

# Kansas City University

*FERPA Training for Preceptors and Clerkship Sites*



# FERPA Background

- FERPA is the Family Educational Rights and Privacy Act
- Federal act passed in 1974; amended several times since
- Protects the privacy of student education records

# FERPA Definitions

- ELIGIBLE STUDENT – FERPA regulations define student as any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.
- EDUCATIONAL RECORDS – Education records are those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution.
- DIRECTORY INFORMATION – information not considered harmful or an invasion of privacy if disclosed. A school must give public notice of the types of information which it has designated as "directory information."
  - *Just because something is directory information does not mean it is a good idea to disclose it!*
  - *Some students have requested that even directory information not be released to any third parties without approval – these requests are filed with the Registrar's Office.*
- PERSONALLY IDENTIFIABLE INFORMATION (PII) – identifiable information that is maintained in education records and includes direct identifiers, such as a student's name or identification number, indirect identifiers, such as a student's date of birth, or other information which can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.

# Educational Records

Includes files and documents in all media:

- *Handwriting*
  - *Print*
  - *Tapes*
  - *Microfilm*
  - *Microfiche*
  - *Electronic (documents, video, photos, and whatever the future holds!)*
- FERPA is technology neutral – it applies to any system or media type.

# What is not an education record?

- Records in the sole possession of the maker
  - *e.g., A tutor may keep notes for their sole possession when working with students.*
- Law enforcement records
- Employment records
- Medical/psychological treatment records
- Alumni records

# Third Party Service Providers

- In some cases, universities need to rely on providers to fulfil services that they cannot effectively provide themselves. FERPA's school official exception to consent is most likely to apply to the schools' relationships with service providers. Preceptors and clerkship sites fall under this category.
- When PII from education records is disclosed to the provider, FERPA still governs its use, and the university is responsible for its protection. PII from education records disclosed under FERPA's school official exception to consent may only be used for the purposes authorized by the respective university.

## Third-Party Providers, cont.

- In the relationship between the provider and the university, providers should remember that the university may require transparency about how student data obtained or collected under a contract or agreement are used, plans for data security and confidentiality of PII, and evidence that the university retains direct control with respect to the use and maintenance of PII at all times.

# Pop Quiz

- You want to leave some written feedback for a student doctor outside your office for them to pick up when it's convenient for them. Is this okay?



# Answer

- That would be a FERPA violation! Broadly, don't leave personally identifiable materials in a public place, and don't create a situation where someone may have access to a KCU student doctor's information.

# Discussing Students

- Share information on an educational need-to-know basis only
- Refrain from sharing anecdotal information regarding individual students in public spaces or in meetings
- Do not gossip about students

# Pop Quiz

- You are meeting with a student. As they leave you, you hand them a piece of paper showing some of their confidential information. Once they're gone, you realize you handed them another student's paper with confidential information as well. What should you do?

# Answer

- Call the student and see if they are available to return the document to you. Students must not maintain access to confidential information.
- Notify the KCU Clinical Education team and the Office of the Registrar ([registrar@kansascity.edu](mailto:registrar@kansascity.edu)) as soon as possible.

# Summary

- FERPA is designed to protect the privacy of student records
- KCU School Officials, employees, and third-party providers are legally responsible for:
  - *Knowledge of FERPA*
  - *Protecting student rights under FERPA*
- Erring on the side of caution and giving yourself time to review the information and consider the manner in which it is being shared is one of the biggest prevention steps you can take.

# Additional Resources

- US Department of Education Training Resources for Post-Secondary Schools: <https://studentprivacy.ed.gov/audience/school-officials-post-secondary>
- Glossary of terms: <https://studentprivacy.ed.gov/glossary>
- Direct link to the full FERPA federal law: <https://studentprivacy.ed.gov/node/548/>

# Please reach out!

- registrar@kansascity.edu or 816-654-7190
- You can always email us to share what you believe is a violation, questions or concerns about best practices, or to request the FERPA Concern Wufoo link be sent to you directly.