



GUIDELINES FOR FACULTY AND STAFF under the The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA) as amended is a federal law which is designed to protect the privacy and limit access to the educational records of students. By law, the Seminary is permitted to disclose "directory information" concerning students as defined in the Act, unless a student has specifically waived those rights. FERPA allows for the release of both "directory" and "non-directory" student information to "school officials" who have a legitimate educational interest without obtaining the student's consent. A school official is determined to have a legitimate educational interest if the disclosure of the information is appropriate in order to fulfill his or her professional responsibility in service to the Seminary. The full text of the Act is available on the Family Policy Compliance Office (FPCO) Website. (<http://www.ed.gov/policy/gen/guid/fpc/ferpa/index.html>)

What you should know about your responsibilities in regard to FERPA:

- FERPA is a Federal Law
- Also known as the "Buckley Amendment"
- Protects the privacy of students' education records-- those records that are directly related to a student and are maintained by an institution or a party acting for the institution
- Applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education
- The law is enforced by the Family Policy Compliance Office (FPCO) of the U.S. Department of Education

FERPA is not:

- a law that pertains to only public institutions.
- a law that is only applicable to offices that handle grades.

ALL employees and representatives in ALL departments at Lancaster Seminary are considered "school officials" and, as such, are responsible to be in compliance with this Act.

It is the Seminary's responsibility to notify students of their rights under the Act that include the right to:

- **inspect and review their education records** within 45 days of the day that LTS receives a request for access.
- **request an amendment** to items in their education records that they believe are inaccurate or misleading
- **block disclosure of "directory information,"** except to the extent that FERPA authorizes disclosure without consent
- **file a complaint** of alleged violations with the U.S. Department of Education
- Detailed FERPA information for students is available on the Seminary website under MY LTS > Student Services at LTS > Students' Rights under FERPA. It is also available in print form in the Registrar's Office.

[Continued]

Under the Act, “school officials” deemed to have a legitimate educational interest may have access to a student’s education record without the student’s prior consent. School Officials are defined as employees, officials and representatives of Lancaster Theological Seminary deemed to have a legitimate educational interest in students’ records. Individuals determined to be LTS “School Officials” may include:

- Representatives of accrediting organizations and organizations doing certain studies for or on behalf of the Seminary
- Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid
- Other schools, upon request, in which a student is seeking or intending to enroll
- Certain government officials of the U.S. Department of Education; the Comptroller General of the U.S.; state and local educational authorities in connection with an audit; authorized representatives of the U.S. Attorney General for law enforcement purposes or state or federally supported education programs; Veterans Administration officials
- Individuals who have obtained a judicial order or subpoena
- Seminary officials who need to know concerning disciplinary action taken against a student
- Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and/or others
- Those requesting directory information about a student provided the student has not submitted a written request to have his or her information withheld.

Legitimate Educational Interest is determined if the disclosure of the information to the school official is appropriate in order to fulfill his or her professional responsibility in service to the Seminary. **FERPA allows for the release of both “directory” and “non-directory” student information to “school officials” who have a legitimate educational interest without obtaining the student’s consent.**

Education Records are all records from which a student can be personally identified that are directly related to a student and maintained in any medium by a particular office, faculty advisor, instructor, or any other academic or administrative unit at LTS. A student has the right to review and inspect those records by contacting the Registrar in writing. Within five business days, the Registrar will respond with a time that the student may review the records. **Education records are not limited to those records and data stored or maintained by the Registrar’s Office. Education records are not sole possession records (those held in the sole possession of the maker of the record and not revealed to anyone other than the maker’s substitute); law enforcement records; employment records of students, except graduate-assistants; medical records; alumni/ae records.**

Students and former students of Lancaster Theological Seminary are covered under the regulations of FERPA. Individuals who did not complete the application process, or those who applied but were not enrolled, are not covered by the Act.

Directory Information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. **As defined in the Act, such information may be released without prior consent unless a student has specifically waived those rights.** At LTS, “directory information” includes: student’s full name, address, telephone number, LTS e-mail address; degree program; dates of attendance; photograph; degrees and awards received; participation in recognized activities. **A student who does not wish to have this information disclosed or published must notify the Registrar in writing prior to the beginning of the September term.** The request for non-disclosure is not retroactive and will remain in effect until it is revoked in writing to the Registrar. In summary, "Directory Information" is information that the school may disclose, but it is not required to do so. All other (non-directory) information contained in a student's record (e.g., grades, social security numbers, academic actions, etc.) is strictly confidential and is not disclosed without the student's written consent, **except to one identified as a “school official” in order to fulfill his or her professional responsibility in service to the Seminary.**

Personally identifiable information includes but is not limited to: the student's name; the address of the student; a personal identifier, such as the student's social security number or I.D. number; or other information that would make the student's identity easily traceable. **It is important that items that contain any of these identifiers be kept in secure locations and, if necessary, be disposed of by a secure means such as shredding.**

[Continued]

DO's and DON'T's for Faculty and Staff

DO

- DO refer requests for information from the education record of a student to the registrar.
- DO keep only those individual student records necessary for the fulfillment of your teaching, advising and/or job-related responsibilities.
- DO use the envelope provided in the student's mailbox to return graded papers, tests, etc.
- DO place any papers containing personally identifiable information in sealed envelopes before distributing into campus mailboxes.
- DO keep any personal professional records relating to individual students separate from their education records. (Private notes, e-mails, etc., of a faculty/staff member concerning a student for the member's own use become a part of the student's education records once they are shared with another party other than the maker's substitute.)
- DO use a shredder to dispose of student records that include personally identifiable information. A secure bin to collect items for shredding is located in the Registrar's Office.

DON'T

- DON'T display student scores, grades or financial information publicly.
- DON'T leave graded tests or other course work in a stack for students to sort through.
- DON'T circulate a printed class list – or any list – containing student names along with SSN or ID.
- DON'T provide anyone other than the student with a student's grades, status, financial information, etc. [This includes the student's spouse/partner, parent/guardian and/or judiciary.]
- DON'T report grades via e-mail. If reporting by FAX, use only 717-393-0423 after receiving clearance from the Registrar.
- DON'T discuss student evaluations via e-mail, except as noted in a syllabus provided to the student at the beginning of the course.
- DON'T share students' education record information, including grades or GPA, with other faculty or staff members unless their official responsibilities identify their "legitimate educational interest" in that information for that student.
- DON'T include confidential information (GPA, number of credits, scholarship information, etc.) in recommendation letters without the written permission of the student.
- DON'T allow students to grade each other's work when the score will be recorded.
- DON'T leave papers that reveal personally identifiable student information on desks or computer screens.
- DON'T dispose of records (education, financial, etc.) in trash cans on- or off-campus.

In Summary:

- ✓ **Each Lancaster Theological Seminary "school official" is responsible for protecting student information in our possession.**
- ✓ **Education records may not be released to third parties outside the Seminary without the prior written permission of the student.**
- ✓ **Seminary representatives may have access to education records only as necessary to complete responsibilities directly related to their jobs.**
- ✓ **Student records and any other personally identifiable information stored on personal computers, in filing cabinets or other forms of storage must be protected and secure and must be disposed of in a manner that insures the privacy of the student.**

WHEN IN DOUBT – DON'T GIVE IT OUT! Contact Judi Hummer, Registrar and Director of Student Services, at extension 118 or jhummer@lancasterseminary.edu, for questions, clarifications and guidance.

