FERPA: What faculty and staff members need to know

It’s Your Responsibility

As a faculty or staff member at the University of Northern Iowa, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession. Student educational records (other than directory information) are considered confidential and may not be released without written consent of the student. Your job places you in a position of trust and you are an integral part in ensuring that student information is handled properly.

The Essence

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

FERPA is designed to protect the privacy of students’ educational records and personally identifiable information.

FERPA applies to all educational agencies or institutions, including the University of Northern Iowa, that receive funds under any program administered by the Secretary of Education.

Education Records

An “Education Record” is any record that is directly related to a student and maintained by the university.

Education records include any records in whatever medium (handwritten, email, print, digital, etc.) that are in the possession of any school official.

Exceptions: Education records do NOT include:

• Records in the “sole possession of the maker that are not accessible to other personnel
• Law enforcement or campus security records created and maintained by the law enforcement unit and used for law enforcement purposes
• Employment records
• Medical/psychological treatment records
• Alumni records (those created after the student graduated or left the institution)

Directory Information

Directory Information consists of the data items that are generally not considered harmful or an invasion of privacy if publicly available. Directory Information is considered public and may be released without the student’s written permission, however cannot be released if the student has a “no release” on his or her record.

• Directory Information CANNOT include: race, gender, SSN (or part of the SSN, grades, GPA, country of citizenship, or religion. Except in very specific circumstances, a student ID number also cannot be considered directory information.
• Every student must be given the opportunity to “opt out” or have directory information suppressed from public release.
• A “no release” does NOT mean that a school official within the institution who has a demonstrated legitimate educational interest cannot access the information.
• use the University ID number of a student in a public posting of grades or in any other information
• link the name of student with that student’s University ID number in any public manner
• 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
• circulate a printed class list with student name and University ID number, photo, or grades as an attendance roster
• discuss the progress of any student with anyone other than the student (including parents) without the consent of the student
• provide anyone with lists or files of students enrolled in your classes for any commercial purposes
• provide anyone with student schedules or assist anyone other than university employees in finding a student on campus
• access the records of any student for personal reasons

FERPA Scenarios

Using the UNI Student ID number, Fred Faculty has posted the grades for his students on the wall outside his office. Posting grades in any personally identifiable format, such as with a name, SSN or Student ID number is a violation under FERPA.

A student’s social security number (SSN) has been verified to a caller who received a document with the student’s SSN on it. A student’s SSN can never be directory information, and therefore cannot be disclosed or even confirmed as public information.

Professor Polly has been publically podcasting all of her classes, this includes class discussions, without notifying the students. Student participation in class discussions should not be made public without their express written permission.

A student is demanding that his advisor, Annie Advisor, share her personal notes about him with him. Under FERPA, these notes are considered “sole possession” records, which are an exception to “education records” notes and do not need to be released.

Student Rights

Students have the right to:
• Be notified of their FERPA rights at least annually
• Inspect and review their records
• Amend an incorrect record
• Consent to disclosure (with exceptions)
• File a complaint with the Department of Education concerning an alleged failure by the institution to comply with FERPA

When do FERPA rights begin? A FERPA-related college education record begins for a student when he or she enrolls in a higher education institution. At a postsecondary institution, rights belong to the student in attendance, regardless of the student’s age.

More Information

University of Northern Iowa Office of the Registrar/115 Gilchrist Hall/319-273-2241
www.uni.edu/registrar/ferpa

Family Policy Compliance Office
US Department of Education
Email: ferpa@ed.gov
www.ed.gov/policygen/guid/fpco/