



PRESENTS:

FERPA

Family Educational Rights and Privacy Act of 1974



Preliminary Information

- o FERPA protects the privacy of a student's educational records.
- o As an employee at a non-profit that is also an accredited university that receives Title IV funding, it is important you understand some basic information about FERPA and how to protect student information, should you have or gain access to it.



FERPA at-a-glance

- o Students at postsecondary institutions must be permitted to inspect and review their education records
- o School officials may not disclose personally identifiable information from a student's education record without the student's permission
- o Institutions are responsible for ensuring that all of its school officials comply with FERPA



FERPA Specifics

A student's primary rights under FERPA are:

1. to view the educational records an institution is keeping on the student.
2. to seek to amend those records and in certain cases append a statement to those records.
3. to consent to and control the disclosure of their educational records to others.
4. to file a complaint with the FERPA office in Washington D.C.



FERPA Specifics

What does this all mean and how might it affect you?

Simply put, FERPA gives the student the legal right to have some control over their information. Students have the right to view their educational record, challenge records they believe to be incorrect, control who has access to their information, and file a complaint with the Department of Education if we don't allow them to exercise those rights.



What information is covered under FERPA?

Let's start with looking at the definition of an educational record.

You can think of a student's information as falling into two categories:



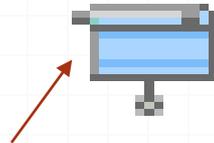
Student Information

Personally Identifiable Information (PII; think: *sensitive and private*)

- o Student ID number
- o Enrollment records
- o Student's exams or papers
- o Grades
- o Class schedules
- o Disability accommodation records
- o Disciplinary records
- o Faculty/staff emails to, from or about a student
- o Financial aid and account records
- o Student employment records
- o Gender/Ethnicity/Citizenship
- o GPA
- o Photographs
- o Social Security Number
- o Religious preference
- o Anything else that is not considered "Directory Info"

MBI Directory Information* (DI; think: *public and accessible*)

- o Name
- o Date of birth
- o Marital Status
- o Student's Photo/video/film
- o Job history or other info posted on an MBI job board
- o Addresses & telephone information
- o Email addresses
- o Dates of attendance
- o Participation in officially recognized sports and activities
- o Weight and height of members of athletic teams
- o Enrollment status
- o Classification (freshman, soph..., grad student, etc)
- o Degree major or program
- o Degrees earned
- o Academic honors and awards
- o Graduation date



* Students are able to remove these options from directory informational choices as indicated by accessing the above icon in the student's services center.



Student Information

- o Etc... *Any* information related to a student that is recorded and maintained by MBI while the student is in attendance is covered under FERPA. Information acquired in relation to them as an alum is *not* considered FERPA protected.
- o It can take physical and digital form. Forms and papers with any of the information on the previous slide should be handled with great care. Your MBI login information should be kept secret and never shared with others in your office.



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...to view the educational records an institution is keeping on the student.

Students have the right to request to view any and all the information that an institution has on them (all PII or private information and all DI or Directory Information). This would include, if the records exist, any graded work, correspondence, official course grades, attendance, etc.



...to view the educational records an institution is keeping on the student.

Q. How would this actually happen?

A. Students exercise this right all the time! They do this when they ask questions about their course work or want to know their attendance records. It is the student's right to have access to information that Moody maintains. When disclosing this information, just be sure you are actually communicating with the student through their @moody.edu and *never* communicate official course grades over email.



...to view the educational records an institution is keeping on the student.

Q. How would this actually happen?

A. Students may also request a comprehensive audit of their student record. To exercise their official FERPA rights this way, the student would contact the office of Academic Records (AR). AR will then contact course instructors and other parties to gather the information the student has requested. You would be contacted by the Registrar or Associate Registrar.



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...to seek to amend those records and in certain cases append a statement to those records.

Having viewed their information that MBI has about them, the student also has the right to request that we change a part of their education record that is inaccurate. The information has to be demonstrably wrong in order for MBI to consider changing it.



...to seek to amend those records and in certain cases append a statement to those records.

Q. So FERPA will force me to change a course grade that I gave them due to their poor performance?

A. **No.** This provision of FERPA does not allow a student to seek an appeal for a course grade with which they disagree. It allows the student to request, where there was administrative oversight or a grade was actually recorded wrong, an amendment. Any student who disagrees with a professors judgement on a grade must follow the normal grade appeal procedure found in the SLG.



...to seek to amend those records and in certain cases append a statement to those records.

Q. How does a student do this?

A. If a student wishes to exercise their FERPA right to seek amendment to a record they believe to be factually incorrect, they must contact the office of academic records.



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...to consent to and control the disclosure of their educational records to others.

As previously mentioned – a student's educational data basically falls into two categories:

1. Personally Identifiable Information

This is sensitive information that is considered exclusive and private. This information is *never* to be shared with anyone other than the student.

2. Directory Information

Directory information is considered to be available to others upon inquiry. Generally speaking, it would not be damaging or break the students privacy to give out this information. However, students must be given the option to make any or all of their Directory Information as sensitive as PII. They can do this in their my.moody.edu portal.



...to consent to and control the disclosure of their educational records to others.

As faculty, it is likely that you only have access to private information related to a student's coursework, attendance, and participation in student activities.

Q. What if I receive a request for information on an educational record of one of my students?



Q. What if I receive a request for information on an educational record of one of my students?

If the *student* requests the disclosure (such as their course attendance or current standing in your course) and you have confirmed the identity of the student, you may disclose this information to them or to whomever they have asked it be provided (as in the case of a recommendation letter to another school).



Q. How do I confirm that I am communicating with the student and not someone else?

You must have at least **two data** points for the student. You should confirm information that only the student would know. For some, the (1) ID number and (2) dates of attendance could suffice. If the student has a physical ID, you may use this. Otherwise, request that the student confirm certain information about the course that you taught them. If you have trouble confirming the student's identity or they are unable to give this information, Academic Records will happily assist. Feel free to send the communication to us. We will confirm the identity and you may continue the conversation.



Q. What if I receive a request for information on an educational record of one of my students?

If a *anyone other than the student* requests the disclosure (such as a progress report), you must confirm that the student has pre-authorized the disclosure through the FERPA authorization service indicator on the my.moody.edu portal.

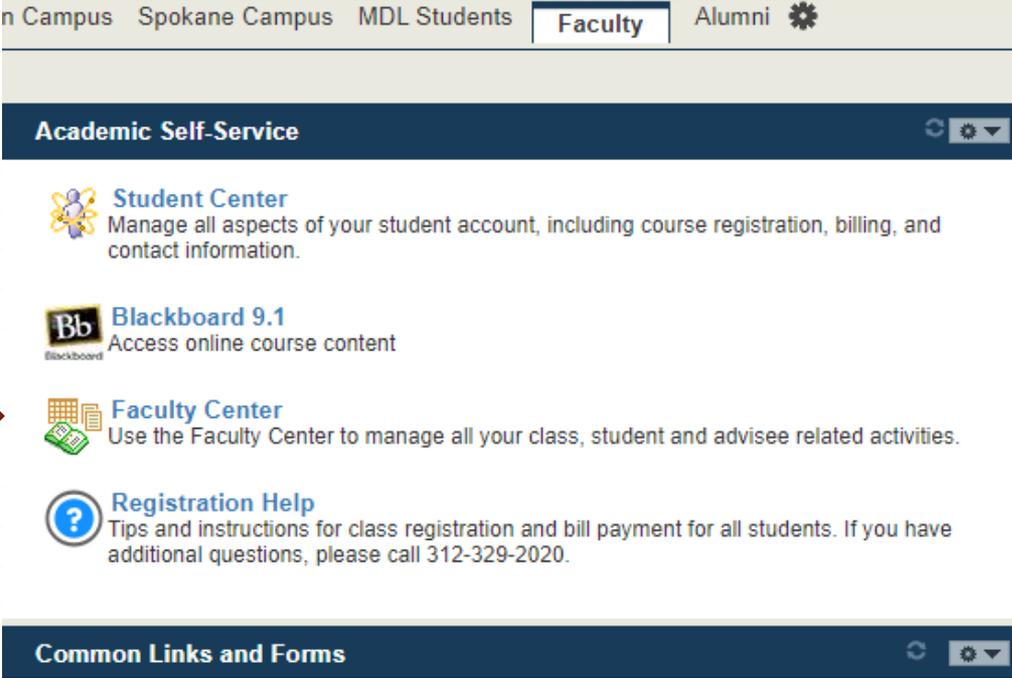
If the student consents that a parent be present/listen in during a phone call or conversation, no service indicator is necessary (as long as you have verified the identity of the student and the student remains present).



Verifying FERPA authorization service indicator:

Using Faculty Center

- Login to the my.moody.edu portal and go to the “Faculty” tab.
- Click on “Faculty Center:



The screenshot shows the navigation menu of the my.moody.edu portal. At the top, there are tabs for 'n Campus', 'Spokane Campus', 'MDL Students', 'Faculty', and 'Alumni'. The 'Faculty' tab is selected and highlighted. Below the tabs is a dark blue bar with the text 'Academic Self-Service' and a refresh icon. Underneath, there are four service links: 'Student Center' (with a person icon), 'Blackboard 9.1' (with the Bb logo), 'Faculty Center' (with a calendar icon), and 'Registration Help' (with a question mark icon). A red arrow points to the 'Faculty Center' link. At the bottom, there is another dark blue bar with the text 'Common Links and Forms' and a refresh icon.

n Campus Spokane Campus MDL Students **Faculty** Alumni ⚙

Academic Self-Service ↻ ⚙

 **Student Center**
Manage all aspects of your student account, including course registration, billing, and contact information.

 **Blackboard 9.1**
Access online course content

 **Faculty Center**
Use the Faculty Center to manage all your class, student and advisee related activities.

 **Registration Help**
Tips and instructions for class registration and bill payment for all students. If you have additional questions, please call 312-329-2020.

Common Links and Forms ↻ ⚙



Verifying FERPA authorization service indicator:

Using Faculty Center

- Click “Advisor Center and then click “View Data For Other Students”

Faculty Center | **Advisor Center** | Search | Learning Management

my advisees || student center || general info || transfer credit || academics

My Advisees

Personal Information

Enter any information you have and click Search. Leave fields blank for a

Find an Existing Value

▼ Search Criteria

ID: begins with

Campus ID: begins with

National ID: begins with

Last Name: begins with

First Name: begins with

Search Clear Basic Search Save Search Criteria

- Enter the student's information:



Verifying FERPA authorization service indicator:

- Click “general information” *Using Faculty Center*



Advisee Student Center

Jack Student

- Scroll down the page to the student’s “Service Indicators” and select the “FERPA Disclosure”

Service Indicators

[edit service indicators](#)

★ Positive ⓧ Negative

Service Indicators		Personalize View All ²		First	1-5 of 5	Last
Type	Details	Start Term	End Term	Start Date	End Date	Department
ⓧ	Bad Mailing Address	Begin Term - Srvc Indicatr Use		08/13/2009		Contributor Relations Default
ⓧ	No Donor Communications	Begin Term - Srvc Indicatr Use		06/05/2018		Contributor Relations Default
ⓧ	Probation Student - Add Only	Begin Term - Srvc Indicatr Use		10/07/2019		Student Records
★	FERPA Disclosure	Fall 2017	End Term - Srvc Indicator Use			Student Records



Verifying FERPA authorization service indicator:

Using Faculty Center

- After clicking on the FERPA Disclosure indicator, scroll to the bottom and you will see the name(s) of the person(s) for whom the student has permanently pre-authorized their disclosure.

Placed Process: Release Process:

Comments

John Doe
Father
820 N LaSalle Blvd
Chicago, IL 60610
312/329/4000
arecords@moody.edu
Records: Yes
Financial: Yes

A student may authorize a parent, spouse, friend, or anyone else to have this access. It can be for finances *or* academics, *or* both.

Services Impacted Personalize | Find | View All | | | First 1 of 1 Last

Impact	Description	Basis - Date	Basis - Term	Term Category
1 FERPA	FERPA Authorization	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regular



Q. What if I receive a request for information on an educational record of one of my students?

If another *staff member or school official* requests the disclosure (such as a progress report by an MBI counselor/tutor, or an attendance report from Academic Records), you may disclose the information so long as the staff member has demonstrated that they have a *legitimate educational interest* in the data they have requested. This means they have to have an appropriate professional reason for the data that they have requested. Grades, performance, attendance, or other information should not be discussed casually with other staff/faculty/teaching assistants unless it pertains to their professional responsibilities.



Q. What if I receive a request for information on an educational record of one of my students?

If anyone else contacts you to request information about one of your students, please refer them to the office of academic records (x4469, arecords@moody.edu, Culbertson Floor 2)



FERPA FAQs

Q. Can I post final/midterm grades outside of my office?

A. Yes, but only if you give the students a special PIN or code that only the student knows AND you organize the list in a random order. It cannot be organized alphabetically by last name, even if only the PIN or ID number is shown. This also means you cannot place **graded** papers in a box outside your office to be sorted through by students. Send these papers to CPO. However, you may *collect* papers in a box outside your office at your discretion.



FERPA FAQs

Q. Can I have peer-to-peer grading in class?

A. Yes, but only prior to the test being “maintained” by the school. So you cannot collect the test/quiz and then have another section of the course grade them. Any peer grading must happen *immediately*, prior to their collection by the school.



FERPA FAQs

Q. May I include a student's performance indicators, such as course grades or GPA in a recommendation letter?

A. Only if you have a release with the student's signed authorization to do so.



FERPA FAQs

Q. A student or a student's parent has asked me to tell them the final grade from my course two semesters ago.

A. Direct them to Moody Central or Academic Records for guidance accessing their secure my.moody.edu portal in order to access their previous course grades.

Do not give out course grades or a student ID number over the phone or email. Emails may be forwarded endlessly. Be mindful of what is contained in an email thread before forwarding.



FERPA FAQs

Q. It is the 21st century and would like to use new technologies to administer my course, such as the Google education suite, or some other third party online tool that is not already authorized by MBI. May I do this?

A. No, you must stop. For permission to use websites or technology platforms that are not already authorized, please speak with ITS and respect their intentions to keep student data secure:

<https://its.moody.edu/homepage/policies/>.



FERPA FAQs

Q. I have a TA/student worker who would like to use me as a job reference for another employment opportunity. My TA/student worker was a student, what can/can't I say?

A. Most of this information may be disclosed without the student's permission. However, because the student's employment was a *student only* position, you may commit a FERPA violation if the student has a directory information restriction. Check with Academic Records prior to releasing any information, just to be sure.



FERPA FAQs

Q. I am a faculty advisor and would like to know how one of my advisees is doing in his her courses even though I am not the instructor of those courses. Does this count as *legitimate education interest* and may I request this information?

A. Yes! As a student's faculty advisor who is concerned with a student's overall success, you may have access to information related to a student's courses at the discretion of the other course instructor's discretion. Academic Records will provide basic scheduling and GPA information at a faculty advisor's request.



FERPA FAQs

Q. A law enforcement official performing a background check on a former student of mine is in my office asking for the student's attendance, coursework and final grades. What do I do?

A. *With a subpoena:* refer the official to our legal office. If someone has requested this and it is *not* an emergency situation, you are able to work with MBI legal counsel and the AR office to determine what we are obligated to share.

A. *Without a subpoena:* refer the official to the office of Academic Records and/or the MBI legal team. They/we will determine if the situation falls under another disclosure clause of FERPA. If it does not, we have *no* obligation to share the requested information.



FERPA FAQs

Q. An MBI Title IX coordinator/investigator is asking me questions about a student in my class including their academic progress, attendance, behavior, etc. They are unable to tell me why this information constitutes a “legitimate educational interest” due to the sensitive nature of the investigation. What should I do?

A. As a school official conducting their business duties, you *may* release this information to the inquirer. While FERPA does not mandate the release of this information, it may be expedient to do so for the well being of the MBI community.



FERPA FAQs

Q. I overheard a student in my class boasting that they know other students progress in the class because they work in CPO and see other students' graded work while stuffing CPO boxes. What should I do?

A. Report what you have heard to the Registrar or to an Associate Registrar in the office of Academic Records.



Remember:

FERPA never requires the release of information. It is a “may” not a “must.” The only times a school official *must* release information is when a student is requesting the release of their own record or when Moody is complying with a court-ordered subpoena or warrant.

In any other situation, you are not required to release the information, even if they show you a badge, say they are writing a story for the Chicago Tribune, or even if it is a faculty/staff member from another office.



! One final important note: !

FERPA permits the disclosure of PII and Directory Information in the case of a health and safety emergency. If, based on the information available to you, you believe there is a health or safety emergency, you are permitted to disclose pertinent PII to law enforcement or safety/security officials if you have reason to believe doing so will mitigate risk or harm to others.



One final important note:

For example: If a law enforcement officer comes to you and indicates that a particular student may be an imminent threat to themselves or to others, you are able to disclose information about the student, such as their class schedule, their dormitory number, or where they usually sit in the SDR without violating FERPA.



Please contact the Office of Academic Records or Registrar at arecords@moody.edu or 312/329-4469 if...

- ❖ you are wondering whether or not one of your student workers has FERPA restrictions
- ❖ you want to know if some information to which you have gained access is covered under FERPA
- ❖ you believe a FERPA violation may have occurred
- ❖ your office would like to receive further training
- ❖ you have any other questions at all.

Additional information from the Family Policy and Compliance Office can be found at: <https://studentprivacy.ed.gov>

The Family Education Rights and Privacy Act (CFR 34 Part 99) can be read in full at the ECFR site:

<https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:1.1.1.1.33>