

OFFICE OF THE REGISTRAR
OBERLIN COLLEGE
FERPA BASICS

FERPA, The Family Educational Rights and Privacy Act, (sometimes called the Buckley Amendment because it was an amendment to the Higher Education Act of 1964), is a federal law designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

The Act applies to students enrolled in higher education institutions as well as K–12 students. Under FERPA, these two groups are treated the same with one fundamental difference: *WHO the rights are given to under the Act*. If a student is a minor (e.g., under the age of eighteen) or a dependent, the parents or legal guardians are afforded the rights. On the other hand, the rights primarily reside with the student, regardless of age, once he or she is admitted or enrolls at an institution of post-secondary education. Only when the student has signed a written release giving their parent(s) access to their record, or when an institution accepts proof from the parent that the student is a dependent, is an institution allowed to release information from the student’s education record to parents.

College students are afforded three rights:

1. To access their education records and make copies under reasonable guidelines¹

With respect to a student’s right to inspect and review records, it is the institution’s responsibility to:

- *comply with the request within 45 days.*
- *make a copy of records available when failure to do so would effectively deny access (i.e., for students or former students who do not live within commuting distance).*
- *not destroy records if request for access is pending*

2. To challenge/amend information contained in an educational record

3. To restrict access to information being released under certain circumstances

Colleges and Universities have rights and responsibilities:

1. Each institution may develop its own definition of directory information as long as it complies with the spirit of the federal regulations.
2. Once a year, every institution must “publish” its policies with regard to record privacy. We comply in two ways: we provide the Oberlin FERPA policy in the Student Rights and Responsibilities handbook and we provide each student with the FERPA Basics in a mailing/orientation packet.

¹ **EXCEPTIONS**

An institution does not have to permit a student to inspect and review education records that:

- *contain information on more than one student. The requesting student may inspect, review or be informed of only the specific information about his or her records.*
- *contain the financial records of his or her parents.*
- *contain confidential letters and statements of recommendation regarding admission, application for employment, or receipt of an honor or honorary recognition (if the student has waived his or her right to inspect and review those letters and statements).*

3. Many of the exceptions to the three student rights give institutions the right to determine their own policy. The most important one is that we may (not must) share information with a parent if they can prove their student is a dependent.
4. We must develop good business practices with regard to record keeping—both in terms of record security and in terms of keeping records of disclosures.

KEY TERMS

Educational Record is defined by the federal regulations as: *All records which contain information directly related to a student; and are maintained by an educational agency or institution or by a party acting for the agency or institution.* This term has a very broad scope. Any information which makes student personally identifiable, such as an ID number or home address, is considered an educational record. Records which fall outside of this definition include:

- Sole possession records. (“memory jogger records”)
- Records created and maintained by a law enforcement unit for a law enforcement purpose.
- Employment records (unless contingent upon attendance).
- Medical records made and maintained in connection with treatment and disclosed only to individuals providing treatment.
- Records containing information about an individual which is created after he/she is no longer a student at that institution (i.e., alumni records).

Directory Information at Oberlin is defined as:

- Student name,
- address,
- Oberlin email address
- telephone listing,
- major field of study,
- dates of attendance,
- degrees and awards received,
- participation in recognized activities and sports that officially represent the College,
- weight and height of members of athletic teams, and
- the most recent educational agency or institution attended by the student.

Legitimate educational interest is the “need to know” that is essential to carrying out your job responsibilities related to education. Simply the fact that you are a university employee does not constitute legitimate educational interest. Your need to know must be related to your job responsibilities in support of the university's educational mission. In other words, records should be used only in the context of official business in conjunction with the educational success of the student.

Your legitimate educational interest is limited. While you may have a need to access education records for students in your college, you do not necessarily have a similar need to view records of students outside your college. In other words, access to information does not authorize unrestricted use.