FERPA Training for University Investigators
August 31, 2020

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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