

## **Top Ten FERPA Questions for Faculty**

### **1. How can I post grades without violating FERPA?**

The public posting of grades either by the student's name, institutional student identification number or social security number, without the student's written permission, is a violation of FERPA. Instructors can assign students unique numbers or codes that can be used to post grades. However, the order of the posting must not be alphabetic or by any other identifiable order.

### **2. How can I return graded assignments without violating FERPA?**

If assignments contain "personally identifiable" information, leaving them unattended for anyone to see is a violation of FERPA. A possible solution would be either to leave the graded assignments with an assistant or secretary who would ask students for proper identification prior to distributing them or to leave them in a sealed envelope with only the student's name on it.

### **3. How can I send grades to students without violating FERPA?**

Using WebAdvisor to post students grades is always the best option. In addition, instructors can notify students of their final grades via the U.S. Mail if the information is enclosed in a sealed envelope. Notification of grades via a postcard violates a student's privacy. Notification of grades via email is permissible. However, there is no guarantee of confidentiality.

### **4. Who has access to student academic records?**

Faculty members must demonstrate "a legitimate educational interest" in order to access student records (e.g. advising students, retention study, etc.) Faculty members do not have access to student academic records unless their normal job duties specifically require access.

### **5. What information may I disclose to parents?**

Without the express, written permission of the student, parents, like all other third parties, may have access only to the student's directory information. If a student has restricted his or her directory information, then directory information is also considered confidential. Such things as progress in a course, deficiencies in a subject area, scores and grades on papers, exams, etc. are all examples of personally identifiable information that make up part of the student's academic record. When in doubt, do not release information.

### **6. What information may I release in crisis situations or emergencies?**

If non-directory information is needed to resolve a crisis or emergency situation, an education institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals." Factors considered in making this assessment are: the severity of the threat to the health or safety of those involved; the need for the information; the time required to deal

with the emergency; and the ability of the parties to whom the information is to be given to deal with the emergency.

### **7. How does FERPA affect letters of recommendation?**

Written permission of the student is required for a letter of recommendation if any information included in the recommendation is part of the "academic record" (grades, GPA and other non-directory information). Personal observations about a student may be disclosed without the student's consent.

### **8. How do I properly dispose of confidential information?**

Dispose of all material containing confidential information (such as tests, papers, class rosters) by shredding or placing them in a receptacle intended for the collection of material to be disposed of in a secure manner.

### **9. What are the consequences for violating FERPA?**

FERPA violations may result in the loss of federal funding for the university. Any breach of confidentiality could lead to disciplinary action, including the possibility of termination of employment.

### **10. Must I formally acknowledge that I understand FERPA?**

All employees who work with the student records database (Datatel) must sign the Confidentiality of Student Records Statement. This document explains that academic records may only be disclosed to or discussed with the student and individuals with legitimate educational interest. After signing this statement, it becomes part of the employee's file.

\*All university offices should consider developing a procedure for handling confidential academic records and ensuring that all staff members are educated in these procedures.