

FERPA

Trevecca Nazarene University
Faculty /Administrator Meeting
September 27, 2010

What Is FERPA?

- Family Educational Rights and Privacy Act (the “Buckley Amendment”)
- Grants four rights to college/university students:
 - “The right to see education records that the institution maintains on the student;
 - The right to seek amendment to those records and in certain cases append a statement to the record;
 - The right to consent to disclosure of his/her education records;
 - The right to file a complaint with the Family Policy Compliance Office in Washington, D.C.”

What Is Protected by FERPA?

- “Education records of students who are or have been in attendance in postsecondary institutions.
- FERPA does not protect records of applicants who did not attend that institution.”
- Education records can take many forms: paper, electronic, hand-written, CD, video, photographs, etc.

What Is a Student Education Record?

- Information that is directly related to a student and maintained by a college or university and by those acting for the college or university, such as:
 - Personal information
 - Enrollment records
 - Grades and GPA
 - Class schedules
 - Financial aid records
 - Student work study records
 - E-mails to, from, or about a student
 - Class attendance information

What Isn't a Student Education Record?

- Alumni records;
- Medical treatment records;
- Personal notes that are accessible only to the person who made the note;
- Work records, unless the individual's employment is dependent on being a student.

What Are the Basic Rules of FERPA?

- “Student education records are considered confidential and may not be released without the written consent of the student.
- As a faculty, administrator, or staff member, you have a responsibility to protect all items contained in an education record of a student.
- You have access to student education records only for legitimate use in completion of your responsibilities as a university employee. ‘Need to know’ is the basic principle.”

What is Directory Information?

- Some personally identifiable information regarding a student is considered public or directory information and may be released without the student's written permission.
- A student may restrict the release of directory information by submitting a written request to the Academic Records Office during the first two weeks of Fall Semester.

What Does Trevecca Consider Directory Information?

- Student's name
- Telephone number
- Previous schools or colleges attended
- Academic classification
- Awards & honors
- Past & present participation in officially recognized activities
- Expected graduation date
- Home address
- Date & place of birth
- Dates of attendance (i.e., "XX attended TNU in Fall 2010")
- Major field of study
- Degrees conferred
- Full or part time enrollment status
- Weight & height of athletes

How to Comply with FERPA (Part 1)?

- Never publicly disclose the name of a student, Social Security number, or University ID number on postings of grades. Don't put Social Security numbers or ID numbers on attendance sheets.
- Never leave graded tests/papers in a public place (i.e., outside professor's office) for students to pick up by sorting through the papers of all students.
- Never discuss the progress of a student with any non-Trevecca employee (including student's parents) without confirming student consent through Academic Records.

Adapted from *Law 101 for Faculty Members*, 2010

How to Comply with FERPA (Part 2)?

- Never provide anyone (other than University employees) with assistance in locating a student on campus.
- Never submit a student's paper to an anti-plagiarism service without first removing the student's name, ID number, or any other personally identifiable information.
- Never provide anyone with lists of students enrolled in your classes for any commercial purposes.
- Only discuss the progress of a student with Trevecca employees who have a legitimate need to know the information.

Adapted from *Law 101 for Faculty Members* and New York University, 2010

Whom Do You Call . . .

- To find out whether a student has signed the FERPA disclosure form (so you can talk with a parent about the student's progress)?

Mrs. Becky Niece, University Registrar

- To find out whether a pedagogy/andragogy practice violates students' FERPA?

Dr. Carol Maxson, Associate Provost

After All These Cautions about FERPA:

A student comes to you after class and says, “I need to tell you something, but you have to promise not to tell anyone.” What should you do?

- A. Make the promise and keep it. Students need a safe person with whom to talk.
- B. Make the promise, but break it later if you decide the situation warrants it.
- C. Tell the student that you’ll be the judge of whether you can maintain confidentiality or not.
- D. Refuse to make the promise, and end the conversation.

Hate all these options? There is a better alternative--

The Smart Response:

- “I promise to only share this with people I think can help.”
- The biggest misperception about FERPA:
 - that faculty members cannot share concerns about students with other University employees who can help the student. **NOT TRUE!!!!**
- There is no such thing as “faculty-student privilege.”
- We have an obligation to share information with other internal (University) personnel who, as part of their job, can assist a student.

Adapted from *Law 101 for Faculty Members*, 2010

So Let's Review . . .

Review questions taken or adapted from FERPA Tutorials at New York University, University of Utah, and Belmont University.

Question 1:

The FERPA rights of a student begin:

- A. when the application for admission is received.
- B. when the student is formally admitted.
- C. when the student makes his/her first payment.
- D. when the student registers and attends his/her first class.

Question 2:

To be an “education record,” the information must be:

- A. personally identifiable to the student.
- B. maintained by the institution.
- C. kept in the Academic Records office.
- D. in a file with the student’s name on it.
- E. all of the above.

F. A and B only

Question 3:

At Trevecca, directory information contains all of the following EXCEPT the student's:

- A. expected date of degree completion.
- B. academic major.
- C. e-mail address.
- D. telephone number.

Question 4:

Under FERPA, which of the following would NOT be acceptable:

- A. the release of the title of a legislator's degree to the local paper.
- B. a chairperson having access to the education records of students in his/her department.
- C. announcing the recipients of the departmental awards & their GPAs at awards chapel.
- D. a faculty member giving the department secretary graded papers so individual students can pick them up later.

Question 5:

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

Yes

or

No

Question 6:

A former student has the same right to inspect and review his/her record as a student currently attending the institution.

True

or

False

Question 7:

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

Yes

or

No

Question 8:

The items that comprise directory information under FERPA at Trevecca are identical to those at other institutions.

Yes

or

No

Question 9:

You receive a call from another Trevecca employee requesting information on a student. You are able to determine that the employee does not have an legitimate need to know. Should you share the information?

Yes

or

No

Question 10:

As defined in FERPA, “legitimate educational interest” refers to:

- A. A school official's need to review a student's record to fulfill a responsibility as part of his/her contract.
- B. A father's need to see his daughter's educational records in order to pay her tuition.
- C. The newspaper's need to know the GPA of a current University athlete in order to publish an article.
- D. An instructor's need to know a student's GPA in order to write a letter of recommendation.

Question 11:

Sending an e-mail to a class distribution list that gives every students' grade on a recent exam is permissible only if:

- A. a student's social security number is used.
- B. a code word or randomly assigned number is used.
- C. the student identification number is used.

Question 12:

Student representatives on University committees (i.e. scholarship, teacher education, etc.) have the right to see other students' records during the deliberations for that committee.

True

or

False

Question 13:

If a student discloses in a open forum that he or she has taken a particular class and indicates the grade received, the instructor may infer that the student has given implied consent for the instructor to openly discuss the issue.

True

or

False

Question 14:

An art instructor wants to use peer review in his class, i.e., students critiquing each others' work. Is this instructor violating the students' FERPA rights?

Yes

or

No

Note: As long as the students are reviewing each others' ungraded work, peer review is fine.

Question 15:

A professor returns the second exam of the semester to students. As she gives out the tests, she comments that one student's grade on this exam is much better than his grade on the first exam. The professor's comments are intended to encourage the student to continue improving his work in the class. Has this professor violated the student's FERPA rights?

Yes

or

No

Question 16:

It is permissible for a faculty member to include a student's grades and GPA in a letter of recommendation without obtaining the student's written permission since the student asked the faculty member to write the recommendation and provided a copy of her resume, including GPA information.

True

or

False

To Know More About FERPA:

- Belmont University. (2010). *FERPA tutorial*. Accessed on September 23, 2010, from <http://www.belmont.edu/hr/training/ferpa/index.html>
- Clark University. (2010) *Annual notification to students*. Accessed on September 23, 2010, from <http://www.clarku.edu/offices/src/ferpa/index.cfm>
- New York University. (2010). *FERPA tutorial*. Accessed on September 20, 2010, from <http://www.nyu.edu/apr/ferpa.tutorial/tutorial/>
- Sokolow, B.A., Lewis, W. S. (2010). *Law 101 for faculty members: How not to get sued*. [Online seminar]. Madison, WI: Magna Publications.
- University of Utah. (2010). *FERPA guide and FERPA tutorial*. Accessed September 18, 2010, from <http://www.sa.utah.edu/regist/ferpa/faculty/index.htm>