FERPA Basics for Millikin University Employees

What is FERPA?
Family Educational Rights and Privacy Act, FERPA, is a
federal law designed to protect the privacy of education
records. It also provides guidelines for appropriately
using and releasing student education records.

The student is the owner of his or her education record
and Millikin is the custodian of that record. The student
has the right to control to whom his or her education
record is released.

What are the basic rights of the student?
x Be notified of their FERPA rights at least
annually
x Right to inspect and review their records (copies
are not provided and phones are not allowed to
be present)
x Right to request an amendment to an incorrect
record
x Right to consent to disclosure of personally
identifiable information (PII)
x Right to file a complaint with the Department of
Education

Who is protected under FERPA?
Students at a postsecondary institution, regardless of
their age or status in regard to parental dependency.

When do FERPA rights begin?
FERPA rights begin on the first day the student begins
attending class. Students who have applied but have
not attended the institution do not have rights under
FERPA.

What is an education record?
Any record from which a student can be personally
identified AND which is maintained by the institution
regardless of its form - handwritten, print, disk, e-mail,
files, graded materials, class lists, individual student
class schedules, financial aid records, comments added
to student information systems (Banner), databases
(Hobsons), or tracking systems (individual spreadsheets
or reports kept by an employee of the University).

Students have the right to see everything in their
education record with the exception of financial records
of parents and confidential letters of recommendation if
they waived their right of access (which cannot be
required).

There is no records retention policy under FERPA. It
does not state what records you must make or how long
you must keep them. You cannot destroy records once
they are requested and information regarding other
students that might be in the file must be redacted.

What is not an education record?
x Law enforcement records created by a law
student must be given the opportunity to refuse to let
the institution release information designated as
directory information by completing a Request to
Prevent Disclosure of Directory Information Form. This
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released about the student.

Millikin University has designated the following as
directory information:
x Name
x Address
x Telephone Number
x E-mail Address
x Eligibility for academic and co-curricular honors
societies, organizations, or awards
x Photograph
x Major Field of Study
x Grade Level
x Degrees, Honors, and Awards Received
x Participation in Officially Recognized Activities
and Sports
x Weight and Height of Members of Athletic
Teams

Who may have access to an education record?
x The student
x AQ\ RXWVLGH SDUW\ WKDW KDV WKH VWXGHQW¶V Zritten
consent (Use the Student Request to Share
Information Form)
x School officials with a legitimate educational
interest
x A person in response to a lawfully issued
subpoena or court order

Parents, spouses, same-sex domestic partners,
attorneys, ombudsmen, etc. are all considered third
parties under FERPA. You need a Student Request to
Share Information Form from the student to release
information to them.

What is a school official?
A person employed by Millikin University in an
administrative, supervisory, academic, research, or
support staff position (including law enforcement unit
personnel and health staff); a person serving on the
board of trustees; or a student serving on an official
committee, such as a disciplinary or grievance
committee. A school official may include a volunteer or
contractor outside of Millikin University who performs an
institutional service of function for which the school
would otherwise use its own employees and who is
under the direct control of the school with respect to the
use and maintenance of PII from education records,
such as an attorney, auditor, or collection agent or
student volunteering to assist another school official in
performing his or her tasks.

What is legitimate educational interest?
A school official has a legitimate educational interest if
the official needs to review an education record in order
to fulfill his or her professional responsibilities for Millikin
University. This is not ³EODQNHW´ DFFHVV WR DOO GDWD RU DOO
students.

When is prior consent not required?
The institution may disclose records without consent if
certain requirements are met, but it is not required to do
so. Additional disclosures may be made by the office
charged with maintaining the student educational
record. Some examples of the exceptions to the release
requirement include:
x Disclosure of directory information provided the
student has not requested no release.
x School officials with a legitimate educational
interest. Employees and legal agents have