

University of California, San Diego
Office of the Registrar
Understanding and Complying with FERPA
An FAQ for Faculty and Staff

(Revised 07/09/18)

1. What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the rights of students and the obligations of institutions to ensure the privacy and accuracy of education records. The Act applies to all institutions that receive federal funds administered by the U.S. Secretary of Education (financial aid, veteran's benefits, grants, etc.). Institutions found to be in violation could have these federal funds withheld. The Family Educational Rights and Privacy Act (FERPA), UCSD PPM 160-2, and UC policy 130.00 restrict the disclosure of information from student records. With electronic media prevalent and public scrutiny high, students expect the University to protect their privacy, which is prescribed with these laws and policies.

2. Who has FERPA rights?

Students who are currently or were formerly enrolled, regardless of their age or status in regard to parental dependency, have rights under FERPA until their death. Those who have applied but never attended (including those denied admission) do not come under FERPA guidelines.

3. What rights does FERPA afford students with respect to their education records?

Students have a right to access most information in the records that the University maintains about them. Notwithstanding their general right of access, students do not have a right to access records that are kept in the sole possession of the person who created the record, are used only as a personal memory aid, and are not accessible by or revealed to any other person except a temporary substitute for the person who created the record. Students have:

- The right to inspect and review their education records.
- The rights to request an amendment to the education records that the student believes are inaccurate or misleading. (The right to challenge grades does not apply unless the grade assigned was inaccurately recorded, under which condition the record will be corrected.)
- The right to limit disclosure of personally identifiable information, including "directory information."
- The right to file a complaint with the U.S. Department of Education, Family Policy Compliance Office, concerning alleged failures of an institution to comply with the requirements of FERPA.

4. What are education records?

With certain exceptions, an education record is any record (1) from which a student can be personally identified and (2) maintained by the institution.

5. What are not education records?

- Sole possession records or private notes held by school officials that are not accessible or released to other personnel. Notes made in the presence of others are not sole possession notes and are thus considered an education record.
- Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit.

- Records relating to individuals who are employed by the institution (unless employment is contingent upon being a student).
- Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing such treatment.
- Records of an institution that contain information about an individual obtained after that person is no longer a student at that institution, i.e., alumni records.

6. Who may obtain or have access to a student's education record?

- The individual student.
- Whomever the student authorizes by providing the institution with a [written consent](#) (consent must be written, signed and dated and must specify the records to be disclosed and the identity of the recipient).
- Any party requesting directory information (unless the student has a FERPA hold).
- University officials of UC San Diego who have a legitimate educational interest.
 - 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, teaching assistants, and readers 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, teaching assistants, and readers can share information with other people, within and outside the University, to protect the health or safety of the student or others.
- Officials of other schools in which a student seeks or intends to enroll or is enrolled.
- Persons in connection with a health or safety emergency.
- An alleged victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense in connection with a disciplinary proceeding.
- Parents regarding alcohol and drug violations of a student under 21 years of age.
- As otherwise provided in 20 U.S.C. 1232g(b) and 34 CFR Sec. 99.31.
- 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.
 - Parents, if parents claim the student as a dependent for tax purposes. The University of California system-wide policy does not permit disclosure under certain circumstances where FERPA would allow it. This is for a variety of policy and legal reasons. Most notably, FERPA would permit disclosure to parents of financially dependent students, but UC's systemwide policy does not allow such disclosures." <https://www.ucop.edu/general-counsel/files/ed-affairs/ferpa101.pdf>.

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

7. How can students consent to disclosure of information?

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 [written consent](#). Should students need to provide this information to a third party, the Office of the Registrar provides Verification of Student Information. <http://registrar.ucsd.edu/forms/verification2001.pdf>

8. What is Directory Information?

FERPA allows institutions to determine, within established guidelines, the items of information that can be released without the student's consent. This allows institutions to provide beneficial services to students such as verifying enrollment for insurance purposes, verifying degrees earned for employment purposes, providing basic contact information so that students may contact each other, and so on. However, students may request that this information not be released and such requests must be honored. Information about how students change default settings may be found here:

<http://students.ucsd.edu/well-being/personal-safety/campus-directory.html>

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 or 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.

At UC San Diego, the following is considered to be directory information.

- Students name
- Telephone number(s)
- email address
- Date and place of birth
- Field of study, including majors, minors, certifications, and pre-professional areas of study
- Classification (e.g. sophomore)
- Enrollment status (full-time, part-time, graduate, undergraduate)
- Number of course units enrolled
- Participation in officially recognized activities and sports, including intercollegiate athletics; and the name, weight, and height of participants on intercollegiate UC San Diego athletic teams.
- Dates of attendance, including matriculation, drop, and withdrawal dates
- Degrees and Honors received
- The most recent previous education institution attended

9. How do students request non-disclosure of directory information?

Information about how students may set privacy flags may be found here:

<http://students.ucsd.edu/well-being/personal-safety/campus-directory.html>

Directory information which is restricted will not be available to the general public. Inquiries regarding a student with this level of protection can only be answered with the statement of, "I cannot give you information on that individual", and/or "We cannot even indicate that the individual is or was a student at our institution." Generally, University officials will have routine access to review the student's information, with an indication that it is restricted.

10. How do faculty and staff know if a student has restricted information?

Whether a student has restricted directory information or not, faculty and staff should not generally release ANY student information that is not considered within the definition of legitimate educational interest among other staff and faculty. Following are suggested good practices to avoid unintentional release of student information. (Requests for directory information should be referred to the Registrar's office or public directories.)

Class Lists

Instructors should never circulate a class list that contains student identification numbers (PID). Instructors who use this method to have students indicate attendance should use the class list format without PID available to them through TritonLink.

Posting Grades

Instructors may post grade information in a public area, but only if the listing contains no personally identifiable information on the students. The students must be listed in a random order (not alphabetically) and by a number or code known only by the instructor and the student. No part of the PID or other student personal identifier (such as SSN) may be used, even in a truncated form.

Letters of Recommendation (See A, B, and C below for guidelines on letters of recommendation.)

Statements made by a person (faculty, teaching assistant and readers) providing a recommendation based on that person's personal observation or knowledge do not require a [written consent](#) from the student subject of the recommendation. However, if personally identifiable information obtained from a student's education record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain a [written consent](#) from the student which:

- Specifies the records that may be disclosed
- States the purpose of the disclosure
- Identifies the party or class of parties to whom the disclosure can be made

If kept on file by the person writing the recommendation, it would be part of the student's education record and the student would have the right to review unless the student had waived the right of access and this is indicated on the signed written consent.

A. Letters of Recommendation with Written Consent and Waiver of Right to Access

Instructors can disclose whatever the student consented to, including grades, GPA, test scores, courses completed, progress toward a degree, etc., directory information (that is not indicated private), their personal observations and individual assessments of the student. The student will NOT be able to access this letter under FERPA as part of his/her educational record.

B. Letters of Recommendation with Written Consent

Same as paragraph above regarding content, except student WILL have the right to access this letter as part of his/her educational record.

C. Letters of Recommendation without Written Consent (with or without Waiver of Right to Access)

Instructor cannot disclose any non-directory information from the student's educational record. The instructor can only discuss their personal observations and individual assessments of the student and any directory information that is not indicated as private. If the student also signs a waiver of right to access, the student will not be able to access the letter under FERPA as part of his/her educational record.

11. How to avoid inadvertently disclosing information from student records.

- Do not place graded, identifiable student work in the hallway or an unmonitored area for students to pick up (See *Student Consent for Release of Student Information* below under Additional Information).
- 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.
- Avoid requiring students to post identifiable homework assignments or projects in a publicly accessible on-line forum (e.g., Facebook, YouTube, and other social media spaces).

- Instead of requiring students to participate in a publicly accessible on-line blog, allow students to opt out, create a private blog, or consider using the campus learning management system (TritonEd).
- 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 [written 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.

Additional Information

- For additional information regarding FERPA including the Notification of Student's Rights, please visit the web at: <http://www.ucsd.edu/catalog/front/ferpa.html>.
- Questions about these rights or any other aspect of student records management by UC San Diego officials may be referred to the University Registrar. The Registrar's Office is located in the Student Services Center, Suite 261, or can be reached by calling (858) 534-3150, or by email at registrar@ucsd.edu.
- The text of FERPA may be found in the government documents section of the UC San Diego Geisel Library. Copies of the UC San Diego student records policy, PPM 160-2, may be accessed electronically at <http://adminrecords.ucsd.edu/ppm/docs/160-2.html>.

• Student Consent for Release of Student Information for Returning Graded Work to Students
 I hereby authorize the UCSD _____ Department/Program to return my graded final examination/research paper by placing the examination/research paper in a location accessible to all students in the course. I understand that the return of my examination/research paper as described above may result in the disclosure of personally identifiable information, that is not public information as defined in UCSD PPM 160-2, and I hereby consent to the disclosure of such information.

Quarter _____ Course _____ Date _____
 Instructor _____ Student I.D. # _____
 Print Name _____ Signature _____