

FERPA

What is FERPA?

FERPA is the Family Educational Rights Privacy Act of 1974, a law that protects the privacy of student records. It has two easy to remember parts:

1. ACCESS - Students have the right to review their academic records, and to request amendment of those records.
2. DISCLOSURE - Colleges cannot release any information about student records to anyone other than the student, without the student's consent.

You can read the full policy at <https://ed.gov/policy/gen/guid/fpco/ferpa/index.html>. Bennington's Annual FERPA notice can be found [here](#).

FERPA is the responsibility of everyone at Bennington College. Students have a legal right to file complaints of FERPA violations to the US Department of Education. Violations may result in the loss of federal funds to Bennington.

What is a record?

The federal government defines a student record very broadly. Essentially, it's anything that is maintained by a college (which includes your records) about a student's **personally identifiable** educational experience. Examples include: grades (not just final grades), enrollments, class schedule, academic work, student status, student ID numbers, GPAs, financial information, advising information, citizenship, gender, etc. Health related information is protected by HIPAA, but FERPA and HIPAA often intersect. You should also assume that any health related information is private and falls under the provisions of both laws.

Exceptions within FERPA

Directory Information: FERPA allows universities, *at their discretion*, to release certain information to third parties without student consent. We define directory information as:

- Name
- Campus address and email
- Campus telephone number
- Dates of attendance
- Class
- Previous institutions attended
- Major field of study
- Awards
- Honors
- Degree(s) conferred (including dates)
- Past and present participation in officially recognized sports and activities
- Date and place of birth
- Photograph

FERPA also allows students the legal right to opt-out of directory information release. To do this a student has to write a letter to the Registrar's Office who keeps it on file for one-year and indicates this in Populi under the Info tab. If a student has done this you cannot publish their name in any public materials and cannot even confirm they are a student here.

Legitimate Educational Interest: FERPA allows you to communicate student information to another educational official provided you need to communicate that information to do your job. So for example, the Registrar's Office can share a list of student IDs, grades and GPAs with Academic Services to help them determine a student's academic standing without

obtaining written consent from every student on the list.

Parents: We may speak with parents and guardians about a student's record without their consent, **if and only if** the student indicates they are a financial dependent on the FERPA form. These students are marked as "FERPA: Dependent" in Populi under the Info tab. Remember that you still must confirm the parent's identity before releasing any information about their child to them.

Emergency Situations: We can release a student's information to health or safety officials if necessary to protect the student or others. If a student threatens to harm themselves, others, or makes direct threats, you can release information about their student records to personnel directly involved in responding to such situations (e.g. police, campus safety). When in doubt, check with the Registrar's Office.

FERPA Tips

- **Get written consent.** Do not discuss a student's information with anyone other than the student unless you have the student's written consent or unless you need to communicate that information to another educational official to do your job (legitimate educational interest).
- **Don't leave paperwork in public view.** Keep student records in locked cabinets and make sure they are not out in the open where others can see them. Have a window in your office? Remember to turn papers over or put them in a drawer before you leave for the day. Don't leave a student's record open where others can see it on your computer if you step away.
- **Use caution when using the phone or email.** It is hard to know if the person on the other end of the phone is who they say they are. If a student emails from a non-Bennington email address, how can you be sure it is them? If a student needs very specific information about their record, ask them to come in person so you can verify their identity.
- **When in doubt, speak in generalities** - i.e. "I would advise a student experiencing a situation such as you describe to do...", or "Our policy for full-time students is..."
- **Do not send attachments with sensitive information via email.** One of the most common FERPA violations happens when people attach a spreadsheet of data to an email and accidentally CC the wrong person. If you need to share a file with a colleague, only include essential information. Upload it to Google Drive so you can be very careful about who you share it with. Once the file is no longer needed, delete it from Drive.
- **Put yourself in the student's shoes.** Even if a student is a dependent and you may share information about their record with their parent/guardian, try to respond with directory information and only share what is absolutely necessary. If you're having an in person meeting with a parent, why not have the student join you? It's a great developmental opportunity for the student. If the student is not a dependent, just be sure to ask their permission before discussing any matters with a parent to remain FERPA compliant.

Questions?

If you have any questions about FERPA in general, or how to handle a specific situation, please contact Jaime Babic, Associate Dean of Academic Planning and Registrar, at jaimebabic@bennington.edu or x4653.

Remember, you are not legally obligated to respond immediately about any records. When in doubt, just say "I will consult with the Registrar's Office and get back to you." If you receive subpoenas or authorizations to release information from a third party (FBI, government or otherwise), please contact the Registrar.