

FERPA Essentials

For Staff at the Nell Hodgson Woodruff School of Nursing at Emory University

1. What student information can be released, and to whom?

NHWSO may release Directory Information to third parties unless the student sends a written request through OPUS Self Service to the University Registrar's office that it be withheld. All other student information should not be released to anyone without the student's written consent. Detailed information on what is defined as directory information, how to restrict its release, and what happens after directory information is restricted is explained in the [Directory Information](#) page.

2. When can I release student information?

You can check if the student authorized access to the requesting party through the Registrar's Office. Refer to the [Faculty / Staff Instructions](#) page for detailed instructions on how to check student releases through the Release of Education Records feature on OPUS.

3. What defines a legitimate educational interest?

A staff member has a legitimate educational interest in accessing or reviewing a student's educational records, if the staff member is:

- Performing a task that is specified in his/her position description or contract.
- Performing a task related to a student's education or to student discipline.
- Providing a service or benefit related to the student or student's family.
- Maintaining safety and security on campus.

An example of a legitimate educational interest would be an academic advisor who needs to review a student's education record to determine what courses have been and/or need to be completed. This is a task related to advising the student. The advisor would not be authorized to view education records that are not relevant to the task at hand.

4. A faculty member requested access to a student's record who is not in his class or one of his advisees. Can I release the student's information?




Ask the faculty member to identify a legitimate educational interest, and then give the professor that portion of the student's file that is relevant to the task being performed. Any other information needed would need the student's consent for the release of his information.

5. Do I have to keep a record of the release of information from a student's education record?

NHWSO is required to maintain records of requestors for and disclosure of personally identifiable information unless:

- Those requests were made by students for their own use.
- Those disclosures were made with the written consent of a student.
- Those disclosures were made to school officials with legitimate educational interests.
- Those disclosures were made to a party seeking directory information.

6. How will I know if a student has requested that directory information not be disclosed?

In OPUS , a student's record will have the  icon which indicates that student has restricted the release of some or all of his/her Directory Information. Look for the  icon on the top right corner of the record. If the  icon is there, **DO NOT** release the directory information to a third party.

7. Is NHWSON obligated to release directory information?

Under FERPA, NHWSON is not obligated to release directory information to anyone. NHWSON may release information, but there is no obligation to do so.

8. Does FERPA apply to students who are deceased?

FERPA rights and, in general, the right to privacy end at death. It is up to NHWSON to decide if the release of information of a deceased student is warranted.

9. Can student workers have access to student records?

FERPA allows student workers with "legitimate educational needs" to have access to other student's educational records and confidential information. The same requirements and responsibilities for a full-time school official exist for student workers. It's strongly advisable for student workers to be trained on FERPA just as if they were faculty or staff.

10. Can Student Organization leaders have access to directory information that was restricted by the student?

Student Leaders will gain access to the student's directory information if he/she participates in that organization.

11. Must we release a transcript if a student has a financial hold?

One of the inherent rights that FERPA guarantees students is the right to inspect the contents of their student folder, regardless of their financial status with the institution. However, NHWSON may allow a student view their record, but not release any transcript. The records are property of NHWSON.

12. What do I tell an officer with a subpoena?

FERPA doesn't make it mandatory that NHWSON automatically comply with a lawfully issued subpoena. The following information should be considered when served with a subpoena:

- Most legal issues concerning student education records should best be referred to the Office of Legal Affairs for further advice and guidance.
- Determine if it is a subpoena. In many cases the document being presented looks like a subpoena but will not be a court issued one. Consult with the Office of Legal Affairs if you're not sure you have received a real subpoena.
- Determine if the court issuing the subpoena has jurisdiction.
- Determine what is requested. Sometimes the definition of the information requested in the subpoena is too broad and implies the requester is fishing for more information than really needed. Try to identify the exact information needed to avoid violating the student's right to privacy.

13. Are the Pre College Students (Concurrent Enrollment Students, Talented and Gifted Students, and College Experience Students) and the Academic Prelude Students' education records protected under FERPA?

FERPA applies for a student when he/she enrolls in a higher education institution at any age. Parents do not have access to student's education records unless they gain authorization to access and receive information from their child's education records. Parents of a student enrolled in these programs who wish to have access to their child's records are encouraged to work with their student to gain access to his/her education records through OPUS. [More information is available at the University Registrar's FERPA page.](#)

14. What if a parent tells me that he or she has already talked with the student and still has questions?

You will still need the student's consent to release any information to the parents. Only after you have confirmed the student's consent through OPUS, you may discuss a student's performance. [Refer to the Faculty / Staff Instructions page for detailed instructions on how to check student releases through the Release of Education Records feature on OPUS.](#)

15. What about a spouse?

The spouse has no rights under FERPA to access the student's education record.

16. How do I properly dispose of confidential information?

The business unit responsible for the personal information will arrange for the destruction of records containing student confidential information by shredding, erasing, or otherwise modifying the personal information to make the information unreadable or undecipherable through any means.

17. What about crisis situations or emergencies?

If non-directory information is needed to resolve a crisis or emergency situation, NHWSON may release that information if it determines it necessary to protect the health and safety of a student. [However, if personally identifiable information about a student is needed, then the inquiring party should be referred Lynell Cadray, Associate Dean for Enrollment & Student Affairs & Chief Diversity Officer, 404-712-8541, Sabrena Brown, Director of Registration, 404-727-3500, the University Registrar, 404-727-6042 or the Office of Legal Affairs.](#) Efforts will be made to get word to the student of the emergency.

18. How can I further review and test my knowledge?

Please visit: www.registrar.emory.edu/students/ferpa/ferpa_assessment.html

19. Whom do I contact with questions or concerns?

General questions may be directed to Lynell Cadray, Associate Dean for Enrollment & Student Affairs & Chief Diversity Officer, 404-712-8541, Sabrena Brown, Director of Registration, 404-727-3500, the University Registrar, 404-727-6042 or the Office of Legal Affairs.

20. Where can I find out more information about FERPA?

- U.S. Department of Education (Office of Compliance)
- AACRAO
- www.registrar.emory.edu/students/ferpa/ferpa_menu.html

If more important is needed or you have questions, please direct them to:
Lynell Cadray, Associate Dean for Enrollment & Student Affairs & Chief Diversity Officer
lynell.cadray@emory.edu
404-712-8541