

# FERPA: What faculty and staff need to know

## It's the Law

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974.

It grants four specific rights to a post-secondary student:

- to see the information that the institution is keeping on the student;
- to seek amendment to those records and, in certain cases, append a statement to the record;
- to consent to disclosure of his or her records;
- to file a complaint with the FERPA Office in Washington.

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-4605  
FERPA.complaints@ed.gov

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education. (Most financial aid is administered by the Secretary of Education.)

## Student Information Types

**Student educational records** include information provided by a student for use in the educational process, such as:

- personal information (name, etc.)
- enrollment records
- student's exams or papers
- grades
- schedules

### Directory/Public Information

Educational institutions may designate certain information as "directory" information. (See FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3).

### Directory Information can NEVER include:

- Social security number
- Student ID number
- Race
- Ethnicity
- Nationality
- Gender
- GPA
- Religion

**Storage media** for an educational record may vary and can include any of the following:

- document in the registrar's office
- electronic document or e-mail
- computer printout in your office
- class list on your desktop
- computer display screen
- notes taken during an advising session
- database

### Directory/Public

**Information** is considered public and can be released without the student's written permission. *However, the student may opt to keep this information confidential.*

### Directory information at the University Of Minnesota:

- Name, address, phone
- University assigned e-mail
- Dates of enrollment
- Enrollment status
- College
- Class (i.e., freshman)
- Academic awards and honors
- Degrees received

Information not included in the list above is private student information and may not be released outside the University without the student's written permission or as otherwise provided in the Regents Policy on Student Education Records.

## It's Your Responsibility

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession.

- You have access to student information only for legitimate use in the completion of your responsibilities as a University employee. Need-to-know is the basic principle.
- With the exception of non-suppressed directory information, student educational records are considered private and may not be released without the written consent of the student.

- Student information stored in electronic format must be secure and available only to those entitled to access that information.
- Your access to student information is based on your role as a University faculty or staff member. You may not release lists or files with student information to any third party outside your college or departmental unit.

<b>Can student directory or public information always be released?</b>	NO! Before releasing any information about a student, check PeopleSoft for a student's suppression status. If the student has requested that directory information be withheld (suppressed his/her information), no information can be released. Note that FERPA does <b>NOT</b> require that directory information be released. University faculty and staff who have a need-to-know may obtain directory information for a student who has suppressed his/her information, but must not release this information.
<b>How can a student withhold release of directory information?</b>	Students may request suppression of their information in MyU. First, log in to MyU, and select the "My Info" tab. Click on the pencil icon beside the "Directory Suppression" heading, carefully read the information that follows, then click the "Edit FERPA/Directory Restrictions" button. Select the desired suppression option, then click the "Save" button. The changes should be reflected on the "My Info" tab within the "Directory Suppression" section.
<b>What are parental rights under FERPA?</b>	FERPA allows parental access to a student's educational records at the university level if the student grants written permission. Students may grant permission to share grades, billing, or other information in the My Info tab of MyU. FERPA also allows parental access to post secondary student educational records if the parent claims the student as a dependent for Federal income tax purposes, but the University is not required to give access.
<b>Where should I store my student data?</b>	Although you may be the one grading a student's performance, student data (e.g., grades, attendance, test scores) is owned by the University. It should not be stored on personal computing equipment, on the hard drives of shared computers, on portable devices such as "flash" drives, or on laptop computers. Portable devices are easily lost or stolen; if they contain student data when they are lost or stolen, all students may need to be notified. You should talk with your collegiate or departmental information technology support staff regarding secure data storage options.
<b>How can student data be protected?</b>	Store all student data on a central, U of M server (not a Web server); password protect files; encrypt data on your computer; use anti-virus software; don't open suspicious attachments or links in e-mails; distribute graded materials in a secure manner; verify attachments and recipients before sending information via e-mail.
<b>How are HIPAA and FERPA related?</b>	Medical documentation in the student education record is private information and is covered by FERPA. HIPAA (Health Insurance Portability and Accountability Act) regulations do not apply.
<b>For more information Contacts:</b>	Stacey Tidball, Academic Support Resources, (612) 626-0075 or tidball@umn.edu Tina Falkner, Academic Support Resources, (612) 625-1064 or rovic001@umn.edu Dan Delaney, Academic Support Resources, (612) 625-7864 or delan021@umn.edu

## DO NOT!

- Use the Social Security Number or any portion of it, or the student ID number, in a public posting of grades or any other information;
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students;
- Discuss the progress of any student with anyone other than the student (including parents) without the signed, dated, and written consent of the student;
- Provide anyone with lists or files of students enrolled in your classes;
- Provide anyone with student schedules or assist anyone in finding a student on campus;
- Access the records of any student for personal reasons;
- Access the records of any student for any reason other than to perform your job duties.