What Everyone Needs to Know About FERPA

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Warm-up Scenario

On Match Day, a list of students and where they've matched is posted on the university website. The office of marketing and communications would like to highlight a few first-generation and URiM students from the list and asks you to identify these students.

Is this a potential FERPA violation?

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Agenda

- ➢ Definition of FERPA (key terms)

- ➢ Why FERPA is important

- ➢ Scenarios

  - o FERPA Interpretation(s)
  - o Solutions

- ➢ Discussion

  - o Effective Practices

- ➢ Resources

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Definition

FERPA is the Family Educational Rights and Privacy Act of 1974

It is a federal law that protects the privacy of education records.

This federal law affords students:
- the right to inspect their educational records within 45 days
- the right to seek to amend their educational records
- the right to have some control over the disclosure of information from their educational records
- the right to file a complaint with the U.S. Department of Education's Family Policy Compliance Office.

The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

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What does this mean?

- Faculty/staff must understand their roles and responsibilities under FERPA
  - Periodic FERPA training is recommended

- Medical schools must annually notify students of their rights under FERPA
  - Written notification of rights
  - Student handbook and/or website
  - Signed acknowledgement (recommended)

- Releasing information from student education record requires the student's written & signed consent
  - Email requests do not constitute "written consent"

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Key Terms

Education Record

Any information maintained by the medical school, in any medium (handwriting, print, email, electronic), that is directly related to the student (grades, scores, MSPE, personally identifiable information) and are maintained by the medical school or a party acting for or on behalf of the medical school.

Sole Possession Record

Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Becomes part of the student record when shared.

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Key Terms

Personally Identifiable Information (PII)

Data or information that comprises a list of personal characteristics that would make the student's identity easily traceable.

- Name
- Class Schedule
- Test Scores/ USMLE Board Scores
- Grades and GPA
- Grade Book/Transcript
- Social Security Number/Student ID Number
- Race/Ethnicity
- Gender
- Fingerprints
- Date of Birth
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

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Key Terms (cont.)

Directory Information (as defined by school)

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Examples include:

- student's name; student identifier (non-ssn)
- address; telephone listing; electronic mail address;
- photograph
- major field of study
- enrollment status (dates of attendance, full-time/part-time status)
- degrees, honors, and awards received

Institutions determine directory information and should review annually and publish in their student handbook.

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Key Terms (cont.)

School Official

A "school official" includes a faculty, staff, deans, president, board member, trustee, registrar, counselor, admissions officer, attorney, clinical affiliates, information systems specialist, and support or administrative personnel.

Legitimate Educational Interest

Need access to student education record in order to perform a task that is specified in his or her position description or contract agreement, performing a task related to a student's education or to discipline of a student, providing a service or benefit related to the student or student's family, or maintaining the safety and security of campus.

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What is not protected by FERPA?

✓ Applicant records

✓ Deceased students

✓ Student health records (HIPAA)

✓ Disclosure to accrediting organizations

✓ Records created after graduation
  ▪ MSPE Addendum is the exception

✓ Special accommodations

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Why is it important?

➔ It's the law!

➔ Protect students and their information

➔ Registrar provides leadership in developing and enforcing institutional FERPA policy and interpretation of federal regulation

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Medical School Application/Interpretation of FERPA

Please tell us your main role at your school

- Registrar
- Student Affairs
- Academic/Career Advising
- Financial Aid
- Curriculum/ Medical Education
- Diversity Affairs
- Student
- Admissions
- Learning Specialist
- Other

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Warm-up Scenario - Revisited

On Match Day, a list of students and where they've matched is posted on the university website. The office of marketing and communications would like to highlight a few first-generation and URiM students from the list and asks you to identify these students.

Is this a potential FERPA violation?

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Scenario 1

A university newsletter article mentions the names of medical students who participated in a community outreach event. One of the students is upset that they were not notified they would be named in this article prior to its publication.

Is this a potential FERPA violation?

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Scenario 2

The promotions committee has requested to view MCAT score for Alex, a current student who is being seen by the committee for academic issues. Your admissions office receives this request and denies it, citing FERPA.

What are the implications for providing/not providing this information?

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Scenario 3

At many institutions it is tradition for students participating in the Supplemental Offer Acceptance Program (SOAP) to gather in a Student Affairs office or central location where SA Deans and advisors guide participants collectively through the process. Academic information is openly discussed between advisor and student in this environment to prepare them for the SOAP process.

Is this a potential FERPA violation?

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Scenario 4

A student diversity group asks for a list of underrepresented in medicine (UIM) students (names and email addresses) to invite them to participate in the group's activities.

How do you proceed?

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Scenario 5

A student at your institution has failed several quizzes and is at risk of failing the course. The Office of Student Affairs requests that the Director of Academic Support reach out to the student for a meeting to discuss their performance. The student has never pursued the assistance of the academic support office and refuses the meeting and contacts the registrar about who has access to student test scores.

Is this a potential FERPA violation?

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Scenario 6

Sam is a medical student completing his surgery clerkship. As he is about to start rounds in the morning, he begins to suffer from a medical emergency and falls unconscious. Worried about the student, the program coordinator for the clerkship contacts the Office of Student Affairs who in turn asks the Registrar for the student's parents contact information to notify them of the situation.

How should the registrar proceed?

Scenario 7

The dean of the medical school is applying for a research grant and asks for a report of enrollment data for a research study. The report includes the MCAT scores, USMLE scores, race/ethnicity, gender, years to graduation, and residency match of the last graduating class.

What are the implications for providing this information?

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Triple Bonus Scenario X

1. Two clinical preceptors, from the same department, are talking **face to face** about a specific student's clinical performance.

Is this a potential FERPA violation? Yes/No/Maybe ?

2. Two clinical coordinators, **from different departments**, are speaking **on the phone** about a student's performance.

Is this a potential FERPA violation? Yes/No/Maybe ?

3. Two clinical preceptors are **emailing** about a specific student's clinical performance.

Is this a potential FERPA violation? Yes/No/Maybe ?

Bonus Scenario Y

Katie is a medical student. She has asked the faculty member to write a letter of recommendation on her behalf.

Katie has signed a written consent authorizing the medical school to share any of her education records with a faculty member for any reason at any time. The faculty member shows up at the registrar's office with Katie's signed consent and asks for a copy of her transcript.

How do you proceed?

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Bonus Scenario Z

A donor who provided a full merit scholarship to single student contacts Financial Aid and asks for details on how that student performed in their first year of medical school.

How should Financial Aid proceed?

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Discussion

★ Questions

★ Effective Practices at your institution

   ■ Consent Form

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Take Away Points

Remember: <u>Legitimate Educational Interest</u>

Need access to student education record in order to **perform a task** that is specified in his or her **position description** or contract agreement, performing a task related to a student's education or to discipline of a student, providing a service or benefit related to the student or student's family, or maintaining the **safety and security** of campus.

When in doubt, consult your registrar!

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FERPA RELEASE AUTHORIZATION FORM

UNIVERSITY OF CENTRAL FLORIDA
College of Medicine

FERPA, the Family Educational Rights and Privacy Act, protects the privacy of student education records. It gives students the right to review their educational records, the right to request amendment to records they believe to be inaccurate, and the right to limit disclosure from those records. An institution's failure to comply with FERPA could result in the withdrawal of federal funds by the Department of Education. For more information on FERPA, please visit the University of Central Florida's registrar website – http://med.ucf.edu/administrative-offices/student-affairs/registrar/ferpa/

FERPA protected information includes, but is not limited to:
- Social Security Number
- Student ID (PID or NID)
- ISO Number
- Residency Status
- Gender
- Religious Preference
- Race/Ethnicity
- Grades/GPA
- Student's Class Schedule
- Test Scores
- Academic Standing
- Academic Transcripts
- Email Address
- Photos

To authorize the release of FERPA-protected information, the student must complete all items below and submit this form to the College of Medicine's Registrar Office.

Student's Name (please print.): _____

Student ID: _____

As required by the Family Educational Rights and Privacy Act of 1974, as Amended (FERPA) and Florida law, by my signature I hereby authorize the College of Medicine, University of Central Florida, to furnish the University records noted upon this form to the parties identified below. **This authorization shall remain in force until I submit to the College of Medicine's Registrar office a written and signed notification rescinding my permission to release the records noted or until I graduate/withdraw and am no longer a student at UCF College of Medicine, whichever should come first.**

Records for which you authorize release (please initial):

——Clinical Rotation Schedules

——Credentialing (for clinical rotations)

——Email Address

——MSPE (Medical Student Performance Evaluation)

——Photograph

——Residency Status

——Transcript (for ERAS and VSAS use only)

I hereby authorize release of above records to (please initial):

——CAS (Central Application Service – Ophthalmology Match)

——Clinical Affiliates

——ERAS (Electronic Residency Application Service)

——Medical Operational Data System (MODS) (for military residency programs)

——VSAS (Visiting Student Application Service)

——Email groups between COM students, faculty, and staff for collaborative purposes

Student Signature: _____ **Date:** _____

Sample FERPA Release Form

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Resources

AACRAO - FERPA

www.aacrao.org/resources/compliance/ferpa

U.S. Department of Education
https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html

COSR Listserv (for registrars/records staff)
https://www.aamc.org/career-development/affinity-groups/gsa/cosr

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