

QUICK GUIDE TO PRIVACY OF STUDENT RECORDS (FERPA)

MOST STUDENT RECORDS ARE CONFIDENTIAL Staff must protect the privacy of paper and electronic records containing confidential student information as required by the federal *Family Educational Rights and Privacy Act of 1974* (FERPA); the California Information Practices Act (IPA); and the California State Constitution.

A **student record** is personally identifiable information relating directly to a student that is retained in any way (e.g., handwritten, printed, emailed, in data or other electronic media, or on video/audio tape, DVD or film). Records retained must be appropriate, necessary, and relevant for official purposes related to the student. Examples include:

- academic evaluations such as tests, scores, and transcripts
- general counseling/advising records
- disciplinary records
- financial aid records, including loan collection records

To **disclose** means to release, transfer, or otherwise communicate information from student records, to anyone, by any means, including by talking about it, in writing, or electronically.

GENERALLY, STUDENT RECORDS CAN'T BE DISCLOSED WITHOUT THE STUDENT'S CONSENT

Unless an exception applies, the disclosure of confidential information from a student's records requires the student's prior consent. The student's consent must be in writing; must be signed and dated; must specify the records/information to be disclosed; and must designate the recipients.

EXCEPTIONS TO THE PRIOR CONSENT REQUIREMENT

1. **Public/Directory Information** may be disclosed to anyone without the student's prior consent, except when the student has directed that the information be kept confidential by giving written notice to the Registrar. **Refer requests for directory information about students to the Registrar's Office.** UC Davis designates the following as public information:

- name, telephone numbers, and addresses (local, permanent, cellular, and/or e-mail addresses)
- major field(s) of study; degrees and honors received
- dates of attendance and enrollment status (# of units in which enrolled, undergrad/graduate, full- or part-time)
- most recent previous educational institution attended
- participation in officially recognized activities such as Intercollegiate Athletics

2. **Legitimate Educational Interest:** Information may be disclosed from student records without prior consent to UC Davis "campus officials" if the information is relevant and necessary for the official seeking access to

- perform a task or make a determination within his/her assigned and/or employment responsibilities;
- perform a task specifically related to his/her participation in a student's education;
- perform task specifically related to the discipline of a student; or
- provide a service/benefit relating to a student or his/her family (e.g., health care, counseling or job placement)

A Campus Official is any person designated to perform an assigned function on behalf of the campus, such as

- a person employed by the campus in an administrative, supervisory, academic, research, support, or student position;
- a person serving on a University governing body;
- a person employed by or under contract/agreement with the campus to perform a special task [e.g., a programmer or volunteer]; or
- a student serving on an official committee [e.g., a disciplinary or grievance committee], or assisting another University official in performing his/her tasks.

Note: A student's direction to keep public information confidential does not affect a campus official's access

3. **Health and Safety Emergency:** Student records may be disclosed without prior consent to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or others. *Appropriate Parties* are those whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (may include parents or off-campus police). An *Emergency* is a situation that presents imminent danger to a student, other students, or members of the school community, or a situation that requires immediate access to information from education records in order to avert or respond to serious threats to health or safety.

4. Other Exceptions.

- To *comply with judicial order or subpoena*. The campus must make a reasonable effort to notify the student before disclosure, unless the subpoena directs that student not be informed.
- To *authorized federal/ state officials* in connection with auditing or evaluating federally supported education programs, or enforcing laws regarding such programs.
- In connection with *financial aid* which a student has applied for or received to determine (a) eligibility, (b) amount, (c) conditions imposed on aid, or (d) to enforce terms/conditions of aid, including collections.
- To *organizations conducting studies* for the purpose of developing, validating, or administering predictive tests, student aid programs, and improving instruction (with privacy safeguards).
- To *accrediting organizations* to perform accrediting functions.

DISCLOSURES TO PARENTS In general, parents need written consent from the student to access the student's records. If parents ask for confidential information from student records, tell them you may only provide the information with consent, and encourage them to have their student sign a consent form. FERPA gives parents rights to see their children's educational records until the student reaches age 18 or attends a postsecondary institution. FERPA exceptions permitting disclosures to a college student's parents when the student is a financial dependent, or when the student has been disciplined for alcohol/drug violations, do not apply in California because of the IPA.

REDISCLUSURES With or without consent, confidential information may be disclosed to third parties only on condition that they are informed that the information may not be re-disclosed without the student's written consent.

OTHER STUDENT RIGHTS REGARDING THEIR RECORDS

ACCESS Generally, students have a right to access (inspect and review) their own records unless they waive this right. Requests must be in writing, and the department must provide access to (or copies of) covered records within 45 calendar days of receiving the request. Once a student has requested access, records may not be destroyed while the request is pending. University records are not the student's property – a student cannot remove, alter, or destroy student records that pertain to him/herself. If a record contains information about more than one student, information about other students must be redacted. *Waiver of access*. Students can waive their right to access letters of recommendation.

- Waivers must be in writing, dated and signed; they must be voluntary (e.g., can't be required as condition of admission); and must specify the records to which they apply.
- Students can revoke a waiver, but the revocation only affects subsequent records. Waivers are effective only while the record is used for the purpose for which originally provided. If a recommendation for admission is later used for a fellowship application, the student may have access.

CORRECTION OF RECORDS Students can request correction of their records if they believe the records are *misleading or inaccurate* [grades or other evaluations of academic work cannot be reviewed under FERPA]. Informal and formal review processes are available. In general, students should first try to resolve the matter with the department maintaining the records. The student can request an administrative review through SJA, and may request a hearing. If a request for correction is denied, the student can submit an explanation to be added to the record.

A NOTE ABOUT POSTING GRADES AND DISTRIBUTING PAPERS Without written student consent, grades may not be publicly posted, and papers/exams may not be publicly distributed, by methods that disclose confidential information. This includes posting grades outside class/office or distributing papers in class or bins outside classrooms/offices if they contain personally identifiable information. *It is illegal to use all or part of a student ID or social security number as an identifier for posting grades/ distributing papers.*

Recommended procedures:

- Use unique identifiers assigned just for this class
- Have students submit written consent for distributing papers
- Use web-based distribution of grades (SmartSite) so that students use a password to check their own grades
- Record grades on inside page and fold and staple papers closed

For questions about student records, contact Student Judicial Affairs (SJA) at 752-1128.