

# FERPA Training for University Investigators

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Yoo-Kyeong Kudo, University Counsel

Angela Maxam, Associate University Counsel

# What is FERPA?

- The **Family Educational Rights and Privacy Act** is a federal law facilitating students' access to education records and privacy of education records.
- Grants students right to: (1) inspect and review their own "education records," (2) seek amendment of their "education records," and (3) control the disclosure of their "education records."
- The University may not disclose information from a student's "education records" unless it obtains written consent from the student or follows a specific exception from FERPA.

# What are Education Records?

- **“Education records”** are records directly related to a student and maintained by the University.
- Can include: interview summary, investigation report, DPS report, email correspondence, outcome letter
- Does not include:
  - directory information
  - “sole possession” records
  - employment records
  - law enforcement records

# What is Directory Information?

- Information that is not typically regarded as private or confidential, known as “Directory Information,” may be disclosed without prior consent.
- Includes:
  - Name
  - Address (for compelling reason)
  - Telephone number
  - E-mail address
  - Photograph
  - Dates of attendance
  - Major field of study
  - Participation in activities, organizations, and athletic teams
  - Degrees and awards
  - Academic institution attended immediately prior to Princeton

# Disclosure with Student's Consent

- Consent should indicate the records to be released, identify the purpose of the disclosure, name the party to whom disclosure may be made, and include student's signature and date.
- Consent gives the University the discretion to disclose the relevant education records; the University is not required to so disclose.

# Three Exceptions Permitting Disclosure without Student's Consent

- Disclosure to University official with legitimate educational interest
- Disclosure in connection with disciplinary proceeding (to potentially anyone)
- Disclosure in connection with disciplinary proceeding to victim of alleged perpetrator of a crime of violence or non-forcible sex

# Disclosure to University Official with Legitimate Educational Interest

- Who are “University Officials”?
  - University employees in administrative, supervisory, academic, research, or support staff positions
  - Consultants to the University as long as the University has “direct control” over their use of data
  - Members of the Board of Trustees
  - Students serving on an official committee or assisting another University official
- What is a “legitimate educational interest”?
  - A need to review an educational record in order to fulfill a professional responsibility

# Disclosure in Connection with Disciplinary Proceeding (to Potentially Anyone)

- Allegation of crime of violence or non-forcible sex offense
- Outcome: Student is found in violation of University rules/policies
- Final results only: name of student, violation committed, and any sanction imposed against student



# Disclosure in Connection with Disciplinary Proceeding to Victim of Alleged Perpetrator of Crime of Violence of Non-Forcible Sex

- Allegation of crime of violence or non-forcible sex offense
- Outcome does not matter
- Final results only