# Institutional Obligations When Investigating a FERPA Violation

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## 1. Obligations to the Affected Student

- **Notification**: While FERPA does not explicitly mandate that institutions notify students when a violation has occurred, best practice (and increasingly expected standard) is to inform the affected student of the unauthorized disclosure.
- **Right to File a Complaint**: Students must be informed of their right to file a complaint with the U.S. Department of Education's **Student Privacy Policy Office (SPPO)**, formerly known as the Family Policy Compliance Office (FPCO).
- **Access to Their Own Records**: The student retains the right to inspect and review their education records throughout the investigation process.

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## 2. Internal Investigation Obligations

- **Prompt Inquiry**: The institution will promptly investigate upon learning of a potential violation.
- **Designate a FERPA Official**: The investigation will be led or overseen by the institution's designated FERPA compliance officer, the registrar (or a qualified designee).
- **Document Everything**: They will maintain thorough records of the alleged violation, the investigation process, findings, and remedial actions taken.
- **Scope Assessment**: Determine the full scope of the disclosure — what records were improperly shared, with whom, under what circumstances, and how many students may be affected? Coordinate with other departments (e.g., Institutional Research and Effectiveness) to determine if other policies and protocols associated with data incidents are applicable.
- **Identify the Responsible Party**: Determine whether the violation was by a staff member, faculty, contractor, or third-party vendor, as obligations may vary.

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## 3. Obligations Regarding the SPPO/FPCO Complaint Process

If a student files a formal complaint with the Department of Education:

- The institution **must cooperate fully** with the SPPO's investigation.
- The institution must provide requested records, documentation, and access to relevant personnel.

- The institution has the right to **respond to the complaint** and present its findings and any corrective actions already taken.
- If a violation is found, the institution must demonstrate it has taken **corrective action** or risk losing federal funding — though actual funding termination is rare and considered a last resort.

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## 4. Corrective Action Obligations

Upon confirming a violation, the institution is obligated to:

- **Remediate the breach** — including, where possible, retrieving improperly disclosed records or limiting further harm.
- **Implement policy corrections** — revising procedures, access controls, or training protocols to prevent recurrence.
- **Train responsible parties** — FERPA training for staff and faculty involved in the violation is typically required as part of remediation.
- **Review vendor agreements** — if a third party was involved, ensure the data-sharing agreement (required under FERPA's "school official" exception) is compliant.

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## 5. Annual Notification Obligation (Ongoing)

As a related but standing obligation, institutions must **annually notify students** of their FERPA rights. A violation investigation is a good trigger point to audit whether this notification practice is current and adequate.

Our institution notifies all students each semester of their FERPA rights and has a FERPA notice in their WarriorWeb scheduling screen linked to FERPA information.

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