

Student Records (FERPA)

Office of Legal Affairs
www.legal.charlotte.edu



Overview

Family Educational Rights and Privacy Act (FERPA) is a federal law that:

- protects students' education records from being disclosed without consent and
- permits students to have access to their own education records



University Policy 402, Student Records

- explains how FERPA applies on our campus
- <http://legal.charlotte.edu/policies/up-402>



Overview



Students' FERPA rights:

- (1) To inspect their education records;
- (2) To prevent disclosure of their education records;
- (3) To seek amendment to their education records if believed to be inaccurate or misleading;
- (4) To be notified of their privacy rights under FERPA; and
- (5) To file a complaint with the U.S. Department of Education concerning an alleged failure by the university to comply with FERPA.



Overview

Who is covered by FERPA?

Living students currently attending or who have attended at any time in the past, and only to information collected about them while they were attending (or information gathered post-attendance that is directly related to the students' attendance).

* NC Public Records Act treats records of applicants (whether admitted or not) as confidential even though that is not required by FERPA



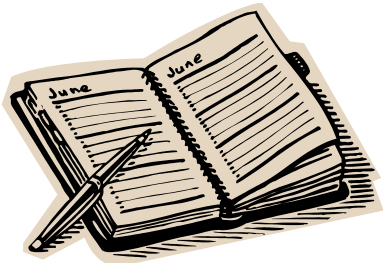
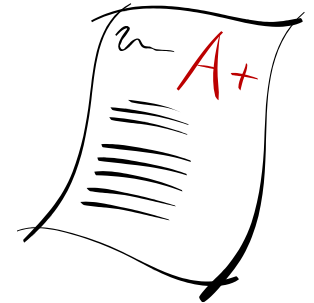
Definitions

What is an “education record” according to FERPA?

- information directly related to the student and
- maintained by the university

Examples:

- Personal info (not “directory information”)
- Grades
- Schedules
- Disability status
- Academic standing
- SSN
- Student ID numbers



Definitions

What is not an education record?

- campus police records
- employment records
(unless dependent on status as student)
- medical/counseling records
- non-circulating faculty or staff records made for personal use
- peer-graded assignments BEFORE collected by instructor
- certain alumni records



Definitions

* Directory information is exempt from FERPA confidentiality requirements

“directory information” =

- student’s name
- major field of study
- dates of attendance
- enrollment status
- degrees and awards (including scholarships) received

* Students may opt out (privacy hold)



Definitions

“limited use directory information” =

- student images (photographs, videos, or other media containing a student’s image or likeness)
- email addresses (University-issued to students)



* Only disclosed:

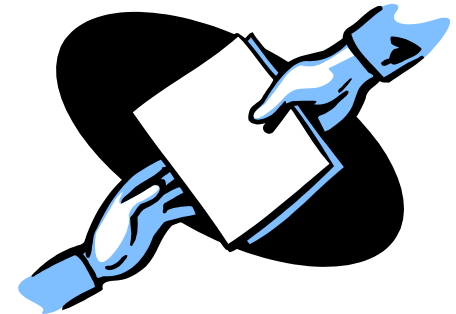
- (1) for publication in official University publications or online directory and internal email system;
- (2) to University officials with a legitimate educational interest; and/or
- (3) to external parties contractually affiliated with the University, if required



Disclosure

When may education records be released to third parties?

- directory information (unless privacy hold!)
- written consent of student
- judicial order/subpoena (contact OLA)
- university officials with legitimate educational interest
- to parents only if student is dependent
- other circumstances
(see UP 402/contact OLA)



Advising

- Always the possibility that student will request access to advising information, so think about that when writing notes
- Don't talk about student with other staff or faculty who do not have a need to know
- Moral of the story – be thoughtful, considerate, and reasonable when handling student information



Letters of Recommendation

Last Revised May 19, 2023

RECOMMENDATION/EVALUATION AUTHORIZATION AND WAIVER
THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE

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. In order to submit recommendations or evaluations in accordance with FERPA regulations, school officials must request that students submit this authorization/waiver or its equivalent prior to providing FERPA-protected student information to third parties. For additional information regarding FERPA, please visit UNC Charlotte's FERPA Information page at <http://legal.charlotte.edu/legal-topics/ferpa/ferpa-consent> or the U.S. Department of Education's website at www.ed.gov/policy/gen/guid/fpco/ferpa/index.html.

SECTION A. UNC Charlotte official making recommendation or evaluation:

 Name of UNC Charlotte official making recommendation or evaluation

SECTION B. Type of disclosure (check all that apply):

Letter of Recommendation
 Evaluation Form
 Verbal Recommendation/Evaluation
 Other (please specify): _____

SECTION C. Person(s) to whom education records may be provided (check one):

All Potential Employers
 Any Educational Institution
 Only to the following (please specify): _____

SECTION D. Purpose of release (check all that apply):

Employment
 Admission to an Educational Institution
 Other (please specify): _____

SECTION E. Waiver of access (check one):

I waive the right to review the requested recommendation(s)/evaluation(s).
 I **DO NOT** waive the right to review the requested recommendation(s)/evaluation(s).

By signing below, I authorize the UNC Charlotte official named in Section A above to consult my education records at UNC Charlotte, and to disclose such education records as that official considers appropriate in accordance with the above-stated purpose(s).
 I understand that I have the right to revoke this authorization/waiver at any time by delivering a written revocation to the UNC Charlotte official named in Section A above, but that such revocation will not affect any waiver of access to records obtained or received prior to delivery of such written revocation. I also understand that a copy of this authorization/waiver may be sent with the recommendation(s)/evaluation(s).

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

- Need student's written consent
- Form available at <http://legal.charlotte.edu/legal-topics/ferpa/consent-forms-release-student>
- Student must complete form before you can provide recommendation

Instructions for completing this form:

1. The form must be fully completed and signed by the student. Records should not be released if any section of this form is not filled out entirely.
2. Completed forms should be maintained by the school official named in Section A above.

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.



Parents

- FERPA rights at university level belong to student, not parents
- Some ways parents can receive information from education records:
 - With student's written consent;
 - If student is dependent for tax purposes;
 - In a health or safety emergency; or
 - If the information is based on personal knowledge or observation of student, not based on protected record information
- Some parents can be good influences to help student succeed, so don't automatically cut off communications for fear of FERPA
- However, if conversation gets difficult or unproductive, you can end it
 - Signed consent form permits (but does not require) you to talk with parents



Personal Observation

Examples:

“He’s a hard worker” = okay (based on your perception, not based on records maintained by university)

“As his academic advisor, I’ve noticed that he is a hard worker” = not okay (student-advisor relationship is part of student’s education record)

“He is a hard worker; that’s why he got three A’s this semester.” = not okay (grades are education records)



Additional Resources

- Office of Legal Affairs (7-5732)
 - when in doubt, feel free to call us!



- OLA webpage on FERPA
 - <https://legal.charlotte.edu/legal-topics/ferpa>

