

FERPA Definitions

Directory Information

Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed. At CLU, directory information is defined as: the student's name, address, electronic mail address, campus residence hall, campus box number, campus telephone number, date and place of birth, dates of attendance, degree date, degrees awarded or anticipated, honors, major field of study, previous institution most recently attended, participation in recognized activities or sports, and weight and height of members of athletic teams.

NOTE: Items that can never be identified as directory information are a student's social security number, citizenship, gender, religious preference, grades, and GPA.

Dates of Attendance

This is the period of time during which a student attends or attended an institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. The term does not include specific daily records or a student's attendance pattern at the institution.

Education Institution

Generally means (1) any public or private agency or institution (including governing boards which provide administrative control or direction of a university system) of post-secondary education that (2) receives funds from any federal program under the administrative responsibility of the Secretary of Education. The term refers to the institution as a whole, including all of its components (e.g., schools or departments in a university).

Educational Records

Those records directly related to a student and maintained by the institution or by a party acting for the institution.

The term "education records" does **not** include the following:

Records of institutional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis (as defined in the institutional personnel policy) the duties of the individual who made the records. Records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement. Records relating to individuals who are employed by the institution which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose. (Records of individuals in attendance at an institution who are employed as a result of their status as students are education records, e.g.; work-study, graduate assistants.) records relating to a student (see the definition of "eligible student") which are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student's choice. (Appropriateness may be determined by the institution.) "Treatment" in this context does not include remedial educational activities or activities which are part of the program of instruction at the institution. Records of an institution which contain only information relating to a person after that person is not longer a student at the institution (e.g., information gathered on the accomplishments of alumni).

FERPA

Refers to the Family Educational Rights and Privacy act of 1974, as Amended, enacted as Section 438 of the General Education Provisions Act (20 U.S.C. 1232g)

Legitimate Educational Interest

The demonstrated "need to know" by those officials of an institution who act in the student's educational interest, including faculty, administration, clerical and professional employees, and other persons, including student employees or agents, who manage student record information. (Although the Act does not define "legitimate educational interest", it states that institutions must establish their own criteria, according to their own procedures and requirements, for determining when their school officials have a legitimate educational interest in a student's education records.

Parent

Includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Personally Identifiable

Data or information which include (1) the name of the student, the student's parent, or other family members; (2) the student's address; (3) a personal identifier such as a social security number or student number; (4) other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; (5) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to be able to identify the student with reasonable certainty; or (6) information requested by a person who the institution reasonably believes knows the identity of the student to whom the education record directly relates.

Records

Any information or data recorded in any medium (e.g., handwriting, print, tapes, film, microfilm, microfiche, any form of electronic data storage).

School Officials

These are members of an institution who act in the student's educational interest within the limitations of their "need to know." These may include faculty, administration, clerical and professional employees and other persons, including student employees or agents, who manage student education record information. (Although the Act does not define "school officials," it states that institutions must establish their own criteria, according to their own procedures and requirements, for determining them. This is a recommended definition.)

Student

This is any individual for whom an education institution maintains education records. The term does not include an individual who has never attended the institution. An individual who is or has been enrolled in one component unit of an institution and who applies for admission to a second unit has no right to inspect the records accumulated by the second unit until enrolled therein.

Subpoena

A command from a court to require the person named in the subpoena to appear at a stated time and place to provide testimony or evidence. There are two main types of subpoenas: "duces tecum" (requires the production of documents, papers, or other tangibles) and "ad testificandum" (requires person to testify in a particular court case).