

Family Educational Rights and Privacy Act (FERPA)

FERPA requires that institutions of higher education strictly protect the privacy rights of all students who are or have been in attendance. In practice, this means that information contained in the student's **educational record** can be shared only with school officials who have a legitimate educational interest and a legitimate need to know such information to fulfill their professional responsibilities.

Educational Records

Educational records are defined by FERPA as:

Records that directly relate to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution.

Such records may include (but not limited to):

- Written documents;
- Computer media;
- Video or audio tapes or CDs;
- Film;
- Photographs;
- Student files;
- Student ID number;
- Race, ethnicity, nationality;
- Gender;
- Transcripts, grades, class lists, student class schedule;
- Student financial records;
- Student system databases (BANNER, STAR)
- ANY record that contains personally identifiable information that is directly related to the student is an educational record.

Records NOT considered as educational records:

- Private notes of individual staff or faculty; (**NOT** kept in student advising files)
- Campus police records;
- Medical records; (HIPA)
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.

Directory Information

Schools may disclose, without consent, "directory" information. Directory information is general information contained in the educational record of a student that generally would not be considered harmful or an invasion of privacy.

Faculty/staff should consider the intent of the person requesting directory information.

FERPA regulation **permits** institutions to disclose directory information, but does not **mandate** it.

Therefore, when in doubt, check it out by calling the Counseling Center.

Directory information may include:

- Name;
- Address;
- Phone number and email address;

Adapted from NACADA 10/5/12

- Dates of attendance;
- Degree(s) awarded;
- Enrollment status;
- Major field of study

Students may prohibit disclosure of directory information, and must do so in writing at HawCC's Records Office no earlier than the first day of instruction and no later than fourteen calendar days from the first day of instruction for the semester (or the fourth day of summer session). However, opting out from directory information does not include a right to be anonymous in the classroom or to impede routine classroom communication and interactions.

Advisors are required by FERPA to follow these guidelines:

- Advisors should not release academic information to outside parties, including parents.
- Advisors may access educational records **IF** they have a legitimate educational interest.
 - Curiosity is not an educational interest. Employment has the College does not constitute legitimate educational interest. Your need to know must be related to your job responsibilities.
 - Your legitimate educational interest is limited. While you may need to access education records for advisees in your academic program, you do not have a similar need to view records of students outside of your case load (unless student has asked for your assistance). Access to information does not authorize unrestricted use.
- Advisors may discuss educational records with school officials in an effort to help the student.
- Exercise caution when discussing educational records over the phone as it may difficult to determine caller's identity.