

Privacy of Student Record Information

The Family Educational Rights and Privacy Act (FERPA), a federal law that protects the confidentiality of a student's educational record, specifies that the university may not release information from a student's record to anyone outside of the university without the express written consent of the student. To support FERPA implementation, DSU has a corresponding policy in place relative to a student's educational records.

Educational records covered by federal privacy laws include grades, housing information, financial obligation to the University, results of disciplinary proceedings, class schedules and courses, etc. Health information maintained by the university, including medical and psychological records, is also protected under separate statutes governing the release of health information.

Daily we deal with the matter of student achievement or at times, the lack of student achievement. Whether we act in the capacity of a student advisor, an instructor, clerical staff or residence hall staff, we are asked specific questions about specific students. DSU CANNOT release information without the express written consent of the student, except in the following instances-

What can you legally provide?

1. DSU considers 2 different levels of directory information that can be released:
 - a. Publicly available directory information shall include the student's name, grade level or academic status (undergraduate, graduate or professional school), graduation date, diploma or degree, major field of study, and dates of attendance.
 - b. Institutions may identify additional information as nonpublic directory information to be made available to other students, or institutional personnel. Such additional information may not be distributed to the public at large without specific written permission of each individual student. Distribution through password-protected electronic means shall be permitted so long as passwords are issued solely to students or institutional employees.
 - At the university-level, nonpublic directory information may include publicly available directory information plus the student's official, university electronic mail address.
2. A student's request to not release this directory information must be honored by all departments on campus.
3. The University may release information without the student's consent in connection with an emergency, if necessary, to protect the health or safety of the student or other individuals.
4. FERPA permits, but does not require, disclosure of educational record information to parents or legal guardians in 2 instances-
 - a. The student is their dependent for federal tax purposes. The institution must verify the student's dependent status before releasing information.
 - b. Information regarding any violation of law or an institutional rule or policy governing the use or possession of alcohol or a controlled substance, if the institution has

determined the student committed a disciplinary violation with respect to such use or possession and the student is under the age of 21 at the time the violation or possession occurred.

5. FERPA permits the disclosure of information from a student's educational record to officials of other institutions at which the student seeks or intends to enroll.
6. The institution may disclose records in response to a judicial order or lawfully issued subpoena, but generally must notify the student before complying. Some exceptions exist.
7. Personal knowledge derived from direct, personal experience with a student is not covered under FERPA. I advise you use caution when disclosing personal observations and prefer you consult with trained professionals before releasing information to a third party.
 - a. Campus security or local law enforcement should be contacted if you have a concern that a student may engage in violent behavior directed toward himself or others.

Persons with access to confidential student information on the campus include those designated as appropriate by the administration and may include, but is not limited to a student's academic advisor, the Dean of the college, the Academic Vice President, the Vice President of Student Services and Enrollment Services staff.

Students always have access to their educational record. Private notes made by counseling staff and advisors or recommendations, etc., submitted to a closed placement file are exceptions.

I caution you in terms of conversational communication. My experience has been that explaining you are not able to provide information in accordance with federal law ends the discussion. Institutions found to be in violation of this law become ineligible for federal financial aid programs and federally funded grant programs.

Once said, once sent confidential information cannot be retracted. I recommend that if any doubt exists, **DO NOT RELEASE THE INFORMATION!** You have an open invitation to refer the request to my office when you have doubt or are hesitant to release information.

Computer printouts, computer screens, email messages, FAX copies can be subtle communicators of confidential information. Please keep this in mind so confidential information is not released. Student employees may work with confidential information. **IT IS THE SUPERVISOR'S RESPONSIBILITY TO INSURE THESE INDIVIDUALS KNOW AND UNDERSTAND THE IMPORTANCE OF CONFIDENTIALITY AND THEY ABIDE BY THE REGULATIONS OF THIS INSTITUTION.**

I appreciate the level of cooperation we have at DSU as we continue to work together to insure we give the highest level of service to our students.

Sources of additional information about what you can release can be found at these websites <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>, or <http://www.ed.gov/policy/gen/guid/fpco/>

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/ps-officials.html> or <http://www.ed.gov/policy/gen/guid/fpco/ferpa/ps-officials.html>

Feel free to contact me with questions at kathy.callies@dsu.edu, Enrollment Services, Heston Hall, 256-5143.