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SYSTEM

Family Educational Rights and Privacy Act (FERPA) and Confidentiality of Student Records

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended (also known as the Buckley Amendment) affords students four primary rights with respect to their education records. They have the right to:

1. Inspect and review their education records
2. Have some control over the disclosure of information from their education records
3. Seek to amend incorrect education records
4. File a complaint with the U.S. Department of Education's Family Policy Compliance Office

[More information on student rights under FERPA](#)

What are education records?

They are records directly related to a student and maintained by the institution or by a party acting for the institution. In many cases, written consent by the student is required to disclose the contents of an education record.

Are there conditions where prior written consent is not needed?

Yes, the student consent is not required for:

- University officials with a legitimate educational interest. These are University of Hawai'i ("UH") faculty, staff, and administrators who require access in order to perform an appropriate educational, research, or administrative function as part of their professional duties. As University officials, these employees have a legal responsibility to protect the confidentiality of the records they can access. Neither curiosity nor personal interest constitutes a legitimate "need to know." In addition, third parties (contractors, consultants, volunteers, etc.) to whom UH has outsourced institutional services or functions may be considered University officials and are subject to the same confidentiality requirements.
- Schools in which a student seeks or intends to enroll
- Federal, state, and local educational authorities conducting an audit, evaluation, or enforcement of education programs
- Financial aid for which the student has applied or the student has received (note FAFSA regulations may prevent disclosure)
- Organizations conducting studies on behalf of educational institutions

- Accrediting organizations
- Compliance with a judicial order or subpoena
- Appropriate parties in a health or safety emergency
- Directory information (see section below)
- Results of a disciplinary hearing to an alleged victim of a crime of violence
- Final results of a disciplinary hearing concerning a student who is an alleged perpetrator of a crime of violence and who is found to have committed a violation of the institution's rules or policies
- Disclosure to parent of student under 21 if the institution determines that the student has committed a violation of its drug or alcohol rules or policies
- Disclosure of information received under a community notification program concerning a student who is required to register as a sex offender in the state

Who cannot access education records without written consent?

Parents, spouses and other relations do **not** have a right to information contained in a student's education record. The rights transfer to the student upon enrolling at a post-secondary institution (i.e., any of our UH campuses), regardless of the student's age. Employers also do **not** have a right to educational information pertaining to a student.

What is directory information?

Although most student data are subject to privacy considerations, directory information are considered public and are subject to open records requests. UH has designated the following information from a student's education record as "directory information":

1. Name of student;
2. Major field of study;
3. Class (i.e., freshman, sophomore, etc.);
4. Past and present participation in officially recognized activities (including positions held and official statistics related to such participation and performance);
5. Past and present participation in officially recognized sports (including positions held and official statistics related to such participation and performance);
6. Weight and height of members of athletic teams;
7. Dates of attendance;
8. Previous institution(s) attended;
9. Full or part-time status;
10. Degree(s) conferred (including dates);
11. Honors and awards (including dean's list).

At its discretion and in conformance with applicable state law, UH may disclose directory information to the public without obtaining a student's prior consent, as long as certain conditions regarding general notification of disclosure of directory information have been followed. Specific directory information about an individual student will not be released to the public if the student has affirmatively informed the

university that he or she does not want any or all of those types of information about himself or herself designated as directory information. The procedures for an individual student to “opt” out of disclosure is set forth in UH Administrative Policy A7.022.

Note: Submission of this FERPA nondisclosure of directory information request does not automatically remove students from the UH Online Directory of email addresses, which is accessible only to those with a valid UH email address. To remove yourself from the UH Online Directory: (1) Login to MyUH; (2) Select the My Profile tab; (3) Look for UH Online Directory, Options for Students, select Opt-out. Lists of directory information will not be made publicly available to third parties.

What UH policies impact student education records?

UH strives to fully comply with FERPA by protecting the privacy of student records and judiciously evaluating requests for release of information from these records. Applicable policies include:

EP2.214: Institutional Data Classification Categories and Information Security Guidelines

EP2.215: Institutional Data Governance

EP2.216: Institutional Records Management and Electronic Approvals/Signatures

AP2.215: Mandatory Training and Continuing Education Requirements for Data Users

AP7.022: Procedures Relating to Protection of the Educational Rights and Privacy of Students

UH policy website: www.hawaii.edu/policy

What are UH’s training requirements as they relate to protection of data?

Data users with access to personally identifiable information are required to complete the UH General Confidentiality Notice (GCN) and the UH Information Security Awareness Training (ISAT). UH employees may be asked to complete both requirements before being allowed access to various UH systemwide applications. The GCN and ISAT are located here: <https://www.hawaii.edu/its/acer>

For more information, refer to [AP2.215, Mandatory Training and Continuing Education Requirements for Data Users](#)

How should faculty, staff, and administrators manage certain types of education records?

UH employees (faculty, staff, and administrators as well as teaching assistants) are required to treat student education records in a legally specified manner.

Student contact information are considered “restricted” under [UH’s Data Classification Categories](#) and should be protected according to these [technical guidelines](#). This means that student contact information may be freely used among University officials within the scope of their professional duties. They will not be shared with third parties without a formal agreement such as a contract or memorandum of agreement. For assistance, contact your campus IT department or ITS Help Desk.

- **Addresses, email addresses and phone numbers:** Student contact information may be shared freely among University officials. However, it should not be shared with others, including

classmates who may be receiving the same email message from a faculty member. Individual emails must reflect only the recipient's address. An appropriate way of handling this is to use the blind copy feature or a listserv.

The types of student data below are considered "sensitive" under [UH's Data Classification Categories](#) and should be protected according to these [technical guidelines](#). For assistance, contact your campus IT department or ITS Help Desk.

- **Grades:** Personal identifiers such as name or student ID number should not be included with grades or scores and posted publicly. **Partial UH Numbers CANNOT be used unless the student has freely given his/her written permission.** In no case should the list be posted in alphabetical sequence by student name. An option is to use a code known only to the faculty member and the individual student.

Similarly, grades and other academic information distributed for purposes of advisement should not be placed in plain view such as open mailboxes located in public places.

- **Papers:** Graded papers or tests should not be left unattended on a desk in plain view in a public area nor should students sort through them in order to retrieve their own work.
- **Class lists/grade sheets:** These and other reports should be handled in a confidential manner and the information contained on them should not be re-disclosed to third parties. Copies of class lists containing UH ID numbers should not be routed in the classroom for attendance taking or any other purpose.
- **Letters of recommendation:** Do not include information about students' grades or grade point averages in letters of recommendation without the written permission from the student. *Note that without a signed statement from the student waiving his/her right to view the letter of recommendation, the student may have rights to view the letter.*
- **Students' schedules:** Do not provide anyone with a student's schedule. Do not assist anyone other than a UH employee who is acting in their official capacity as a University official in locating a student on campus. Refer such inquiries to the Office of the Vice Chancellor for Students.
- **Lists of students:** Do not provide anyone with lists of students enrolled in your classes or programs for any purpose. Requests of this nature should be referred to the campus registrar's office.

For question, please contact your campus registrar. See listing below.

UH Campus Registrars Offices

UH Mānoa

Location: 2600 Campus Road, QLC 010

Phone: (808) 956-8010

Email: uhmanoa.records@hawaii.edu

UH Hilo

Location: Student Services Building, Room 101

Phone: (808) 932-7447

Email: uhhro@hawaii.edu

UH West O'ahu

Location: Campus Center, C-141

Phone: (808) 689-2900

Email: uhwo.records@hawaii.edu

Hawai'i CC

Location: Manono Campus, Bldg 378

Phone: (808) 934-2710

Email: hawccar@hawaii.edu

Honolulu CC

Location: Building 6, 1st Floor

Phone: (808) 845-9119

Email: honrec@hawaii.edu

Kapi'olani CC

Location: Ilima Building, Room 102

Phone: (808) 734-9555

Email: kapinfo@hawaii.edu

Kaua'i CC

Location: One Stop Center, Room 101

Phone: (808) 245-8225

Email: arkauai@hawaii.edu

Leeward CC

Location: AD 220 (during renovations located at DH-A 108)

Phone: (808) 455-0645

Email: lccar@hawaii.edu

UH Maui College

Location: Ho'okipa Building

Phone: 808-984-3267

Email: uhmcar@hawaii.edu

Windward CC

Location: Hale Alakai, Room 112

Phone: (808) 235-7432