

FERPA for Faculty and Staff

FERPA (Family Education Rights and Privacy Act) was enacted in 1974. It is a set of regulations that applies to those institutions that receive funding from the Department of Education. FERPA was written specifically for students and guarantees them the right to inspect and review their education records, the right to seek to amend education records, and the right to have some control over the disclosure of information from those education records.

An **education record** is defined as any record that directly identifies a student and is maintained by the institution or educational agency or by a party acting for the institution or education agency. A key distinction of educational records is that education records are shared. Education records can exist in any medium including the following: handwritten, typed, computer generated, videotape, audiotape, film, microfilm, microfiche, email, and others.

How Does This Regulation Affect You?

1. If the student has not restricted access to directory (or public) information, you may release the following:
 - Name
 - Address
 - Telephone number
 - E-mail address
 - Enrollment status
 - Degrees & awards received
 - Most recent previous school attended
2. If a student has not authorized the release of directory information, you may not release any information about that student. (Students' non-disclosure status can be determined by calling the Registrar's office.)
3. Departments may not release non-directory or personally identifiable information about a student to a third party (parents included) without the student's written authorization. You may have the student fill out a consent-to-release form if the student wants you to speak with a third party. The student must sign a new form each time he or she allows you to release non-directory information. Consent-to-release forms are available in the Office of the Registrar.

Do Not Release Without Written Authorization:

- Student number
- Grades/Exam Scores
- Grade Point Average
- Social Security Number
- Parent Address/Phone
- Detail of Registration Information (i.e., courses, times)
- Race, Ethnicity, or Nationality
- Gender
- Date of Birth
- Total Credits
- Number of Credits Enrolled in a Semester
- Emergency Contact

4. The public posting of grades either by the student's name, student number, or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to an insecure class/institutional website and applies to any public posting of grades in hallways and in departmental offices for all students including those taking distance education courses.
 - Notification of grades via email is in violation of FERPA. There is no guarantee of confidentiality on the Internet. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's education record through any electronic transmission method.
 - In this age of increasing technology, many courses are supported by class Web sites and/or discussion groups. Only directory information can be available to the general public and other class members, so it is recommended that such Web sites have a security layer such that only class members and instructors can access appropriate information.
 - Instructors may not return papers or a student's work in any form via an open distribution system, e.g., stacking them on an open table or placing in a folder in a place of public access without a signed waiver from the student to the instructor.
 - Instructors may not release academic information without the written permission of the student to anyone except employees of HPU who have an educational need to know. Such employees might include the School Dean, the VPAA, the Directory of Academic Advising, the Director of Institutional Research and Assessment, the student's academic adviser, the Registrar, and the Dean of Students.
 - Instructors may not release or discuss disciplinary actions. Refer questions concerning disciplinary actions to the Dean of Students
 - Instructors must not release academic information to any party without the student's written permission naming who can have access. If the student is a dependent, parents or guardians may have access if they can prove that a student is a dependent by producing a copy of their most recent tax return. This documentation is kept on file in the Office of the Registrar.
5. The student has a right to inspect and review any department or college records you maintain on him/her except for 'sole possession records'. A sole possession record is a record made by one person as an individual observation or recollection, is kept in the possession of the maker, and is only shared with a temporary substitute. (An example of a sole possession record is a quick, informal memory-jogging note written about a student.) Sole possession records are not subject to FERPA; however, **once the contents or information recorded in a sole possession record is disclosed to any party other than a temporary substitute for the maker of the record, that record becomes an "education record" under FERPA.**