

FERPA: What faculty and staff members need to know

UNIVERSITY
OF MINNESOTA

150 Williamson Hall
(612) 625-1064

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/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 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.)

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.
- Student educational records (other than non-suppressed directory information) are considered confidential and may not be released without 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, including directory information, is based on your faculty or staff role within the University. You may not release lists or files with student information to any third party outside your college or departmental unit.

Student Information Types

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

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

Directory/Public Information

"Directory information is....information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3)

Directory Information can **NEVER** include:

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

Storage media for an educational record may vary and can include one or more 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 email address
- Dates of enrollment
- Enrollment status (full/part-time, not enrolled)
- College(s), major(s), adviser(s)
- Class (freshman, sophomore, etc.)
- Academic awards and honors
- Degree(s) received

Information not included in the list above is confidential 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 Records.

Can student directory or public information always be released?	NO! Before releasing any information about a student, check PeopleSoft or the IMS reports 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. If the student does not have a suppression on the release of directory information, directory/public information may be released. Note that FERPA does NOT 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.
How can a student withhold release of directory information?	Students may request suppression of their information by notifying the Office of the Registrar, One Stop Student Service Centers at 200 Fraser; 130 Coffey Hall; 130 West Bank Skyway or on the web at http://www.onestop.umn.edu/forms/pdf/req_sup_dir_inf.pdf .
What are parental rights under FERPA?	FERPA allows parental access to student's educational records if the student requests in writing that private information be released to the parent(s), or if the parent claims the student as a dependent for Federal income tax purposes. A parent who wants to request grades or other academic information for a dependent should submit a written request to the Registrar, 150 Williamson Hall, along with a copy of the parent's most recent federal income tax return (section with dependents listed). FERPA does not allow parental access to post-secondary student educational records without student permission if neither parent claims the student as a dependent for Federal income tax purposes.
What must I do if I receive a subpoena concerning student educational records?	A copy of any incoming subpoena should be sent immediately to the Office of General Counsel for review. It can be faxed to (612) 626-9624. You should also send the Office of General Counsel a short description of how and when the subpoena was received. The Office of General Counsel will determine whether and how to comply with the subpoena.
What must I do if someone contacts me about an emergency?	If someone needs to contact a student regarding an emergency, DO NOT release the class schedule of a student. Take the contact information of the caller and contact the Registrar's Office, and we will contact the student to give him or her the caller's information.
How are HIPAA and FERPA related?	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.
For more information...	Contact Tina Falkner in the Office of the Registrar, (612) 625-1064 or rovic001@umn.edu .

DO NOT!

- use the Social Security Number or any portion of the SSN or student ID number of a student 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.