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# DELTA STATE UNIVERSITY

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## FACULTY & STAFF GUIDE TO FERPA

*Family Education Rights and Privacy Act*



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## What is FERPA?

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

1. Inspect and review their education records;
2. Request the amendment of inaccurate or misleading records;
3. Consent to disclosure of personally identifiable information contained in their education record; and
4. File a complaint with the U.S. Department of Education concerning alleged failures of the institution to comply with this law.

Delta State University strives to fully comply with this law by protecting the privacy of student records and judiciously evaluating requests for release of information from these records. FERPA authorizes the release of "Directory Information" without the student's prior written consent under certain conditions set forth in the Act.

## What is "Directory Information?"

Directory information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.

Following guidelines provided by the FERPA Compliance Office, DSU defines the following as Directory Information:

- Name
- Affirmation of whether currently enrolled
- School, college, department, major
- Dates of enrollment
- Full or part-time status
- Classification
- Degrees received
- Dates of graduation
- Honors received
- Permanent address and phone number
- Institutional email address
- Participation in officially recognized activities and sports

Under the Mississippi Public Records Act, the Registrar's Office is required to release directory information as requested for students who have not made their records confidential.

## How does FERPA apply to faculty and staff?

The law requires faculty and staff to treat students' education records in a legally specified manner.

- **Grades:** Students' scores or grades may be displayed publicly only if names are obscured and a code known only to the faculty member and the individual student is used (900 numbers cannot be used). In no case should the list be posted in alphabetical sequence by student name. Grades, transcripts or CAPP degree audits distributed for purposes of advisement should not be placed in plain view in 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.

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## **How does FERPA apply to faculty and staff (Continued)?**

- **Class rosters/grade sheets:** These and other reports should be handled in a confidential manner and the information contained on them should not be disclosed to third parties. Copies of class rosters containing students' SS#s should not be used in the classroom for attendance taking or any other purpose.
- **Parents:** Parents, spouses and other relations do not have a right to information contained in a student's education record.
- **Employers:** Employers do not have a right to educational information pertaining to a student.
- **Banner:** Access to the Banner or DSU Online Services is not tantamount to authorization to view the data. Faculty are deemed to be "School officials" and can access data in Banner/DSU Online Services if they have a legitimate educational interest. DSU staff members may obtain access if they have a legitimate educational need to know. A legitimate educational interest exists if the staff member needs to view the education record to fulfil his or her professional responsibility. Neither curiosity nor personal interest is a legitimate educational "need to know."
- **Releasing Information:** If a student has signed a waiver to release academic information, faculty/staff can check the status of the document from the Registrar's Office. Call #4040 and give the student 900# for the office staff to check Banner-Web Extender for the waiver. If a student has not signed the waiver, please direct them to the Registrar's website to download the form. (Go to – Registrar Webpage – Forms, Policies, and Resources – [Academic Information Release](#))
- **Other Disclosures:** FERPA also allows schools to disclose records, without consent, to the following parties or under the following conditions (34 C.F.R. § 99.31) – educational interest, transfer institutions on student's behalf, audits, financial aid, accrediting organizations, subpoena, and health/safety emergencies.
- **Letters of recommendation:** Do not include information about students' grades or grade point averages in letters of recommendation without the written permission of the student.
- **Students' schedules:** Do not provide anyone with a student's schedule; do not assist anyone other than a university employee in finding a student on campus. Refer such inquiries to the VP of Student Affairs Office.
- **List of students:** Do not provide anyone with lists of students enrolled in your classes for any commercial purpose. Requests of this nature should be referred to the Registrar's Office and Office of Institutional Research, Effectiveness & Planning.
- **When in doubt, contact the Registrar's Office for guidance at 846-4040.**

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## **FERPA Scenario Questions**

**Question:** A student's parent calls asking how the student is doing in class. Can you release this information?

- **Answer:** No. Even though the person inquiring may be the student's parent, FERPA recognizes students in post-secondary education as adults, regardless of age. Therefore, unless the student is a dependent as defined by the Internal Revenue Service, you cannot give out a grade or any other non-directory information without written consent from the student.
  - **General Rule:** You must assume that the student is an adult who is entitled to privacy, even from parents. Parents may assert their rights to the records if the student is a dependent according to the federal tax code. To verify, please contact the Registrar's Office and they will check on the FAFSA paperwork with Financial Aid.

**Question:** You receive a call from a recruiting firm asking for names and campus addresses of students with a GPA of 3.0 or better. They say they have good job information for these students. Can you help these students get jobs by giving out this information?

- **Answer:** No. Because the request is from a source outside of the university, it should be referred to the Registrar's Office. The Registrar's Office will not release the list because grade point averages are not directory information.
  - **General Rule:** Do not give out student information that pertains to grade point averages to anyone without prior written permission of that student. ALL outside requests for any information such as Dean's Lists must be referred to the Registrar's Office. Information about the recruiting firm could be provided to student in the appropriate major and to the Office of Career Services.

**Question:** A faculty member routinely leaves graded exams and graded coursework in a box outside their office door for students to pick up at their convenience, Students are identified by their names and (900) numbers. Is this practice a violation of FERPA?

- **Answer:** Yes. The graded exams and coursework are education records because they are directly related to the student and they are arguably maintained by the faculty member. Student names and (900) numbers are personally identifiable information. It is a violation of the FERPA for a faculty member to leave unsecured in a public area education records containing personally identifiable information.
  - **General Rule:** Graded exams and other coursework should be returned to students in a manner that protects the privacy of the records. Do not leave unsecured in a public area any item of a student's work that contains personally identifiable information. Instead of using names and (900) numbers, faculty may leave graded exams and coursework with a department assistant who will verify ID and release the records to the individual student.
  - **General Rule:** Ask the student to provide a letter to you authorizing you to release grades or address the student's abilities without referring specifically to the grade. Often times the letters of recommendation for graduate school are submitted on specific forms on which student grants permission for the release of personally identifiable information.

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## FERPA Scenario Questions (Continued)

**Question:** You receive a telephone call from the local police department indicating that the police are trying to determine whether a particular student was in attendance on a specific day. Because the police are in the middle of an investigation, are you allowed to give them this information?

- **Answer:** No. Because the request is from a third party outside of the University, the police should be directed to the VP of Student Affairs Office or the Registrar's Office.
- **General Rule:** Information about whether a student was enrolled during a particular term is directory information and can be obtained through the Registrar's Office. If the police require more information, a subpoena may be required. Additionally, FERPA requires notification of the student unless it is specifically stated on a subpoena that the student must not be notified.

**Question:** You receive a frantic telephone call from an individual who says that he is a student's father and he must get in touch with them immediately because of a family emergency. Can you tell him when and where the student's next class is today?

- **Answer:** No. A student's class schedule is not directory information and should not be disclosed without written consent from the student. Inform the caller that he should contact the VP of Student Affairs for assistance. You also may offer to either transfer the call to the VP of Student Affairs Office or call the VP of Student Affairs Office and ask them to call the parent.
- **General Rule:** When this or a similar situation arises, follow prescribed University procedures. If a true emergency exists, the VP of Student Affairs Office will assist in notifying the student as may be appropriate or will determine if an exception to FERPA exists. Do not tell third parties a student's class schedule.

**Question:** A student in the College of Business has applied for a part-time job in your spouse's accounting firm. Does a legitimate educational interest exist that would allow you to access the student's educational records to verify academic standing and disclose it to your spouse's firm?

- **Answer:** No. The University may disclose information from education records to school officials with a legitimate educational interest. Your spouse's accounting firm is not a school official and has no legitimate educational interest. The student must sign a written consent for release of the information and present it to the Registrar's Office.
- **General Rule:** Do not access or release student record information except if the Registrar has received consent to release. The Academic Information Release form can be found [here](#).

**Question:** A person comes to the College of Arts and Sciences with a letter containing a signature that gives consent to release the student's transcript. Do you give it to that person?

- **Answer:** No. Because the request is from a source from outside of the University, it should be referred to the Registrar's Office. The Registrar's Office will not release the list because grade point average is not directory information.
- **General Rule:** Do not give out student information that pertains to grade point average to anyone without prior written permission of that student. ALL outside requests for any information such as Dean's Lists must be referred to the Registrar's Office. Information about the recruiting firm could be provided to students in the appropriate major.

## FERPA Scenario Questions (Continued)

**Question:** An unauthorized person retrieves personally identifiable information about students from an unattended computer screen. Does FERPA apply to information stored on a computer database?

- **Answer:** Yes. Information on a computer screen should be treated the same as printed records. FERPA applies to information stored on any media, including, but not limited to, print, audio, digital, video, electronic, or photographic.
  - **General Rule:** The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.

**Question:** A student has asked you to write a letter of recommendation for them for graduate school. This request was taken over the phone. Should you include the student's GPA in this letter?

- **Answer:** No. A faculty member should have a student sign a release before providing a job reference or a reference for the student for certain academic purposes, such as scholarships or awards. The job reference is one area where faculty often forget to obtain a written release.
  - Proposed regulations under FERPA specify that a school may accept electronic consents and signatures when reasonable security is provided for the process. Until the amendments become law, an electronic consent is not acceptable because it does not contain the student's signature. Therefore, a faculty member should not consider an e-mail from a student to be a valid consent for release of education records.
  - If a record contains personally identifiable information on other students, delete that information before disclosing the record for the student who has provided written consent.
  - The Registrar is the University official responsible for keeping all official academic education records. Only the Registrar's Office may release an official transcript. All requests for education record information originating from outside the University should be directed to the Registrar.

**Question:** You hear a faculty member talking about a specific student. You know the student and their family. Can you access the student's records to see how they are progressing academically?

- **Answer:** No. Legitimate educational interest does not include simply having a curiosity about the academic record or disciplinary proceedings with regard to a student without some legitimate academic reason. This, all records of all students are not open to all faculty or staff at the University. Consult with the Registrar's Office if you have any question about whether a legitimate educational interest exists in connection with a request for student data.
  - **General Rule:** If you don't need to know the information to do your job, don't access it.

**Question:** An athletic coach, assistant, compliance officer or student success center advisor contacts you to verify final GPAs or grades for a student and they ask you to release their information. Can you give this information to the staff and/or faculty member?

- **Answer:** Yes. If information released on the student athlete or undeclared student is for the academic verification/eligibility/or interest of the student, then the student's academic information can be released to the athletic and/or student success office.
  - **General Rule:** If it is of academic importance to the student and office needing the information to verify academic eligibility or assistance and is a current employee of the University, then the student information can be given to the person working on the student's academic case.

## FERPA Tips on Managing Student Records

- **DO** review the Faculty and Staff Guide to FERPA before responding to a request for educational records.
- **DO NOT** release directory information on a student without checking DSU Online Services or contacting the Registrar's Office to see whether the information has been flagged as confidential.
- **DO** check with the Registrar's Office before disclosing any student education record information to third parties outside the institution.
- **DO** refer all subpoenas or IRS summons or other legal process requests for education records to the Registrar's Office.
- **DO NOT** request information from an education record custodian, or access the student's records by computer, unless you have a legitimate educational interest and are authorized by Delta State University to access the information.
- **DO** follow the confidentiality provisions of FERPA by not sharing education records information with your colleagues unless a legitimate educational interest exists.
- **DO NOT** put purely personal notes (for example, from a committee meeting recommending students for a particular program) in the student's file, because those notes will become accessible to the student. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person. Official committee minutes are likely to be considered accessible.
- **DO NOT** post students' papers, scores, or grades in a public place on which names, Social Security numbers, or other personal identifiers are displayed. You may post grades by a randomly assigned identifier and in a random, non-alphabetical order.
- **DO** remember that medical, mental health, and law enforcement records should not be put in the student's file with the student's educational records. Medical and mental health records supporting an accommodation for a disability should be forwarded to the Office of Health and Counseling Services and law enforcement records should be kept in the Vice President of Student Affairs Office or with Campus Police.
- **DO NOT** release information about a student's disciplinary matter without conferring with the Vice President of Student Affairs.



FERPA???

## Where can I find out more about FERPA?

The U.S. Department of Education is responsible for overseeing FERPA. See the Department's website for additional information:

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

### University Contacts:

- Provost/Vice President of Academic Affairs: (662) 846-4010
- Vice President of Student Affairs: (662) 846-4150
- Registrar's Office: (662) 846-4040
- Student Business Services: (662) 846-4698
- Office of Financial Aid: (662) 846-4670
- Office of Health and Counseling Services: (662) 846-4690

