FERPA AT A GLANCE: A GUIDE FOR STAFF

Overview
The Family Educational Rights and Privacy Act (also known as FERPA or the Buckley Amendment) is federal legislation enacted in 1974 that protects the privacy of student records. It grants students the right to access their own educational records as well as limiting, for privacy reasons, the release of those records to anyone other than the student and/or the student’s designee. FERPA applies to all current and former students of the university.

What are the responsibilities regarding student records?
All university employees (including student employees) who have contact with education records are required by law to maintain the confidentiality of these records. Employees are required to complete the online FERPA Training before they can access student records.

Take the online FERPA tutorial

What are student education records?
Student education records are records, files, documents, and other materials that contain information directly related to a student and are maintained by any employee, department, or school at The New School. Education records take many forms, including paper and electronic data, and include but are not limited to:

- Personal information
- Grades
- Class lists
- Student course schedules
- Disciplinary records
- Student financial records
- Enrollment records
- Payroll records for employees who are employed as a direct result of their status as students (e.g., in work study, in assistantships, or as resident assistants)
- Emails to, from, or about a student

Student education records do not include:

- Records containing information about an individual that are created after he or she is no longer a student at that institution (i.e., alumni records).
- Medical treatment records
- Peer-graded papers before the instructor has collected them
- Employment records, unless employment is based on student status
- Sole possession records made by faculty and staff for their own use as reference or memory aids and not shared with others
- University law enforcement records
Who can release student information?
An institution may disclose personally identifiable information without the student's written consent to “school officials” whom the institution has determined to have a “legitimate educational interest.” A school official is a person employed by the college in an administrative, supervisory, academic or research, or support staff position. A legitimate educational interest exists if the official needs to review a student's education record in order to fulfill his or her professional responsibility.

What is directory information?
Directory information is information The New School administrative offices may choose to release to a third party without the student's written consent. An institution is not obligated to release directory information to anyone. FERPA only stipulates that an institution may release information, but there is no obligation to do so.

Please consult with the Registrar’s Office at 212.229.5620 when a third party requests directory information. The New School has designated the following as directory information and the Registrar’s office may release it unless the student has submitted a Request to Withhold Disclosure of Directory Information with the Office of the University Registrar:

- Student name
- Major field of study
- Dates of attendance
- Full-time or part-time enrollment status
- Year level
- Degrees and awards received, including naming to the Dean’s List
- The most recent previous educational agency or institution attended
- Addresses, phone numbers, photographs, and email addresses
- Date and place of birth

What is a request for non-disclosure?
While enrolled, a student may request that the institution not release directory information about himself or herself. Institutions must comply with this request. At The New School, students who wish to restrict the release of directory information about themselves must notify the Registrar’s Office in writing. This notification must be renewed annually at the start of each fall semester.

Students who wish to restrict directory information should know that this action could have negative consequences. The names of students who have requested non-disclosure of their directory information will not appear in the Commencement bulletin and other college publications. Also, employers, loan agencies, external scholarship committees, and the like will be denied any student directory information without the student’s authorization..

If the student has requested non-disclosure, a pop-up window will appear when his or her record is opened in Banner that says, “WARNING: Information About This Student Is Confidential.” If you are asked any question by a third party about this student, you should respond, “I have no information on that person.”
What standard security practices must I follow?
All staff must employ reasonable measures to preserve the confidentiality, security, and integrity of New School information systems and the information contained therein. All New School staff should practice appropriate security measures:

- Never disclose, share, or loan your username(s) and password(s) to anyone (e.g., another employee, faculty member, supervisor, or student assistant).
- Never disclose confidential student information to university personnel unless they have a legitimate educational interest. Disclosure without such need violates the federal law as well as New School regulations.

In addition, staff should take reasonable measures to restrict unauthorized persons from viewing confidential academic record information. For example, you should:

- Never leave your computer workstation unattended while signed on without appropriate screen locking (e.g., a password-protected screen saver).
- Never leave personal log-on information (e.g., username, password, or network mapping) in view of unauthorized persons.
- Never program (or hot-key) automatic access to confidential academic record systems.
- Never download student data to a flash drive, send files to a personal email account, or store student data on an unencrypted, unsecured server.
- If you must email student data to another person or office at The New School, either use the New School Secure File Transfer System or share the information through a Google Doc.

What are the privacy rights of deceased students?
The privacy rights of an individual expire with that individual's death. Deceased students' records are governed by institutional policy rather than FERPA. However, The New School exercises its own discretion in deciding whether and under what conditions information should be disclosed to survivors or third parties.

Do student employees have to maintain the confidentiality of student records?
Student employees have the same obligation to maintain the confidentiality of student records as any other employee. Student employees are required to complete the online FERPA Training before they can access student records. When working with student records, a student assistant should work directly with the supervisor to ensure FERPA compliance. It is always best for students to ask questions and err on the side of caution when dealing with the release of any information.

What if a parent contacts me and wants to know something about his or her son or daughter?
Anything that is contained in a file or on a computer system is part of the student’s educational record. You cannot share this information with a parent unless you have written authorization from the student to do so. Even then, the authorization must specifically state what information may be released to the parent. Sometimes you can be helpful by providing the parent with general information regarding policies or practices that might provide some insight to him or her.
It is recommended that you tell the parent that although you are unable to share specific information with him or her because of federal regulations, you would be happy to discuss it with his or her son or daughter.

What if I receive a request for information from a student organization?
Members of a student organization are not considered university officials. Information cannot be provided to them. Information may be provided to the advisor of the organization (for example, to have a mailing sent) as long as the advisor does not turn it over to the student group.

Financial Holds
Students have the right to inspect the contents of their student records, regardless of their financial status with the institution. However, an institution is not required to release an official transcript if the student has a past due account.

Subpoenas
At The New School, all subpoenas are first reviewed by the General Counsel’s Office to determine the appropriate course of action.

Crisis Situations and Emergencies
If non-directory information is needed to resolve a crisis or emergency situation, an educational institution may release that information if the institution determines that the information is “necessary to protect the health or safety of the student or other individuals.” Factors to be considered or questions to be asked in making a decision to release such information in these situations are (1) the severity of the threat to the health or safety of those involved; (2) the need for the information; (3) the time required to deal with the emergency; and (4) the ability of the parties to whom the information is to be given to deal with the emergency. Contact the Registrar’s office for assistance in making this decision.

Are electronic records and data protected by FERPA?
FERPA protects the privacy of all education records, regardless of the medium in which those records are maintained.

The increasing use of computerized record-keeping systems, and the resulting replacement of paper documents with electronic data, is likely to increase the volume of electronic education records. Therefore, it is important to remember that the same principles of confidentiality apply to paper records and to electronic data.

What are the consequences for violating FERPA?
Under federal law, FERPA violations may result in the loss of federal funding for The New School. Any breach of confidentiality could lead to disciplinary action, including the possibility of termination of employment.

Whom to contact with questions or concerns
General questions can be directed to the Registrar’s office, or reghelp@newschool.edu.