other higher education institutions
The student consent is not required when disclosing information to officials of other schools or school systems in which the student intends to enroll, however, at Pfeiffer, we ask all students to request and pay for transcripts going out to third parties, including other schools. Unless the student initiates the disclosure, the University shall attempt to notify the student, of records released to another school. Upon request, the University shall provide the student with a copy of the educational record that will be transferred and give the student an opportunity to challenge the content of the record. Only the Registrar’s Office can disclose official information about academic records.

- Disclosure of information to Federal and State Officials
  The student’s consent is not required for disclosure to certain officials following their statutory purposes:
  -The Comptroller General of the United States
  -The Secretary of the U.S. Department of Education
  -State Educational Authorities
In addition, student identifiable information may be disclosed to:
  -Any party legitimately connected with a student’s application for financial aid.
  -Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering prediction tests, administering student aid programs, and improving instruction.
  -Accrediting institutions for carrying out their accrediting functions.
Refer these or other organizations to the Registrar’s Office for verification and official information.
Disclosure to Law Enforcement Individuals or Agencies

The student’s consent or a court order is **required** for information sought by local or state law enforcement, and other federal and state agencies. Always refer members of law enforcement to the Registrar’s Office.

**Exception:** Under the “Patriot Act” created by the US Congress after the incidents of 9/11/2001, investigative agencies such as the FBI or CIA may have access to students’ records without the students’ consent. However, even in these cases the Registrar will try to secure a court order before the requested information is released. The **INS** is legally entitled to non-directory information of foreign students on study visas. The Registrar is responsible for the disclosure of student information to law enforcement entities.

- **The Solomon Act**

The Solomon Act requires all Title IV (FA recipients) institutions to allow students to participate in ROTC programs and allow military recruiters to obtain information about students, or to visit the campus to recruit students. Although the issue of official transcripts is not covered under the law, as long as the recruiter brings a signed release from the student, and as long as the student has no financial obligations with Pfeiffer, the Registrar’s Office will release the transcript. In the case of students with financial obligations with Pfeiffer; no information will be released until the student clears the debt. The University reserves the right to charge for transcripts issued to the military after the student has consented to its release.

- **Complaints for a violation of FERPA rights**

Any person can file a complaint for a violation of FERPA rights with the Department of Education. The Department of Education may investigate the complaint even if the complaint is withdrawn or when a formal complaint is not filed by the affected student. Following the law, as well as the policies and procedures of the University, will keep everyone protected from legal actions against them as individuals, and against the University. Remember that the Registrar’s Office is here to assist everyone with the compliance of this law.

- **2012 FERPA Amendments**

The most recent amendments to FERPA were established with the intent to improve educational programs, to ensure that limited funds are invested effectively, to discard unsuccessful practices, to increase accountability and transparency and to contribute to a culture of innovation and continuous improvement in education. For these purposes the 2012 amendments allow for the disclosure of academic information to the State for the purpose of audits and studies and extend the re-disclosure authority to entities conducting audits or studies. The amendments also allow for the collections of personally identifiable information about students at all educational levels, for the purpose of evaluating the effectiveness of educational programs.
References:

