

# FERPA: Quick Guide for Faculty and Staff

## What is FERPA?

FERPA (Family Educational Rights and Privacy Act) is a Federal law passed in 1974 that protects the privacy of student education records.

FERPA identifies the rights of students and their families with respect to student educational records kept by institutions. An educational record is any record maintained by the University which is directly related to the student.

## What are student rights under FERPA?

- Be notified of the rights at least annually.
- Inspect and review their educational record.
- Amend an incorrect record.
- Consent to disclosure (with some exceptions).

As a school official within UWL, you should have access to the student records necessary for you to perform your job. It is your responsibility to protect the confidentiality of records in your possession.



This handout is a supplement to the UWL FERPA website.

[www.uwlax.edu/records/ferpa](http://www.uwlax.edu/records/ferpa)

## FERPA examples for faculty and staff:

- Students cannot be anonymous in the classroom. Even if a student has restricted their directory information, as an instructor, you can still call on the student by name in class and post their name/campus email address on electronic classroom support tool.
- Student grades cannot be posted publicly. This includes leaving personally identifiable graded papers/work unattended. It's recommended to place the grade or mark on the last sheet of the assignment when handing back in class.
- You may not release lists or files with student information to any third party outside your college or departmental unit.
- UWL has made available the Student Center in WINGS so advisors have more robust information about their students. With this access, FERPA does not support "fishing expeditions" into student records. Examples of what NOT to do include:
  - Reviewing a student's academic history in other classes prior to assigning a final grade in the course.
  - Reviewing a student's academic history as a determination for granting an override.
  - Reviewing performance by students in other course sections taught by other instructors.
- Letters of recommendation. If you are writing a letter of recommendation for a student, it is best to ask the student for a copy of their transcript if you need GPA or course history of any type. You may not disclose the student's grades or GPA unless the student has given expressed consent.
- Individuals who apply for admission but who are not admitted have no rights under FERPA. Admitted students are covered by FERPA only after they have enrolled at the institution. A student's FERPA rights begin on the date the student begins taking classes.
- Parents and FERPA.
  - Once a student begins taking classes in college, the FERPA rights transfer to them from their parents.
  - Under FERPA, the term "parent" refers to either parent (including custodial and

non-custodial, if divorced). You can discuss progress of a student with parents if the student provides a signed, dated, and written consent. The consent must include the record to be released; the purpose of the disclosure; the parties to whom the information may be disclosed, and it must be signed and dated by the student. The student may send the consent form over email.

- If you are looking to conduct research using student data, please contact IRAP for additional information and the applicable guidelines.

## What is and what is not an educational record?

Education records include: grades, class lists, student course schedules, and student financial records, and notes about students that are not "sole possession" records.

The following are NOT educational records:

- Notes kept on students by a faculty/staff member for their own records or reference that are not shared with others (called "sole possession records").
- Informal peer graded papers and exams prior to the grade being recorded in the instructor's grade book.

## What can be released without student permission?

"Directory information" is information that is generally not considered harmful or an invasion of privacy if publicly available. Each institution establishes what is considered to be directory information. The full list of directory information is available at:

[www.uwlax.edu/records/ferpa](http://www.uwlax.edu/records/ferpa)

Students have the right to restrict some or all of their directory information from release. Students are notified of their right to do so each fall.

## What can NEVER be "directory information"?

- Social security number, race, gender, grades, GPA, country of citizenship. Even if you receive IRB approval for a survey sample based on these characteristics, IRAP cannot fill it for you.
- Student ID can be considered directory information in specific situations, but it is not considered directory information by UWL.