



Student Privacy

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The four primary rights for students afforded under *FERPA* are: the right to review their own educational records; the right to seek amendment of their own education records; the right to limit disclosure of their own education records; and the right to file a complaint.

According to *FERPA*, no funds shall be made available under any applicable program which has a policy of denying, or which effectively prevents, students who are or have been in attendance at an institution the right to inspect or review their education records. Further, no funds shall be made available under any applicable program to any institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information) of students without their written consent, subject to very specific exceptions.

An education record may be any record, file, or other material that contains information directly related to a student, and is maintained by the University. This definition results in a wide range of documents being subject to *FERPA* protection.

Each student at the University is the sole holder of this right to privacy of their records. No other individual (e.g. parent, spouse, sibling, or child) has a right to the education record of any student at the University without the student's written consent. Exceptions apply, however, in very limited circumstances, some of which are described below.

When in doubt, however, err on the side of caution against disclosure and ask an appropriate administrator or the Office of the General Counsel.

Directory Information

Directory information may be released without permission of the student **unless** the student has specifically requested that said information not be released. Types of information that may be disclosed as directory information include: student's name, degrees and awards received, address, most recent previous institution attended, phone number, participation in officially recognized sports, activities, dates of attendance, major fields of study, e-mail address, class schedule, full- or part-time status, and photograph. Information which may not be released as directory information includes social security number, race/ethnicity or gender.

Health or Safety Emergency

In an emergency, *FERPA* permits school officials to disclose personally identifiable information from an education record without student consent to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Disclosures to Third Parties

In certain contractual arrangements (to include MOUs and different kinds of academic agreements) between the University and a third party contractor or vendor, *FERPA* provisions approved by the Office of the General Counsel should be included where such contractor or vendor receives or is provided access to student information. Such arrangements may include research studies; online grading providers or access to online supplemental materials. The University is permitted to disclose educational records to organizations conducting studies on behalf of the University, or to contractors/vendors to whom the University delegates specific responsibilities, in which case the contractor/vendor is an agent of the University. The *FERPA* provision advises the third party that it is bound by contract to preserve confidentiality and to report any unintended re-disclosures.

School Officials with Legitimate Educational Interests

The University may disclose personally identifiable information from an education record if the disclosure is to other school officials within the institution whom the institution has determined to have legitimate educational interests. These individuals are also subject to limitations on further disclosure, as required under *FERPA*.

Legal Proceedings & Subpoenas

Disclosure of a student's educational records is permissible when done in accordance with a lawfully issued subpoena or court order, or when in connection with a legal proceeding in which the education records are relevant to the University's status as a party.

Disclosure to Parents

Generally, parents are not entitled to their child's educational records. A student's right to privacy over their education records belongs to the student upon entry to a post-secondary institution. Education records may be disclosed to parents under limited circumstances, including: in a health or safety exception (as described above); and also where a student's violation of any Federal, State, or local law, or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance if the University determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of the disclosure to the parent. This disclosure is subject to any District law which may prohibit disclosure of such information.

Disciplinary Records

The final results of a disciplinary proceeding conducted by the University against an alleged perpetrator may be disclosed to an alleged victim of any crime of violence or non-forcible sex offense, regardless of whether the institution concluded a violation was committed, upon written request of the victim.

The University may also disclose the final results of a disciplinary proceeding to any party, provided that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and that the student has committed a violation of the University's rules or policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

FERPA and Student and Exchange Visitor Information System (SEVIS)

FERPA permits institutions to comply with information requests from the Department of Homeland Security (DHS) and its Immigration and Customs Enforcement Bureau (ICE) in order to comply with the requirements of SEVIS. Officials who have specific questions about this and other matters involving international students should contact the U.S. Department of Education's Family Policy Compliance Office (FPCO) at Web site: <http://www2.ed.gov/policy/gen/guid/fpco/index.html> or from

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. S.W.
Washington, DC 20202-5920
202-260-3887

FERPA Guidelines for Online, Hybrid and Web-Facilitated Courses

- Online learning at the University of the District of Columbia is to be presented using the Blackboard portal. Use of any other commercial online vendors and internet repositories by UDC faculty (full-time or adjunct) to capture UDC student information and course records of study are a violation of university guidelines and may subject faculty to litigation or investigation by the Department of Education.
- Students enrolled in courses with online components and distance education courses are covered by *FERPA* and protected from release of educational material and private student information. Only the registered student may have access to their educational materials such as grades and course work.
- Generally, students must be permitted to opt out of having data shared with other students or persons outside the University community (not contractors), and must complete agreements or waivers of privacy rights granted by *FERPA*. Information privacy can be violated by faculty if others are privy to student academic records, e-mail addresses, identifiers/locators, and course work such as postings to blogs, journals, and discussion forums; e-portfolios, home pages, and vita; and individual or group capstone projects, reports and written assignments without obtaining the student's permission to make his or her work available publicly.
- Express written consent is not required if the student posts his/her work; students are given prior notice of course posting requirements; the student is not identified and there are no grades or evaluative comments; and the posted work is available only to members of the class. The student should be informed that he/she should not post identifiable information.
- If the student has restricted access to directory (or public) information, you may not release any such identifying information.
- You may not release non-directory or personally identifiable information about a student to a third party (parents included) without the student's written authorization or consent-to-release to a specific individual or organization. Such consent forms are available through the University's Office of the Registrar.
- Never release personally identifiable information (such as student identification numbers or social security numbers; grades or exam scores; grade point average or detailed enrollment data; race, ethnicity, or nationality; gender; or date of birth) without obtaining written authorization from the student.
- Address, telephone, or e-mail may be disclosed as directory information, provided that the student has not opted out of such disclosure.
- Faculty may obtain written permission, use code words, or randomly assigned numbers that only the faculty and individual students know to post grades. It is a *FERPA* violation to notify students of grades via e-mail, or publically post grades by student's name, student number, or social security number. Use of the Blackboard grade center will eliminate *FERPA* grade posting violations.

For Further Information...

Additional information regarding the statute and applicable regulations is available at: [20 U.S.C. § 1232g](#); [34 C.F.R. § 99.1 et seq.](#); at the Department of Education website, <http://www2.ed.gov/policy/gen/guid/fpco/index.html>; and at the Office of the General Counsel, <http://www.udc.edu/ogc> or 202.274.5400.

"We trust that you will find this information document helpful. Our committee is happy to assist."
C4OL Committee

