FERPA Policy FAQs – Faculty/Staff

1. **What is FERPA?**

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law that helps protect the privacy of student education records. FERPA provides students the right to: 1) inspect and review their education records; 2) seek to amend those records; and 3) limit disclosure of information from their education records except in certain circumstances. FERPA applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.

2. **Who does FERPA cover?**

FERPA provides protection for any individual who is or has been at the University and regarding whom the University maintains education records.

3. **What about after a student graduates?**

FERPA provides privacy protection for all education records maintained while an individual was a student attending the University.

4. **What qualifies as a student education record under FERPA?**

Any type of record containing information directly relating to a student and maintained by an educational institution, or a party acting on behalf of an institution, qualifies as an education record. Examples of an Education Record include:

- Admissions information for students who are accepted and enrolled
- Biographical information
- Grades, test scores, evaluations, courses taken, academic specialization and activities, and communications regarding a student’s status
- Course work including papers and exams, class schedules, as well as written, email or recorded communications that are a part of the academic process
- Disciplinary records
- Students’ financial and financial aid records
- Internship program records
5. **What if information about a student is contained in my own personal notes?**

A school official’s personal record about a student is not protected under FERPA as long as they are used only as a member aid and:
- are not shared with others;
- are not put in the student’s file;
- do not contain information provided directly by the student;
- are not used to make decisions about the student

These “sole possession” records are excluded from the definition of education records, and a student may not obtain access to them.

6. **What does it mean to “disclose” information from a student education record?**

Under FERPA law, the University and its employees are not allowed to provide access to nor disclose any personally identifiable information from a student’s education record without a signed and dated written consent of the student, except to:

1) certain school officials of the University who have a legitimate educational interest;
2) parent of a dependent student (i.e., student claimed as dependent on parent’s federal income tax return);
3) officials of other institutions in which a student seeks to enroll or has enrolled, but only for purposes related to the student’s enrollment;
4) persons or organizations providing a student’s financial aid (does not include parents);
5) accrediting agencies carrying out their accreditation function;
6) persons in compliance with a judicial order or lawful subpoena;
7) persons in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals; or
8) as otherwise permitted by law (check with the Office of General Counsel first).

7. **What is the difference between “directory information” and “personally identifiable information”?**

Directory information is defined by the institution and identified to students as such. Students can opt out of routine disclosure of the directory information through a written request. Personally identifiable information is data or information used for a purpose other than the directory which includes:
- Name of the student, the student’s parents or other family members
- Student’s address
- Personal identifier such as a social security number or student ID number
- Information that, alone or in combination, is linked or can be linked to a specific student that allows a reasonable person in the school community to identify the student with reasonable certainty
8. **So can I disclose information from a student education record that does **not** personally identify the student?**

Yes, as long as the information is not linked, or cannot be linked, to a specific student. The information should not allow a reasonable person in the school community to identify the student with reasonable certainty. An acceptable example is a University report of aggregated student information.

9. **Does student consent always have to be written, signed, and dated? Is receiving an email from a student enough for consent?**

Yes, student consent must be written, signed, and dated. A student may email his/her consent, but the email must always be verified by separately emailing the student back at his/her official email account of record with the University and waiting for a reply from the student at that email account with explicit consent to disclose the student’s education record.

10. **When can I share information from a student education record with another University colleague?**

If the information is part of a student’s education record that is kept by the University, personally identifiable student information can be shared with certain school officials who also have a “legitimate educational interest” in the information. Otherwise, unless an emergency exception applies, the student must give their consent before disclosure of personally identifiable information from their education record.

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 responsibilities for the University.

The University has designated the following groups of people as school officials: 1) a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); 2) a person, company, or organization with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); 3) a person serving on the Board of Trustees; or 4) a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
11. When can I share information from a student education record with the student’s parents?

You can always share information with parents if you have a signed and dated written consent from the student. Otherwise, under FERPA law, University employees are allowed to share education records with parents of dependent students (for federal income tax purposes), or with any parents in the cases of health & safety emergencies and specific drug & alcohol violations (student must be under 21 at the time of disclosure to parent, not just at the time of the offense.)

12. How do I know if a student is a dependent of his/her parent before I share information from the student’s education record?

There are two ways: 1) if the student certifies in writing that he/she is a dependent of his/her parent for federal income tax purposes or 2) if a student does not state that he/she is a dependent of his/her parent, FERPA law requires that before University employees share information from student education records with parents, University employees must first verify the student is a dependent by reviewing the first page of the parent’s most recent federal income tax return (all financial information should be redacted by parent beforehand for privacy).

13. As a faculty member, how can I post student grades for my class and still be in compliance with FERPA policy?

You may post student grades by obtaining consent forms at the beginning of class. You will need to accommodate those who don’t consent. A sealed envelope with a student’s grade can be provided.