

FERPA for Faculty

The Basics

The Family Educational Rights and Privacy Act of 1974, as amended, (FERPA) requires institutions receiving federal monies to protect the privacy of students' educational records. This law affords students four primary rights: The right to receive annual notifications; the right to review their records, the right to request amendments be made to their records, and the right to limit information disclosure from those records. All employees, including faculty members, are required to comply with FERPA. An institution's failure to comply with FERPA may result in the Department of Education's withdrawal of federal funds.

As a faculty member, you need to know the difference between "Directory Information" and "Non-Directory Information" otherwise known as "Personally Identifiable Information"

DIRECTORY INFORMATION: Those data items that are generally not considered harmful or an invasion of privacy if publically available. These items **may be disclosed**, unless the student has placed a "block" on Directory Information release. If blocked, the word, "Confidential" will appear by the student's name in Webster or in the left hand corner of every page of the student's BANNER record. At AUM directory information is:

- Student's Name (including Preferred Name)
- Address (Local and Permanent)
- Telephone Listing
- Email Address
- Photograph, video or other electronic images
- Date of birth
- Major(s)/Degree Program(s)
- Dates of Attendance
- Class/Level
- Enrollment status (e.g. undergraduate or graduate, full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degree(s) conferred), Honors & Awards (including Dean's List)
- Most recent educational agency or institution attended

EDUCATION RECORDS: include any record maintained by the institution (not just the Registrar) that contains information that is personally identifiable to a student (in whatever format or medium). These items **cannot be disclosed** to a third party, including parents, without the student's written consent. "Personally Identifiable Information" or "Educational Records" may be released only to the student and then only with the proper identification. To disclose to a third party, including parents, requires the student's written consent. Any educational identifying data that is not Directory Information falls within this category.

EDUCATION RECORDS

Including but not limited to:

- Class schedule
- Grades/GPA and academic standing
- Test scores
- Academic transcripts
- Disciplinary records
- Student financial records
- Employment records of student workers

Other Personally Identifiable Records

Including but not limited to:

- Social Security Number
- Gender/race/ethnicity
- Residence status
- Country of citizenship
- Religious preference

Posting Grades: Since grades can never be directory information, it is inappropriate to post grades in a public setting. An instructor may, however, post grades if the grades are posted in such a manner that only the instructor and the individual student can identify the student and his or her grade. Grades should never be posted by any portion of the SSN. Additionally, it is recommended that such a posted list not be in the same order as the class roster or in alphabetical order.

Web-based Tools to Support Classes: Courses supported by class websites and/or discussion groups must take extra precautions to not inadvertently release non-directory student information. Only directory information can be available to the general public and other class members, so it is recommended that such web-based tools employ a security layer so that only class members and instructors can access appropriate information.

Students opting for no release in the classroom setting: Students cannot choose to be anonymous in the classroom setting. If a student has a chosen "no release" for his or her directory information, that does not mean that an instructor cannot call on him or her by name in class or that the student's email address cannot be displayed on an electronic classroom support tool such as a discussion board, blog or chat feature.

Under what circumstances can an instructor share non-directory information in educational records without the student's written consent?

An instructor may disclose records without consent if certain requirements are met, but it is not required to do. Some examples of the exceptions to the release requirement are:

- To "University officials" with a "legitimate educational interest". These can be employees (including student employees) and legal agents who require access to educational records in order to perform their official, educationally-related duties.
- Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations.
- Disclosure to parents of dependent students (IRS definition), if a copy of the most recent tax return has been filed in the Registrar's Office.
- To comply with a judicial order or lawfully issued subpoena.
- Disclosure for a health/safety emergency (must document what the emergency was and to whom the information was released).

Without one of these FERPA exceptions, the student's written and signed consent must be on file to release personally identifiable records. When in doubt, contact the Registrar's Office for clarification.

May a faculty member discuss personal impressions and knowledge of a student with other faculty colleagues if it pertains to some academic or educational concern?

Yes. Personal observations are not considered an educational record.

What can an instructor do when one of his or her students is clearly struggling with a personal matter, and, after being advised to seek help, is clearly still in distress?

FERPA permits the disclosure of information from a student's education record if knowledge of the information is necessary to protect the health or safety of the student or others. For example, if a student informs you that he has been diagnosed with a highly contagious disease, such as measles, AUM could alert the student's roommate or others to seek appropriate medical care. Limit your communication about the student to professionals who will be able to give direct assistance in an appropriate manner.

Quick Tips for faculty

- When in doubt, contact the Registrar at 244-3125 for assistance, or refer to the AUM's FERPA website.
- Request information from a student's educational record only when you have a legitimate educational need to know and the appropriate authority to do so.
- Only keep those individual student records necessary for the fulfillment of your teaching or advising responsibilities.
- Keep any personal records ("sole possession") relating to individual students separate from their educational records. Private notes, as long as they are not shared with even one person, are not considered part of the student's educational record.
- Do not share student educational information, including grades, GPAs, with other faculty or staff members unless their official employment responsibilities require them to have that information to perform their duties.
- Do not share student educational information with parents, or others outside AUM, without written permission by the student. Check with the Registrar's Office to determine if the student has provided written consent for release under those circumstances.
- Do not display or post student grades publicly using names, social security numbers or AUM student ID numbers. Any identifying numbers must not be personally identifiable and must be known only to the instructor and individual student.
- Do not leave exams, assignments, papers, lab reports, etc., containing student names or ID numbers in a public area for students to pick up where grades/comments may be seen by others.
- Peer grading is permitted since a grade is not considered a part of the educational record until it has been recorded in the instructor's grade book.
- Always use blind copies when emailing groups of students. Never include grades or other educational information that is specific to one student, in a group email.
- A student's request for confidentiality does not permit the student to be anonymous in the classroom (including online) nor to refrain from class participation.
- Do not record attendance by passing around a class list, which contains the students SSN/Student ID or username.
- Do not request information from the educational record custodian (Registrar or department personnel) without a legitimate educational need to know and the appropriate authority to do so.
- Do not share, by phone or correspondence, information from student educational records, including grades or grade point averages, with parents or others outside AUM, including letters of recommendation, without written consent from the student.