



## WSU Tech General FERPA Overview

The Family Education Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records and applies to all schools that receive funds under an applicable program of the U.S. Department of Education. WSU Tech protects the confidentiality of eligible students' education records in accordance with FERPA.

An "education record" is defined as any record directly related to a student and that is maintained by the institution. These records include but are not limited to grades, transcripts, class lists, student course schedules, student financial information, etc. They do not include law enforcement, employment, medical, alumni, or sole-possession (personal note) records. Education records can exist in any medium, including written, computer-generated, film, email, and others.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a postsecondary institution. Students to whom the rights have transferred are "eligible students". Thus, regardless of age, a student's rights under FERPA begin when the student enrolls at WSU Tech.

### **FERPA:**

- Prohibits the disclosure of personally identifiable (PII)/non-directory information to a 3<sup>rd</sup> party.
  - PII = Any information that can be used to distinguish an individual's identity directly or indirectly with other information. This includes, but is not limited to: student name, SSN, date of birth, student ID, parent's names, etc.
- Affords students the right to review, request an amendment to, or consent to the disclosure of their education records.
- Allows students to file a complaint with the U.S. Department of Education regarding an alleged violation of FERPA.

It is important every employee at WSU Tech both understands and abides by the FERPA regulations.

### **Per the Family Educational Rights and Privacy Act (FERPA):**

**1. Releasing Directory Information** → The college can release "directory information" of any WSU Tech student or former student UNLESS a student indicates he/she wants to opt-out of having directory information released.

- Directory information is information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
- For anyone who "opts out" we refer to that as a "FERPA Hold". (See #5 below for more specific information about FERPA holds)

2. **Directory Information Definition** → In compliance with FERPA, WSU Tech defines the following information as “directory information” and *may* disclose this information at its discretion. However, WSU Tech is not required to release all or any of said defined information. It is WSU Tech’s practice only to release certain directory information when requested by a third party. The remaining directory information (address, phone, e-mail, age, photograph) is only to be released in rare instances (often for reporting purposes) approved by the Executive Director of Institutional Effectiveness, Vice President of Student Success or the Registrar. The Executive Director of Marketing controls the release of promotional photographs while the Vice President of Student Success controls the release of student ID photos.

### Directory Information

#### **Can be Released without Approval**

- Name
- Degree and Major/Program of study
- Dates of attendance
- Enrollment Status
- Grade level
- Honors and awards received
- Degrees conferred, including dates
- Past and present participation in officially recognized activities and sports
- Most recent educational agency or institution attended

#### **Requires Approval to Release**

- Address
- Telephone listing
- Electronic mail address (e-mail)
- Age in years
- Photograph

### **What To Do When You Receive Directory Information Requests**

- Only specific departments have access to student directory, release, and confidential hold information stored in the student information system (Banner).
  - For those without that access, requests for student education record information should be referred to the Registrar’s Office or an Academic Advisor.
    - They can confirm for you if a release of information or confidential hold is on file for the student and what/if any information can be released.
  - Those with access to student release information can release the approved directory information to third parties as long as the student has NOT opted out of having directory information released (see #5).
- If anyone (parent, third party, etc.) requests address, telephone, e-mail, or age, let them know it is **not WSU Tech’s practice to release student contact or biographical information**. Though defined as directory, we are not required to release the information and it is not our practice to do so.
- Please see chart below for who to forward any other requests of information (i.e. – report requests about students containing either directory or non-directory information).

Request Type	Forward To
Freedom of Information Requests	Paula Pitts (Executive Assistant, President)
KORA (Kansas Open Records Requests) - Kan. Stat. Ann. Secs. 45-215 to 45-250	Paula Pitts (Executive Assistant, President)
Military Recruitment - Solomon Amendment	Bonnie Engelken (Registrar)
Any other requests of student information (directory/nondirectory)	Kristen Johnston (Executive Director, Institutional Effectiveness)
Any other requests for institutional data	Kristen Johnston (Executive Director, Institutional Effectiveness)
Student Photo ID	Justin Pfeifer (Vice President, Student Success)
Student Promotional/Marketing Photo	Andy McFayden (Executive Director, Strategic Communications)

**3. FERPA Release** → Students can choose to allow WSU Tech to release non-directory information to anyone they designate such as a parent, spouse, employer, etc. In this case, students must complete a "FERPA Consent to Release" form found on their myWSUTech student portal.

The students indicate to whom and specify what non-directory information WSU Tech can release (i.e. – Financial Aid, Business Office, Registration, All Records or a combination).

- High School students (regardless of age) ARE protected by FERPA and treated as post-secondary students. Unless they sign a consent to release form, only directory information can be released to a 3rd party, including their parents.
  - a. *Exceptions* -> WSU Tech can (but is not obligated to) legally disclose information without a release:
    1. If the student is a legal dependent of the parent/guardian (claims student on income taxes).
      - Though acceptable to collect, it is not WSU Tech's practice to collect tax documents showing student dependency as they expire. All students are required to complete a consent to allow the release of information to parents.
    2. In the case of a disaster, health or safety emergency.
    3. If a student under 21 years of age violated the college's student code of conduct regarding alcohol or drug use.

**4. Release of Information Without Consent** → In certain situations, FERPA allows the college to release non-directory, personally-identifiable student education records:

- To appropriate parties in connection with financial aid to a student.
- To other schools in which the student intends to enroll.
- To comply with a judicial order or lawfully-issued subpoena.
- To an accrediting organization.
- To organizations conducting studies for or on behalf of WSU Tech.
- For specified officials for audit or evaluation purposes.
- To state and local authorities, within a juvenile justice system, pursuant to specific state law.
- To school officials with a "legitimate educational interest".

- a. IMPORTANT – Just because someone is employed at WSU Tech, does not mean they have a right to any or all of a student’s education record.
- b. WSU Tech is legally required to use reasonable methods to ensure faculty and staff only have access to those education records necessary to successfully complete job duties and must prove legitimate educational interest. (FERPA § 99.31)

**5. FERPA Hold / Non-Release of Directory Information** → As mentioned in #1 above, a student may choose to opt out of having all information released (including directory).

- To restrict the release of any information, students complete the Request to Withhold Directory Information form and submit to the Registrar’s Office.
- Upon receipt of the completed form, the Registrar’s Office checks the “Confidential” box in Banner and makes a note in SPACMNT as to when the restriction of release is effective.
- “Confidential” will appear on every screen specifically regarding the student in Banner so it is clear no information should be released.
  - a. NOTE: A Confidential/FERPA hold does not restrict the release of student information for qualifying exceptions like to agencies for mandated reporting, complying with a judicial order, etc.
- If someone calls, e-mails or stops by to request information on a student with a FERPA hold, we cannot release anything about the student and must be careful not to indicate, by our answer, that the student does or did attend WSU Tech. i.e. – “Unfortunately, I am unable to verify any information for you. Any WSU Tech students with questions about accessing their education records must speak to the Registrar’s Office in-person (providing government issued photo ID).”
- IMPORTANT: If a student requests a FERPA Hold, it supersedes all previous or future consent to release forms submitted by the student. To allow the release of any information again, the student would be required to submit a Cancellation of Request to Withhold Directory Information form to the Registrar’s Office.

### **Specific Information for Faculty and Instructional Staff**

**Posting Grades:** The public posting of grades either by student’s name, ID number, SSN or other personally identifiable information (PII) is a violation of FERPA. If an instructor posts grades using some other code known only to the instructor and the individual student, that is acceptable. Such a posted list should not be in the same order as the class roster or in alphabetical order.

**Third Party Inquiries:** Requests for information from an education record of a student by an external entity should be referred to the Registrar’s Office or Academic Advisor. They can confirm for you if a release of information or confidential hold is on file for the student and what/if any information can be released.

Education record information is also not to be shared with other faculty/staff members unless they have a legitimate educational interest and must access the records to fulfill their professional

responsibilities for WSU Tech. For example, those working on/with applicable appeal committees, faculty advisors, etc.

**Letters of Recommendation:** Any recommendations, either verbal or written, should be guided by FERPA. Statements by a person making a recommendation that are made from that person's observation or knowledge do not require a written release from the student who is the subject of the recommendation. These general statements include but are not limited to work ethic, punctuality, dependability, cooperation, etc.

However, if personally identifiable information from a student's course performance is included (specified course, exam results, final grade, etc.), a signed Student Reference Request and FERPA Release form is required before providing the recommendation.

The student is responsible for providing the original signed reference release form to the Registrar's Office and a copy to the faculty member providing the recommendation before one can be given. The signed release will be scanned into the student's education record. However, the actual recommendation letter will not be given to the Registrar's Office and will not be maintained as part of the student's education record.

The Reference/Release document has a place for the student to indicate if they do or do not waive their right to review the letter. If the student indicates they do not waive their right to review, the faculty member should also provide a copy of the letter to the student.

If you have any questions regarding FERPA or WSU Tech's policies or practices relating to FERPA, please contact the Registrar's Office or Vice President of Student Success.

**Follow our FERPA motto: "When in doubt, don't give it out!"**