

FERPA AT A GLANCE: A GUIDE FOR FACULTY

Overview:

The Family Educational Rights and Privacy Act (a.k.a. FERPA or the Buckley Amendment) is federal legislation enacted in 1974 that controls student records. It grants students the right to access their own educational records as well as limiting, for privacy reasons, the release of those same records to anyone other than the student and/or the student's designee. FERPA applies to all current and former students of the University.

What rights are granted to students under FERPA?

- Right to Inspect and Review Records
- Right to Request to Amend Records
- Right to Limit Disclosure of "Personally Identifiable Information" (Information that would directly identify the student or make the student's identity easily traceable)

What records are NOT education records under FERPA?

- Sole Possession Records
- Law Enforcement Unit Records
- Employment Records
- Medical Records
- Post-Attendance Records

Information that is FERPA protected:

- Grades
- Test Scores
- I.D. Numbers or Social Security Numbers
- Financial Records
- Disciplinary Records
- Class Schedule

Disclosure of information from confidential educational records is limited to the eligible student or to others:

1. To whom the eligible student releases the records;
2. Who have a "Legitimate Educational Interest";
3. Who are entitled or permitted to know the content of the records by virtue of one or more FERPA "exceptions."

*** Items 2 and 3 above are strictly defined under FERPA, so you should check with Legal Counsel or some other administrator familiar with FERPA before releasing any information.

FERPA “Danger Zones” for Faculty (not related to posting of grades):

- Circulating a printed class list with student name and Student ID number or grades as an attendance roster.
- Discussing the progress of any student with anyone other than the student without the consent of the student (e.g. parents, employers, other students).
- Providing anyone with lists of students enrolled in your classes for any commercial purpose.
- Providing anyone with student schedules or assist anyone other than university employees in finding a student on campus.
- Giving out directory information about a student who has requested confidentiality.
- Re-disclosing confidential information to a third party without authorization.
- Including personally identifiable information about student “A” in student “B’s” record without student A’s permission.
- Including FERPA protected information in a letter of reference without the student’s written permission (this includes the student’s GPA or grade in your class).

To avoid FERPA “Danger Zones” related to the posting of grades, MAKE SURE TO:

- Never leave graded tests in a stack for students to pick up by sorting through the papers of all students. You may leave them with an assistant and/or receptionist to give out to the student and you may place each test in a sealed envelope with the student’s name on it.
- Never **require** students to use social security numbers, student ID numbers, birthdays, phone numbers, auto tag numbers, or derivatives of those numbers. Use a pin number that only the professor and the student know.
- Never link the name of a student with that student's ID number in any public manner.
- Never post the grades, even if coded, in alphabetical order or any other recognizable order.
- Post grades only for students who have given written consent for such a posting.
- Never mail grades to students UNLESS consent is received and a self-addressed envelope (no post cards) is supplied by the student.
- Use e-mail as a last resort. While emailing grades is permissible under FERPA, the Department of Ed has ruled that an institution will be held responsible for a violation if any unauthorized individual sees the grade via your electronic transmission.
- If you are giving out grades or other FERPA protected information over the phone, make sure that the person you are speaking to is your student. Ask questions that only the student could answer, such as the name of the course, an example of an assignment from the course, or questions that were on the final exam.