

## **Family Educational Rights and Privacy Act (FERPA)** **FERPA FAQ'S for FACULTY**

### **☒ What is FERPA?**

FERPA sets forth the requirements regarding the privacy of student records.

### **☒ What does FERPA govern?**

- The release of student records, and
- Access to student records.

### **☒ Who must comply with FERPA?**

- Any educational institution that provides educational services that receives funds under any program administered by the U.S. Secretary of Education.

### **☒ What does FERPA require for colleges to be in compliance?**

- Notify students annually of their rights.
- Protect students' rights to inspect and review their education records.
- Protect students' rights to request to amend their education records.
- Protect students' right to limit disclosure of personally identifiable information contained in education records.
- Ensure that third parties do not redisclose personally identifiable information.
- Keep records of requests and disclosures of student education records.

### **☒ Who has FERPA rights at the postsecondary level?**

- Students in attendance, regardless of the age, and former students.
  - Student applies to all students attending, including continuing education students, students auditing a class, and distance education students.
  - In attendance, undefined for Cuesta, is the first day the student attends class.

### **☒ Who may access personally identifiable information?**

- Anyone who has obtained the prior written consent of the student.
- School officials with a "legitimate need to know" that require student information in order to carry out their responsibilities, may request and receive student information from the Office of Admissions and Records.
- Agents acting on behalf of the institution.
- Anyone if a health or safety emergency exists and the information will assist in resolving the emergency.

### **☒ Who handles off-campus inquiries, including parents?**

- Forward requests for student information to the Admissions and Records Office staff. The Records Office Staff provide official verification of student educational information including general requests and all requests made by subpoena. Law enforcement inquiries should be forwarded to the Campus Police Office or to the Office of the Vice President of Student Services.

### **☒ What is Directory Information?**

- Directory information or information from a student's educational record that can be disclosed without the student's written permission is defined as, "information contained in an education record of a student which would **not** generally be considered harmful or an invasion of privacy if disclosed." Personal identifiers, such as student identification numbers or social security numbers, student ID numbers, race/ethnicity, gender, religious

preference, grades and GPA **can never** be designated as directory information. Cuesta College has identified the following elements as directory information:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Name                            | <input checked="" type="checkbox"/> Dates of Attendance  |
| <input checked="" type="checkbox"/> Field of Study                  | <input checked="" type="checkbox"/> Level of Enrollment (# of units-full-time/part-time)       |
| <input checked="" type="checkbox"/> Degrees and Certificates Earned | <input checked="" type="checkbox"/> Participation in officially recognized activities & sports |

**☒ What is a Directory Hold?**

- Student has indicated that they do not want their Directory Information released without their consent. Directory information may not be given out for students who have the Directory Hold in place.
- No additional information beyond directory information elements should ever be released to any party beyond Cuesta College staff and faculty without the specific written consent of the student.

**☒ How should faculty post their grades?**

- The posting of grades either by the student's name, institutional student identification number, or social security number without the student's written permission is a violation of **FERPA**. This includes the posting of grades to a class/institutional Web site and applies to any public posting of grades for students taking distance education courses. Even with names obscured, numeric student identifiers are considered personally identifiable information. Therefore, the practice of posting grades by social security number, a portion of it, or student identification number violates **FERPA**.
- Instructors and others who post grades must use a system that ensures **FERPA** requirements are met. This can be accomplished either by obtaining the student's uncoerced written permission to do so or by using code words or randomly assigned numbers that only the instructor and individual student know. The order of posting may not be alphabetical.
- The **best** method for students to obtain their grades is through Cuesta's secured student information system, myCuesta, where faculty electronically posts their grades and students view their grades via a secure network ID and password.
- Grades become available within two weeks of their due date.

**☒ Does FERPA effect E-mail Communication?**

- Faculty must protect their students' contact information at all times. E-mail addresses may only be shared when: 1) each student has had an opportunity to request that their e-mail not be shared; and 2) the faculty member does not share the e-mail address of a student who has requested non-disclosure.
- E-mail Distribution lists must be created carefully so that the e-mail addresses are not revealed. This is done by placing the addresses in the "blind copy" (Bcc) field.

**☒ Does FERPA impact course web sites?**

- Distance education and the use of web sites to support courses taught through distance education are held to the same FERPA standards. Only Directory information may be available on a public web site. A student's "block" of directory information must be recognized and their information may not be included.

**☒ What about printed documents?**

- Documents, such as rosters and sign-in sheets, which have the student's Cuesta ID number or other personal information, should not be left out for others to see. It is important to destroy or shred documents containing students' personal information that are no longer needed.

Questions? Contact the Director of Admissions & Records at: (805) 546-3100, Ext. 2262.

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