

FERPA Outside the Classroom



Overview of FERPA

- FERPA stands for the Federal Educational Rights and Privacy Act
- Enacted in 1974
- Two main functions:
 - Students' rights regarding the privacy and disclosure of their records
 - Students' access to their educational records
- Compliance required by any educational institution or agency that receives funds under any program administered by the U.S. Secretary of Education

Directory Information

- student's name
- current mailing address and telephone number
- current OSU ONID email address
- campus office address
- class standing (e.g. freshman, sophomore, etc.)
- student level (undergraduate, graduate, etc.)
- college
- major field of study
- honors
- full-time or part-time enrollment status
- status as a graduate teaching assistant or graduate research assistant and hours of service.
- participation in officially recognized activities and sports
- dates of attendance
- anticipated graduation date
- degrees and awards received
- date(s) of degree(s)
- most recent previous educational institution attended by student



FERPA and sharing concerns about a student

“Can a faculty or advisor share emails and or information about a student with other faculty/advisors/administrators?”

That depends on if there is a legitimate educational interest.

What activities occur outside the institution?

- Internships
- Practicum Experiences
- Experiential Learning or Service Learning aspects of a course



What do I need to know about FERPA outside the traditional classroom?

- Are you conveying information about the student that is not directory information?
- Does the recipient of this information have a legitimate educational interest?
- Does the recipient of this information work for an educational institution or agency?

What about non-OSU students in internships?

Are you conveying data that will be recorded as part of a student's educational record?
(I.e. is the student doing this for credit?)

FERPA and Letters of Recommendation

Letters of recommendation are meant to help a student attain access to certain experiences or privileges.

What requires student consent?

- Disclosure about academic performance in a class
- Disclosure about courses for which they are registered/have taken
- Disclosures about behaviors exhibited and documented in advising appointments

What does NOT require consent?

- Personal qualities you recognize makes the student a strong candidate
 - Their leadership in a university-recognized club you advise
 - Your understanding of their desire for this opportunity

FERPA and Talking with Potential Employers

- If a student requests that you act as a reference for them, make what you can discuss explicit
- Discussing with students what the limitations are without their consent
- Discussing with employers the need to abide by a federal law

Serving on Selection Committees

“We have some internship providers who request that we assist them in selecting the ‘best’ students for their internship positions. Should we require an application and only base selections on the information provided on the application?”

Using information for scholarships

“Since students apply for scholarships through the University process, is all the information usable in selection (for both OSU and non-OSU members)?”



A point to always remember...

There is no such thing as implied consent.

Can an e-mail from a student serve as written consent?

YES! ...

If it comes from a student's ONID e-mail address.



Featuring students in experiential learning activities in College media

Internships and practicum experiences often yield great student work. Your department wants to feature this work. Can your department do this without student permission?

When it doubt...

Spell it out.
(Make it explicit)

Questions?

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