

FERPA

WHAT EMPLOYEES NEED TO KNOW



BEMIDJI
STATE UNIVERSITY

IT'S THE LAW

Information

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a post-secondary student:

- To see the information that the institution is keeping on the student.
- To seek amendment to those records and in certain cases append a statement to the record.
- To consent to disclosure of his/her records.
- To file a complaint with the FERPA Office in Washington.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education. (Most financial aid is administered by the Secretary of Education.)

IT'S YOUR RESPONSIBILITY As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession.

- You have access to student information only for legitimate use in the completion of your responsibilities as a BSU employee. Need-to-know is the basic principle.
- Student educational records (other than non-suppressed directory information) are considered confidential and may not be released without written consent of the student.
- Student information stored in electronic format must be secure and available only to those entitled to access that information.
- Your access to student information, including directory information, is based on your faculty or staff role within the College. You may not release lists or files with student information to any third party.

STUDENT INFORMATION TYPES

Student educational records include information provided by a student for use in the educational process such as the following:

- Personal information (name, etc.)
- Enrollment records
- Student's exams or papers
- Grades
- Schedules

Directory/Public Information

"Directory information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3)

Directory Information can **NEVER** include:

- Social security number
- Student identification number
- Race
- Ethnicity
- Nationality
- Gender
- GPA
- Religion

Storage media for an educational record may vary and can include one or more of the following:

- Document in the registrar's office
- Electronic document or email
- Computer printout in your office
- Class list on your desktop
- Computer display screen
- Notes taken during an advising session
- Database

Directory/Public Information is considered public and can be released without the student's written permission. However, the student may opt to keep this information confidential. Please check with campus registrar's office before releasing any data. Directory/Public Information at BSU:

- Name
- Dates of attendance
- Enrollment status (full/part-time, graduated, enrolled)
- Program of Study
- Honors and Awards Received
- Certificate/Diploma/Degree(s) awarded
- Participation in recognized campus activities/sports
- Height & weight of athletic team members
- Photographs and computerized or videotaped images

The College will not release information, other than what is considered "directory" information, without prior consent from the student. The request to release additional information will be complied with only if the student has signed a Consent of Release form.

Can student directory or public information always be released?

NO! Before releasing any information about a student, check the ISRS record for a student's suppression status. If the student has requested that directory information be withheld (suppressed his/her information), no information can be released. If the student does not have a suppression on the release of directory information, directory/public information may be released. Note that FERPA does NOT require that directory information be released. College faculty and staff who have a need-to-know may obtain directory information for a student who has suppressed his/her information, but must not release this information. Please check with campus registrar's office before releasing any data.

How can a student withhold release of directory information?

Students may request suppression of their information by filling out a Request to Withhold Directory Information form and returning it to the Records Office at 101 Deputy Hall.

What are parental rights under FERPA?

FERPA allows parental access to student's educational records if the student requests in writing that private information be released to the parent(s).

What must I do if I receive a subpoena concerning student educational records?

Bring the incoming subpoena immediately to a campus administrator who will then send it to the Office of the General Counsel for review. A short description of how and when the subpoena was received should accompany the subpoena. The Office of General Counsel will determine whether and how to comply with the subpoena.

What must I do if someone contacts me about an emergency?

If someone needs to contact a student regarding an emergency, DO NOT release the class schedule of a student. Take the contact information of the caller and contact Public Safety at (218) 755-3888.

How are HIPAA and FERPA related?

Medical documentation in the student education record is private information and is covered by FERPA. HIPAA (Health Insurance Portability and Accountability Act) regulations do not apply.

For more information...

Contact Beverly Hodgson, Registrar,
(218) 755-4214 or via email at
beverly.hodgson@bemidjistate.edu

DON'T



- Use the Social Security Number or any portion of the SSN or student ID number of a student in a public posting of grades or any other information.
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- Discuss the progress of any student with anyone other than the student (including parents) without the signed, dated and written consent of the student.
- Provide anyone with lists or files of students enrolled in your classes.
- Provide anyone with student schedules or assist anyone in finding a student on campus.
- Access the records of any student for personal reasons.
- Access the records of any student for any reason other than to perform your job duties.



MINNESOTA STATE

A member of the colleges and universities of Minnesota State, Bemidji State University is an affirmative action, equal opportunity educator and employer. This document is available in alternative formats to individuals with disabilities by calling (218) 755-3883 directly or through the Minnesota Relay Service at 1-800-627-3529.

Records and Registration
records@bemidjistate.edu
(218) 755-2020

