

FERPA and the Faculty

The Family Educational Rights and Privacy Act of 1974 as Amended, commonly known as FERPA, is designed to protect the privacy of student education records, to establish the right of students to inspect and review their educational records, and the right of students to have some control over the disclosure of information from their records. The Act is enforced by the Family Policy Compliance Office, U.S. Department of Education. We as an institution take this Act very seriously; the penalty for noncompliance can be withdrawal of Department of Education funds from Saginaw Valley State University.

The Essence of FERPA

- School faculty, administrators, and staff may not disclose personally identifiable information about students nor permit inspection of their records without written permission of the student unless release or inspection is covered by certain exceptions permitted by the Act.
- Students may authorize release of education record information in writing by specifying the information to be disclosed, the purpose of the disclosure, and the party or class of parties to whom disclosure is to be made.
- College students must be permitted to inspect their own educational records.

Key Terms and Concepts

To better understand students' rights and faculty responsibilities, faculty members must understand their roles in relationship to FERPA.

Faculty members are **school officials** under FERPA: A school official is any person

- (1) employed by the university in an academic, research, administrative, supervisory or support staff position;
- (2) elected to the Board of Control;
- (3) a company employed by or under contract to SVSU to perform a special task such as the attorney, auditor, or collection agency;
- (4) a student serving on an official committee or assisting another school official in performing his or her tasks (student employees fall under this category).

Access to student information is limited to a school official's **legitimate educational interest**: a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Faculty members typically are limited to the information provided on class rosters. Faculty members who are department chairs, who are formally designated as a student's academic advisor, who are the advisor to a registered student organization, or who serve on official university committees may have increased access to student information based on what is necessary for them to perform their professional duties.

Faculty members create and receive **education records**: An education record is any record, with certain exceptions, maintained by an institution that is directly related to a student or students. This record can contain a student's name, or students' names or information from which an individual student, or students, can be personally (individually) identified. Education records include files, documents, and materials in any medium which are shared

with or accessible to another individual. Administrative computer databases, transcripts, grade reports, advising files, and admissions files are typical examples of education records. Records that are NOT considered “education” records are “sole possession” notes (made by one person as an individual observation or recollection and kept in the possession of the maker—*once shared*, these become education records). Other exceptions include law enforcement unit records, employee records, and alumni records.

Faculty members must protect **personally identifiable data or information** which include

- (1) the name of the student, the student’s parent, or other family members;
- (2) the student’s campus or home address;
- (3) a personal identifier such as a Social Security number or student ID number;
- (4) any list of personal characteristics or other information which would make a student’s identity easily traceable.

A typical example: Grades are part of students’ educational records. If they are posted on office doors using Social Security numbers or student ID numbers, faculty members are disclosing personally identifiable information; this is a clear violation of FERPA. Electronic posting of grades is also a violation if one student’s information is readily accessible to other students.

FERPA identifies **directory information** as a class of information that can be released without a student’s prior consent because such information is not normally considered a violation of a person’s privacy. SVSU has identified directory information to include a student’s name, address, telephone listing, email address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received and the most previous institution attended by the students. Directory information NEVER includes race, gender, Social Security number, grades, GPA, country of citizenship, or religion. Even though SVSU can release directory information without a student’s prior consent, we exercise our authority to deny requests made for commercial purposes or other purposes which we feel jeopardizes a student’s privacy. The Act also provides that students may request that directory information not be released. Once students make such a request, school officials must honor their instructions to the end of the current academic year. Before releasing directory information, faculty members must check with the Registrar’s Office to determine whether or not the student has requested that directory information be withheld.

Faculty Guidelines

Faculty members encounter several routine situations that involve student education records: (1) grading and the discussion of grades; (2) requests by students for letters of recommendation; (3) and inquiries from parents about the performance of a student; (4) service as a designated academic advisor or official committee member.

Grading: Grades are clearly part of a student’s education record and must be protected from improper disclosure. Any posting of grades which does not assure that students’ identities are protected is a violation of FERPA. Posting a copy of a class roster, even when the names are concealed and students are listed by SS# or ID#, is a FERPA violation. If a faculty member wants to post grades, two things must happen: first, the alphabetical listing of students must be altered; and, second, students must be assigned a unique random ID number. Then lists can be posted. Faculty members should also be careful that they discuss grades with students in ways that are not easily overheard by others, or that graded assignments are not left in piles for students to sort through while looking for their own work.

Letters of Recommendation: Students certainly expect letters of recommendation to go beyond directory information concerning attendance or academic awards. However, any discussion of a student's performance, grades, or characteristics as a student requires written permission by the student. To protect themselves from FERPA complaints, faculty members should insist on a signed and dated written request from the student, to include the party or parties to whom the recommendation is made, the kinds of information to be released (e.g., grades, academic character), and whether or not the student waives his or her right to review a copy of the recommendation.

Inquiries from Parents: FERPA rights transfer to a student when he or she reaches age 18 or begins attendance at the University regardless of age. The University may disclose personally identifiable information about students to their parents only if students have submitted signed and dated written consent to release information or the parents have established that the student is a dependent as defined by the Internal Revenue Service Code. If parents call, faculty members should explain the limits to disclosure and ask that the student present written permission before disclosing information beyond directory information. Even with written permission, we are reluctant to discuss protected information over the telephone or e-mail since the identity of the party cannot be confirmed.

Service as a Designated Academic Advisor or Committee Member: Faculty members in some departments are officially designated as academic advisors to students. Faculty members also serve on university or departmental committees whose charge creates a "legitimate educational interest" in access to student education records. As such they have increased access to restricted information about the students they advise or evaluate. Faculty advisors must ensure that they uphold their FERPA responsibilities to protect restricted student information and to limit their inquiry to those students about whom they have a "legitimate educational interest." Failure to comply with FERPA responsibilities may result in a loss of access to student education records.

If You Have Questions

If you have questions or are uncertain of your responsibility in a given situation, we advise that you not disclose information until you have discussed the situation with the Registrar's Office. The Registrar at SVSU is the university official charged with FERPA compliance and training. It's always better to check before release than to risk an improper disclosure or misuse of protected student information.

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ACCEPTANCE OF ACCESS and RESPONSIBILITY

Full-time faculty and adjunct faculty members must complete and submit this form to Office of Human Resources before access to student information will be granted.

I, _____, understand that my acceptance of access to student records through the Cardinal Direct and Colleague systems signifies that I understand and accept the responsibility for complying with the Family Educational Rights and Privacy Act of 1974 as Amended which is outlined in the document "FERPA and the Faculty." By my signature below, I understand and agree to preserve the security and confidentiality of information I access.

PRINT NAME HERE

I understand that my access may change as faculty assignments and duties change.

I also understand that I am responsible for the personal security of my password.

Please check if you are an adjunct faculty member

Signature of SVSU Faculty Member

Date

For Office Use Only:

XFRP _____ Date _____