Basic **FERPA** (Family Educational Rights and Privacy Act) Training

**What is FERPA?**
FERPA is the Family Educational Rights and Privacy Act of 1974 (updated in 1977), often referred to as the Buckley Amendment. FERPA is the federal law that requires colleges, universities and seminaries to maintain the privacy of students’ education records. FERPA guarantees students the right to consent prior to the release of a record to a third party, the right to be notified of their privacy rights, as well as some other rights. Every faculty and staff member who comes into contact with education records has an important role to play in protecting the privacy of those records and thus maintaining compliance with federal law.

**Who does this law affect?**
FERPA compliance is required for each educational agency and institution that receives funds under any program administered by the Secretary of Education. Although the Office of the Registrar is responsible for FERPA compliance on our campus, FERPA affects the entire institution.

**What are the privacy rights?**
All current and former students have some basic privacy rights:
1. Right to inspect and review education records
2. Right to seek to amend education records
3. Right to have some control over the disclosure of “personally identifiable information” from education records
4. Right to notification of their rights under FERPA

**How do we notify students of these rights (i.e. directory information)?**
- catalog annually
- student handbook annually

**What happens if we do not comply?**
Luther Seminary participates in the Federal Perkins Loan Programs and Federal Family Education Loan Programs (Stafford Loans), as well as being eligible for the Federal Work Study Program. The Department of Education could issue a notice to cease the practice complained of and could withhold federal funds!

**DEFINITIONS:**
1. **Educational records**: All records, in any form, which
   - contain information which is directly related to a student; and
   - are maintained by an educational agency or institution (or by a party acting for the agency or institution).

   These may include but are not limited to:
   - Student folders in Admissions/Registrar/Financial Aid/Advisor’s/Dean’s offices (including any notes made in the folder)
   - Student classroom activity or homework that is maintained by the institution as part of the student’s permanent school record
   - Reports and records – computer generated or other
   - Class lists and grade books, papers and tests
   - Photographs
The storage medium in which you find this information does not matter. A student educational record may be:

- A document in the registrar’s office
- A computer printout in your office
- A class list on your desktop
- A computer display screen
- Notes you have taken during an advising session

The right to inspect and review:

- Luther Seminary must grant requests to review within a reasonable time but in no case more than 45 days after the request is received. Note: the student is not authorized to make or take a copy, just the right to review their educational records

Educational records are not:

- Sole possession records (not accessible or revealed to any other person)
- Law enforcement records as defined in FERPA
- Employment records
- Medical records

2. **Personally identifiable information:** In general, any information that would make the student’s identity easily traceable. This information includes, but is not limited to:

- Student’s name
- Name of student’s family members
- Address of the student or student’s family
- A personal identifier, such as social security number or student ID number
- A list of personal characteristics or other information

3. **Directory information:** Information not generally considered harmful or an invasion of privacy if disclosed. It does not and may not include student ID or Social Security number.

At Luther Seminary, our directory information includes:

- Name
- Address
- Telephone number
- Email address
- Student Status
- Gender
- Citizenship
- Adviser
- Dates of attendance
- Academic class level
- Enrollment status (FT/PT)
- Most recent institution attended
- Major field of study
- Degrees and awards received
- Date and place of birth
- Photograph

Students may request that directory information be withheld. Such a request will be recorded in our student database (Under Student Information/FERPA restricted field and also in NOTEPAD).
4. **Record:** Any information maintained in any way, including, but not limited to handwriting, computer media, e-mail, print, film, microfilm, microfiche, audiotape, or videotape.

5. **Student:** Means any individual
   - Who is or has been in attendance at an institution, and
   - Regarding whom the institution maintains education records

6. **Disclosure:**
   A. **Under what conditions is prior consent required to disclose information?**
      Before an educational agency or institution discloses personally identifiable information from education records, a student must provide a signed and dated written consent specifying the records to be disclosed, the purpose of the disclosure, and the identity of the person to whom records will be disclosed.

   B. **Under what conditions is prior consent not required to disclose information (i.e. exceptions to disclosure)?**
      - To school officials with legitimate educational interests
      - To schools in which a student seeks or intends to enroll
      - To federal, state, and local authorities conducting an audit, evaluation, or enforcement of education programs
      - In connection with financial aid
      - To organizations conducting studies on behalf of educational institutions
      - To accrediting organizations (for accrediting purposes only)
      - To comply with a judicial order or subpoena (accompanied by a reasonable effort to notify student)
      - In a health or safety emergency
      - Directory information
      - To the student
      - Results of a disciplinary hearing to an alleged victim of a crime of violence
      - Final results or a disciplinary hearing concerning a student who is an alleged perpetrator of a crime of violence and who is found to have committed a violation of the institution’s rules or policies (Foley Amendment)

7. **Legitimate Educational Interest:** Demonstrated need to know by those officials of an institution who act in the student’s educational interest, including faculty, administration, clerical and professional employees, and student workers. Each must be accessing the student’s record as part of their assigned institutional task. Access to this information does not constitute authorization to share this information with a third party. (This is not to say that if a student comes to you and asks for assistance/advice that you cannot review their records.)

**How does this affect me at Luther Seminary?**

As a faculty or staff member or student worker: You have a responsibility to protect educational records in your possession.

Student records: They are considered confidential and may not be released without the written consent of the student.
Access: You have access to information only for legitimate use in completion of your responsibilities as a seminary employee. Need to know is the basic principle.

Email communications: Keep within luthersem.edu email system. This keeps us in compliance, guarantees delivery and keeps us out of the reach of snoopers. Using emails accounts other than luthersem.edu are subject to spam filtering by other hosts as well as Luther Seminary.

Group student emails that contain individual student information on incomplete course work, grades or outstanding requirements must be sent individually to students or use the Blind Copy feature if sending to a group of students.

Posting of Grades: Neither names nor social security numbers nor student ID numbers may be used in posting grades. Each student’s grades are to be protected from other students’ viewing and knowledge.

Using class lists for attendance: Neither social security numbers nor Student ID numbers may be used in passing around class lists for attendance purposes.

Never: Link the name of a student with that student’s social security number or student ID number in any public manner.

Do not: Provide anyone with lists of students enrolled for any commercial purpose.

Destruction of records: Student records reflecting non-directory information (grades and SSN, for example) should be destroyed (shredded) or returned to the Office of the Registrar for shredding when no longer needed for advising purposes. Do not dispose in trash can.

Student request: If a student comes to you and asks for assistance/advice on academic matters, then you are free to review that student’s records with that student or other seminary personnel who have a legitimate educational interest.

When in doubt about a situation on releasing student information contact the Office of the Registrar for counsel, at (651)641-3472 or registrar@luthersem.edu

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