

FERPA is the Family Educational Rights and Privacy Act of 1974. The Family Policy Compliance Office in the Department of Education administers the law and issues regulations for and interpretations of FERPA.

FERPA and its compliance fall under the purview of the UCSF Office of the Registrar:

<https://registrar.ucsf.edu/student-records/disclosure>

FERPA compliance is important because:

- Failure to comply can lead to a loss of federal funding;
- Student privacy is important, and we have an ethical obligation to protect it;
- Public scrutiny of privacy practices and handling of sensitive information is high.

FERPA provides students the right to:

- Inspect and review education records;
- Seek amendment of education records;
- Control the disclosure of education records.

FERPA governs students, **not applicants**. Disclosure of information about applicants is governed by the California Information Practices Act (IPA). Generally, no information about applicants can be disclosed to the public.

FERPA governs education records. Education records are records that:

- a) Contain information that is directly related to the student; and
- b) Are maintained by an educational agency or institution or by a party acting for the agency or institution

A record is any information maintained in any way, including, but not limited to:

- Emails
- Handwriting
- Video or audio tape
- Computer media
- Print

Some records are specifically excluded from the definition of education records, including:

- Law enforcement records;
- Treatment records (medical and psychological treatment records of students are excluded from the definition of “education records” if they are made, maintained, and used only in connection with treatment of the student and disclosed only to individuals providing the treatment);
- Employment records;
- Alumni records (records created or received after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student);
- Sole-possession records (records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record);
- Grades on peer-graded papers before they are collected and recorded by a teacher.

UCSF must provide students access to their education records. FERPA requires universities to provide access within 45 days. In general, FERPA does not require the university to provide copies. The university cannot destroy an education record that is the subject of a student’s request for access.

The student privacy complaint process is here: <https://registrar.ucsf.edu/student-privacy-complaint-process>

Critical Information for Faculty and Staff

Presume that all student information is confidential, and do not disclose information without a student's consent except to University officials who have a legitimate educational interest in the information. Consult with the Office of Student Affairs and/or the Office of the Registrar to understand which information the University can properly disclose.

Students have a right to access most information in the records that the University maintains about them, including e-mail messages between faculty or staff that refer or relate to them. Knowing that a student might read your e-mail message later, keep your e-mail messages focused on facts and try to avoid communicating subjective judgments.

Some students exercise their right under FERPA to restrict the University from disclosing any information about them, not even their name or existence at the University, because serious threats to their personal safety exist for other reasons. The University must ensure that no information about students who exercise this right is disclosed except to University officials who have a legitimate educational interest in the information.

Parents of UC students do **not** have a right to obtain information from student records, including grades and faculty records about a student's performance in class. However, a student may consent to disclosure of information to his/her parents.

Faculty are not automatically entitled to access all information about their students. Faculty have a legitimate educational interest in information only if the information is relevant and necessary for them to fulfill their role in the student's education.

Faculty, staff, and teaching assistants **can** share information about distressed or disruptive students with University officials who have a legitimate educational interest in the information. In addition, if a health or safety emergency exists, faculty, staff, and teaching assistants can share information with other people, within and outside the University, to protect the health or safety of the student or others.

In letters of recommendation, faculty can discuss their personal observations, but they should not disclose information from student records, such as grades, without the student's consent.

Avoid inadvertently disclosing information from student records. For example:

- Do not place graded, identifiable student work in the hallway or an unmonitored area for students to pick up;
- Do not post grades publicly if grades are linked to a student ID number, name, or other identifier except for an exam number or unique ID known only to the instructor and student;
- If you use Doodle or a similar system to solicit or share calendar or schedule information, create a private poll so students' information is not disclosed to other students;
- Obtain consent from new students before sharing any of their personal information, biographical or academic, with students, faculty, or others;
- Do not circulate or post a class roster that includes photograph or student ID number, and do not circulate or post a class roster of student names if the roster is available to persons outside the class;
- The "cloud computing" environment offers many handy and inexpensive applications. However, placing any information about students at a Web site not under contract with the University may raise FERPA issues. Make the use of these sites optional, or allow students concerned about privacy to provide their information to you in a secure manner
- Students who wish to consent to disclosure of information from student records must state **in writing** which records may be disclosed, identify the party or class of parties to whom the records may be disclosed, indicate the purpose of the disclosure, and sign and date their consent statement.

Questions about FERPA or the privacy of student records should be directed to Doug Carlson, Office of the Registrar: doug.carlson@ucsf.edu.