

# The Devil Wears FERPA: Rethinking Student Records in the Digital Age

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Sarah O. Edwards  
Associate General Counsel

# Agenda

- ▶ FERPA basics
- ▶ Email/electronic documents
- ▶ Guest Access Portal



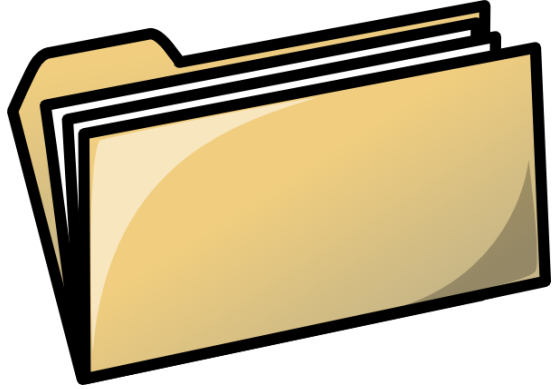
# FERPA Basics

# Family Educational Rights and Privacy Act (FERPA)

- ▶ Federal law enacted in 1974
- ▶ Protects students' education records from being disclosed without consent (or other exception)
- ▶ Permits a student to access his/her own education record
- ▶ University Policy 402, Student Records
  - ▶ <http://legal.uncc.edu/policies/up-402>
  - ▶ also, short training module on OLA website

# Family Educational Rights and Privacy Act (FERPA)

- ▶ The law initially applied to “any and all official records . . . incorporated into each student’s cumulative record folder, and intended for school use” (and included long list of examples).
- ▶ Within a couple of months, the law was amended to apply to “education records,” which are:
  - ▶ Directly related to the student and
  - ▶ Maintained by the university
- ▶ Still some debate about coverage of FERPA
  - ▶ both in court and in public view



VS.



# Family Educational Rights and Privacy Act (FERPA)

- ▶ NOT education records:
  - ▶ campus police records
  - ▶ employment records (unless dependent on student status)
  - ▶ peer-graded assignments BEFORE collection
  - ▶ treatment records (medical/counseling)
  - ▶ certain alumni records



# Family Educational Rights and Privacy Act (FERPA)


- ▶ NOT education records (cont'd):
  - ▶ personal notes =
    - ▶ in the sole possession of the maker,
    - ▶ are used only as a personal memory aid, and
    - ▶ are not accessible or revealed to any other person except a temporary substitute for the maker of the record



# Family Educational Rights and Privacy Act (FERPA)

- ▶ Student may consent to the disclosure of education records
  - ▶ Must be written
  - ▶ Must be signed and dated
  - ▶ Must specify the records to be disclosed, the party to whom the records are to be disclosed, and the purpose of the disclosure
- ▶ Student's presence and lack of objection is not sufficient.

Last Revised March 12, 2014

**STUDENT CONSENT FOR ACCESS TO EDUCATION RECORDS**  
THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE  
OFFICE OF THE REGISTRAR

Name of Student (Last, First, Middle Initial): _____	Student ID: _____	Date: _____
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The Family Educational Rights and Privacy Act (FERPA) affords certain rights to students concerning the privacy of, and access to, their education records. Students may choose to complete and submit this form to the Registrar allowing the release of their education records to specified third parties. Please note that while this form *authorizes* UNC Charlotte to release education records to third parties, it does not *obligate* UNC Charlotte to do so. UNC Charlotte reserves the right to review and respond to requests for release of education records on a case-by-case basis. For additional information, visit UNC Charlotte's FERPA Information page at <http://legal.unc.edu/legal-topics/ferpa> or the U.S. Dept. of Education's website at [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html).

**SECTION A. Education records to be released (check all that apply):**

- Academic Information** (grades/GPA, registration, student ID number, academic progress, enrollment status)
- Financial Aid Information** (awards, application data, disbursements, eligibility, financial aid academic progress status)
- Loan Information** (University-maintained loan disbursements, billing and repayment history [including credit reporting history], communication history, balances, collection activity)
- Student Account Information** (billing statements, charges, credits, payments, past due amounts, collection activity)
- All records listed above**
- Other** (please specify): \_\_\_\_\_

**SECTION B. Person(s) to whom access to education records may be provided:**

Name(s) of person(s) to whom access to records may be provided (use additional pages if necessary) \_\_\_\_\_

Address(es) of person(s) to whom access to records may be provided \_\_\_\_\_ Relationship to Student \_\_\_\_\_

**SECTION C. Duration of release (check one):**

- One-Time Use:** This authorization can be used only once.
- Limited Use:** This authorization expires on: \_\_\_\_\_

**SECTION D. Purpose of release (check one):**

- Family Communications**
- Employment**
- Admission to an Educational Institution**
- Other** (please specify): \_\_\_\_\_

I understand that (1) I have the right not to consent to the release of my education records, (2) I have the right to inspect any written records released pursuant to this consent, and (3) I have the right to revoke this consent at any time by delivering a written revocation to the University Registrar.

Student's Signature \_\_\_\_\_ (Date) \_\_\_\_\_ Signature of Parent or Guardian (if under 18) \_\_\_\_\_ (Date) \_\_\_\_\_

Instructions for completing this form:

1. The form must be fully completed and signed by the student. Records cannot be released if any section of this form is not filled out entirely.
2. Completed forms should be submitted to the Office of the Registrar in Room 141 of the King Building, or mailed to Office of the Registrar, UNC Charlotte, King 141, 9201 University City Boulevard, Charlotte, NC, 28223; or faxed to the Office of the Registrar at (704) 687-1419. Questions about this form may be directed to the Office of the Registrar at (704) 687-5505.

This information is released subject to the confidentiality provisions of appropriate state and federal laws and regulations which prohibit any further disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations.

# Family Educational Rights and Privacy Act (FERPA)

## ▶ Exceptions:

- ▶ To university officials if legitimate educational interest
- ▶ To parents if student is dependent
- ▶ To another university if student transfers
- ▶ Health/safety emergency
- ▶ Judicial order/subpoena
- ▶ Certain disciplinary information
  - ▶ crimes of violence (just victim or victim and public) or
  - ▶ alcohol/drug violations (if responsible)

# Family Educational Rights and Privacy Act (FERPA)

- ▶ Exceptions (cont'd):

- ▶ Directory information = information not generally considered harmful if shared (name, major, address, dates of attendance, telephone number, place/date of birth, honors and awards, etc.)
  - ▶ Unless privacy hold (on file with Registrar)
  - ▶ NOTE: At UNC Charlotte, it's much more limited!



# Advent of Email & Electronic Documents

# Emails/social media

## ▶ Emails

### ▶ Maintained by the university?

- ▶ California case says no, but Ohio case says yes
- ▶ UNC Charlotte considers faculty/staff emails directly related to a student to be protected by FERPA (partially based on records retention requirements)

### ▶ Student's access to own education records

- ▶ “inspect and review” within 45 days of request

## ▶ Social media

- ▶ Be careful not to reveal protected student information when writing a blog, tweeting, or posting to other social media
- ▶ Same rules apply, but risks are greater with social media (posts go viral, newspapers search/pay attention to online info, etc.)

# Directory information

- ▶ UNC Charlotte now limits publicly available directory information to:
  - ▶ Student's name
  - ▶ Major field of study
  - ▶ Dates of attendance
  - ▶ Enrollment status
  - ▶ Degrees and awards (including scholarships) received
- ▶ Some of the reasons for the policy change were based on our increasingly technological society (flood of solicitation emails, safety concern re: physical addresses, etc.).

# Limited use directory information

- ▶ Limited use directory information =
  - ▶ student images
  - ▶ university-issued email addresses
- ▶ Only disclosed:
  - ▶ for University publications/internal directory;
  - ▶ to University officials with a legitimate educational interest; and/or
  - ▶ to external parties contractually affiliated with the University, if required (and need to add FERPA-protective language to contract)

# Written consent?

- ▶ You receive a text message from Anna letting you know that you can give her graded final paper to her friend Kelsey when she comes by your office later. Anna has used this same phone number to let you know when she was running late for class or when she had the flu earlier this semester.





# Written consent?

- ▶ Micah, a Greek student, emails the Dean of Students office from his personal email account to let them know that they can talk with his dad about his fraternity's hazing charges.
- ▶ What if it's from his UNC Charlotte email account?

# Written consent?

- ▶ You receive an online submission from Ashlyn, complete with a reference to her 800 number, giving you permission to discuss her financial aid package with her current employer.
- ▶ What if she had to log in with her NinerNet credentials to access the form, and the form submission includes an audit trail that is linked to her NinerNet credentials?

# Sole possession?

- ▶ I keep my work notes in a folder labeled “Sarah’s stuff-PRIVATE” on my office’s J: drive. No final agreements, policy drafts, or advice memos are in there, so the staff and other attorneys never open it.
  - ▶ What if it were on my H: drive?
  - ▶ On my desktop?
  - ▶ What about emails to myself?



# Guest Access Portal

Home

Calendar and Exam Schedules

**Guest Access Portal and FERPA**

- Students: Managing Access to your Records
- Information for Parents and Guests
- Information for Faculty and Staff
- Right to Review and Respond
- FAQs

Students

Faculty and Staff

Forms

Graduation

Readmission Information

Commonly Requested Information

UNC Charlotte Academic Building Abbreviations

Contact Us

## Guest Access Portal and FERPA



As a student, you have the right to protect your information. [The Family Educational Rights and Privacy Act of 1974](#), or FERPA, is the United States federal law that protects the privacy of student records. [University Policy 402](#) provides detailed information on how UNC Charlotte protects student records.



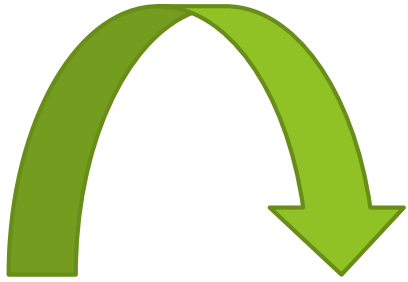
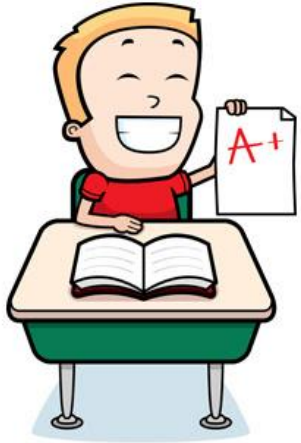
Info for Students



Info for Parents/Guests  
[Go to Guest Login Page](#)



Info for Faculty/Staff



# Guest Access Portal

- ▶ View-only access
- ▶ Certain records are not included:
  - ▶ Student Conduct records
  - ▶ Health Center records
  - ▶ Any records not available in Banner Self-Service
- ▶ Even with passphrase, you cannot provide more information than what a parent/guest can view on the screen.
- ▶ Some circumstances will still require a paper/online form.

## Proxy Information

Record: 1 of 1

Name:	<input type="text" value="Niner, Norm"/>	Relationship:	<input type="text" value="Guest"/>		
Proxy Desc:	<input type="text" value="Norm Niner is my uncle and legal guardian."/>	Start Date:	<input type="text" value="05-AUG-2016"/>	PIN Disabled:	<input type="text" value="R"/>
Email:	<input type="text" value="pambrose@uncc.edu"/>	Stop Date:	<input type="text" value="04-AUG-2020"/>	PIN Expire Date:	<input type="text" value="22-AUG-2016"/>
Passphrase:	<input type="text" value="Et tu, Brute?"/>				

Page Authorization List

Access List

Communication Log

Module	Auth Ind	Menu Text	Page URL
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Account Summary"/>	<input type="text" value="bwskoacc.P_ViewAcctTotal"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Advising Transcript"/>	<input type="text" value="ywcktran.P_StuDispTran"/>
<input type="text" value="Guest Access"/>	<input checked="" type="checkbox"/>	<input type="text" value="Final Grades"/>	<input type="text" value="bwskogrd.P_ViewTermGrde"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Financial Aid Award by Aid Year"/>	<input type="text" value="bwrkrhst.P_DispAwdAidYear"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Financial Aid Award History"/>	<input type="text" value="bwrkrhst.P_DispAwdHst"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Holds"/>	<input type="text" value="bwskoacc.P_ViewHold"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Midterm Grades"/>	<input type="text" value="bwskmgrd.p_write_term_selection"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Registration Status"/>	<input type="text" value="bwskrsta.P_RegsStatusDisp"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Student Information"/>	<input type="text" value="bwskgstu.P_StuInfo"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Student Schedule"/>	<input type="text" value="bwskcrse.P_CrseSchdDetl"/>
<input type="text" value="Guest Access"/>	<input type="checkbox"/>	<input type="text" value="Tax Notification (1098-T)"/>	<input type="text" value="bwtktxns.p_disp_tax_notification"/>
<input type="text" value="Guest Access"/>	<input checked="" type="checkbox"/>	<input type="text" value="Unofficial Transcript"/>	<input type="text" value="bwskotrn.P_ViewTermTran"/>
<input type="text" value=""/>	<input type="checkbox"/>	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value=""/>	<input type="checkbox"/>	<input type="text" value=""/>	<input type="text" value=""/>



# Consent review

- ▶ Written ✓
- ▶ Signed and dated ✓
- ▶ Must specify:
  - ▶ the records to be disclosed
  - ▶ the party to whom the records are to be disclosed

**Proxy Information** Record: 1 of 1

Name: Niner, Norm Relationship: Guest

Proxy Desc: Norm Niner is my uncle and legal guardian. Start Date: 05-AUG-2016 PIN Disabled: R

Email: pambrose@uncc.edu Stop Date: 04-AUG-2020 PIN Expire Date: 22-AUG-2016

Passphrase: Et tu, Brute?

Page Authorization List | Access List | Communication Log

Module	Auth Ind	Menu Text	Page URL
Guest Access	<input type="checkbox"/>	Account Summary	bwskoacc.P_ViewAcctTotal
Guest Access	<input type="checkbox"/>	Advising Transcript	ywcktran.P_StuDispTran
Guest Access	<input checked="" type="checkbox"/>	Final Grades	bwskogrd.P_ViewTermGrde
Guest Access	<input type="checkbox"/>	Financial Aid Award by Aid Year	bwrkrhst.P_DispaWdAidYear
Guest Access	<input type="checkbox"/>	Financial Aid Award History	bwrkrhst.P_DispaWdHst
Guest Access	<input type="checkbox"/>	Holds	bwskoacc.P_ViewHold
Guest Access	<input type="checkbox"/>	Midterm Grades	bwskmgrd.p_write_term_selection
Guest Access	<input type="checkbox"/>	Registration Status	bwskrsta.P_RegsStatusDisp
Guest Access	<input type="checkbox"/>	Student Information	bwskgstu.P_StuInfo
Guest Access	<input type="checkbox"/>	Student Schedule	bwskcrse.P_CrseSchdDetl
Guest Access	<input type="checkbox"/>	Tax Notification (1098-T)	bwtktbns.p_disp_tax_notification
Guest Access	<input checked="" type="checkbox"/>	Unofficial Transcript	bwskotrn.P_ViewTermTran
	<input type="checkbox"/>		
	<input type="checkbox"/>		

Questions?