Case Study # 1

"Before the beginning of spring break, a staff member at my institution mistakenly sent by email FERPA-protected personally identifiable records of several thousand students to about four hundred other students. No Social Security or credit card numbers were among the information sent. Efforts were made immediately to recall the message, but it was not until about six hours later that the university was able to confirm that the errant message had been deleted successfully from the email accounts of each of the several hundred unintended recipients. Only one of the unintended recipients is known to have read the message. He immediately notified the university and deleted the message and its attachments from his computer. There have been no complaints from any student whose records were attached to the email. It is now assumed that no other recipients read the message before it was retrieved.

"Should the university notify the students whose records were attached to the message?

"What is considered best practice when FERPA-protected student records are mistakenly released to persons who are not entitled to them?

"Does any institution have a protocol for dealing with the unintended release of FERPA-protected student records that it would be willing to share?"
If a student requests that his directory information not be made public, is FERPA violated if an instructor sends out an email to students with the email addresses of the students in the class, including that of the student who requested not to have his information made public? How about if the email address shows up when the student posts to Blackboard as part of a course assignment? Is the College required to find a way to block the student's email address in these types of internal communications? Is revealing the student's email address in these ways considered "disclosure" of directory information for purposes of FERPA?
Case Study # 3

At our University, photographic images are directory information. If a student now decides that she does not want Oakland University to disclose any directory information and photos of the student were previously posted, do those photos need to be expunged or does the non-release of directory information begin with the date of the student request?
"We have received subpoenas from a local prosecutor and a defense attorney each requesting the same video surveillance footage of the sidewalk/entrance to a building frequented by students on the date and during the hours in question. We are a urban university, so the sidewalk is a public thoroughfare. The footage has been reviewed, and it contains many images of persons who could be students, although we have no practical way of determining whether that is true. The person of interest is not a student. We consider photographs and video images to be protected by FERPA. Ordinarily in responding to subpoenas, we redact the names or other personally identifiable information of any student who is not the subject of the subpoena. We will appreciate advice about how to proceed under these circumstances to comply with FERPA. Many thanks to colleagues who respond."
Case Study # 5

Residence Life "caught" a student who has been Academically Disqualified coming into the residence hall. The student informed a staff member that he had been pretending to attend because his parents are unaware of his disqualification. During the conversation the student became very upset and then stated that his parents had recently figured out that he’s not in school and have been trying to contact him, but he hasn’t returned their calls. The student grew more agitated but the Counseling Center was unavailable for the next hour so two academic advisers sat with the student and discussed his current living situation and academic prospects elsewhere. They also offered to participate in a conference call to help the student tell his parents. The student agreed to come the next day for a conference call, but refused help from the counseling center. He also did not sign the FERPA waiver given to him. The student did not come back the next day.

The academic advisers are very concerned for the student. They have attempted to reach the student by phone, but he has not responded. They feel a call should be made to the parents - not to tell them he was disqualified - but to inform them he is not attending and was on campus earlier in the week.
Case Study # 6

The director of our Writing Center has asked if it would be appropriate to post a list of students who have scheduled appointments with the writing center staff. The intention is to let students view available times and to provide a reference to the staff. I am inclined to believe that this would be a violation of FERPA but I tend to be very conservative. Would such a list qualify as an "educational record" and therefore be protected by FERPA?
We have an instructor who sent an e-mail to multiple students advising them of their grade for their group project. In the same e-mail, she continued to address one specific member of the group regarding his personal grades for other assignments.

I believe that this is a violation and am wondering what to do about it. My immediate thoughts are to reprimand the instructor, but beyond that, what guidance can you provide? What penalties could we incur if the student in question files an official complaint? Is there any “expert” in the NEPA region that I could retain for this type of situation?
"We are a private institution considering engaging a third party for collection of delinquent student accounts. I'm interested to know whether there are FERPA considerations regarding what information we can turn over to the collection agency. Obviously, it needs the name, contact information, and the amount due. Are we permitted to give the agency copies of tuition bills which would include the courses in which the student was enrolled, dates of enrollment, number of credits, etc.? It's my understanding that the bills are "education records" under FERPA. However, it may make sense for a collection agency to have background detail that would be provided on the bill - unless of, course FERPA would require scrubbing the records before they are turned over to the collector. Are there any other issues I need to address in the agreement with the collection agency? The draft contract from the collector includes a confidentiality provision and assurances that the collection agency will "act in accordance with all applicable Federal and State laws and regulations" (with no specific reference to FERPA). Thank you!"
In instances where students are expelled or suspended for certain acts (i.e., violence, sexual misconduct, etc.), is there an obligation to inform any transferring institution and/or licensing group?
Case Study # 10

"Private university recently experienced a student conduct incident which raised questions about the intersection of the student judicial process and FERPA. The conduct at issue involved property damage and was not a crime of violence or sex-related. The victim was initially unaware of the perpetrator's identity, but the University has subsequently uncovered it through an investigation. Does FERPA permit us to share with the victim the perpetrator's name and explanation of events as written in the investigation report (and is there any difference between sharing the information in the report and sharing the actual report)? This would seem to be necessary information for complainant to determine whether and how she will proceed within the student judicial process. If FERPA does prohibit this disclosure, how do we proceed with the judicial process without disclosing such information? Does this also mean that a complainant cannot be present for a judicial hearing in which education records related exclusively to the perpetrator are presented?"
"I represent a public institution that recently received a request from a former student for a hearing under FERPA. The records at issue are witness statements from college personnel and reflect accusations that the student engaged in unprofessional and inappropriate behavior toward those staff members. This former student wants the hearing to challenge the substance of the statements as "inaccurate" or "misleading." My understanding is that FERPA only requires hearings for the purpose of correcting "scrivener's error," so I'm wondering what a FERPA hearing in this context looks like. Does the student get to stand up and claim that none of the events reflected in the statements actually occurred? Does the institution have any obligation to make the witnesses available at the hearing to defend their statements? I would argue that these statements reflect opinions/impressions of the staff, and therefore should not be the subject of such a hearing. As a side note, this student never went through a formal discipline proceeding, but was denied admission to a competitive academic program based, in part, on his treatment of staff members. And we are now involved in litigation with this former student."
Our private institution has learned information through an academic dishonesty investigation that suggests a student has committed a non-violent property crime while at school. The information is in records that are part of the academic misconduct proceeding. We would like to report the matter to public law enforcement authorities, but FERPA does not seem to allow that unless we are subpoenaed for the information. Is that right? Is there no FERPA exception that allows disclosing personally identifiable information from our education records for purposes of reporting a crime? Perhaps the approach here should be to advise law enforcement of what we know, without names, and if they are interested, they will furnish a subpoena.