A Private Conversation: FERPA Training for Faculty

Helen B. Garrett
Executive Dean of Student Affairs
Lane Community College
Eugene, Oregon
garretth@lanecc.edu
What you can expect from this webinar

- Learn FERPA Basics as it relates to the role of the faculty member
- Understand new FERPA regulations as they relate to the faculty role
- Become empowered to know what needs to be reported or not, as it relates to protecting the safety of the student and the institution
- To allow you as an attendee to present actual real life FERPA scenarios and questions you face as a faculty member for the presenter to provide you with guidance on how to respond
FERPA in the news and why this matters to you…

“Excessive paranoia about compliance with FERPA and HIPAA greatly impedes essential communications on campus that would provide for greater safety for students, employees and the entire college community.”

Sheldon E. Steinbach, a lawyer in the higher education practice at the Washington firm Dow Lohnes
How well do you know FERPA?

1 Finger (FERPA, huh? I thought this was our weekly staff meeting!)

5 Fingers (I could hold my own if a man with a badge appeared!)

10 Fingers (I know this and am just here for moral support of my friends and co-workers.)
FERPA Basics for Faculty

- **Family Educational Rights and Privacy Act of 1974**
- Student must be permitted to inspect and seek amendment to their own records
- School officials may not release personally identifiable information
- Students have the right to consent to disclosure
- Students have the right to complain (this probably isn’t a big surprise!)
So, what’s the bottom line here?

- As a faculty member, you can not provide access or release any information on a student to anyone, but the student, unless the student has provided a signed release. No matter the age of the student.

- This may seem like somewhat boring information, but it is a law that must be adhered to in order to keep the institution and you out of trouble!
Who has FERPA Rights?

- All students attending an institution of higher education receiving Federal Title IV funds, regardless of age

- Attendance is defined by each institution

- Any student for whom an educational institution maintains educational records
Important FERPA Terms

- **Student**
  - Anyone attending an institution, regardless of age during the attendance period defined by the school, for whom records are maintained

- **Student Record**
  - Any information or data recorded in any medium

- **Educational Record**
  - Directly related to a student
  - Maintained by an educational agency or institution
More Important FERPA Terms

• School Official
  • Members of an institution acting in the student’s educational interest within the limitations of their “need to know”
  • You, as faculty member.

• Directory Information
  • What the institution had defined as information that can be released without permission from students.

• Confidentiality Indicator/Opt Out
  • When a student asks for no directory information to be given
What can not be given out? Ever!*

- Student’s Social Security Number
- Citizenship
- Gender
- Ethnicity
- Religious preference
- Grades
- GPA
- Daily class schedule

*This means parents, too! Even if they are paying the bills. *(There is an exception. See slide 15.)*
What Exactly is Directory Information?

- Information not generally considered harmful

- Includes, but not limited to:
  - Name, address, telephone, e-mail, data and place of birth, photographs, participation in sports, major, weight/height of athletes, enrollment status, degrees and awards received, dates of attendance, most recent previous school attended, grade level

- Schools must post their directory information and make this available to students annually
What are the student’s FERPA rights?

That educational records (paper and computer) will be kept confidential and disclosed only with the student’s permission and as allowed by law. This includes:

- Grades
- Enrollment records
- Class schedule
- Class lists
- PIN
- Social Security Number
- Daily class schedule
- Student employment and payroll information
Special Faculty Reminder Not to Release Without Written Authorization

- Student number
- Grades/Exam Scores
- Grade Point Average (especially in a reference letter)
- 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 Quarter
- Emergency Contact
Requests for Non-Disclosure

- Applies only to directory information. All other information is always confidential and can not be released.
- Does not apply to restrict information from particular individuals (can’t say that just one specific person can not have your information)
- Must be made a currently enrolled student
- If a directory restriction exists you must say:
  There is no information available on that person!
When in doubt, don’t give it out!

- As a faculty member you are never obligated to give out FERPA protected information. Even to a parent of a minor in your class. (*Winthrop allows a parent to present tax information which shows dependency to be able to allow disclosure.*)

- FERPA law states that school’s have up to 45 days to provide students with access to their information and this does not require the information to be copied and released, but just to make the information visible to review.

- The more pressure you are receiving to release information, the more you want to assume that the person asking does not have the right to access the student’s information.
As a faculty member, do you know...?

- Where to find your institution’s FERPA policy?
- How your school defines “attendance”? The moment a student registers for a class.
- Does your school allow parents of dependent students to present Section 125 tax records to have access to their records? Yes
- Has your institution defined in writing who your “school officials are”? http://www.winthrop.edu/recandreg/default.aspx?id=7126 Part VIII
- How are students being notified annually of their FERPA rights? Email and Wingspan announcement with links to website
- How you would know that a student in your system has a confidentiality indicator? In INB, there is a pop-up message. In Wingspan, “confidential” appears by the student name in a list.
New FERPA Updates – January 2009
(See http://www.lanecce.edu/cops/release.htm for full information)

- Prohibition on Disclosure of SSN
- Opt out of Directory Information: In-Class Disclosures
- Disclosures Due to Health and Safety Emergencies
- Peer-Graded Assignments
- Access to Educational Records by School Officials
- Disclosure to a Prospective School
- Disclosure under the Campus Sex Crimes Prevention Act
Sample Faculty FERPA Scenarios

- A parent calls asking for a copy of a student’s grades or to have an update on their attendance or performance in your class.
- A parent calls asking for you to disclose their student’s schedule to reach them.
- A person with a badge appears and needs to speak to a student in your class or to have some information on the student.
- A student e-mails you asking for their grades on an assignment or for the class.
- You want to be able to have students review each others work as part of the learning experience.
Sample Faculty FERPA Scenarios

- An attorney calls and asks to speak to you about a student you have taught.
- A parent calls asking for FERPA protected information, stating that their child is a dependent.
- A student presents information verbally or in writing that causes you to be concerned for the student and/or others.
- A student asks you to write a letter of recommendation and you aren’t sure what can and can not say.
- A student tells you that they need to be anonymous in your class and you aren’t sure what that means.
- You discover that your laptop or jump drive with student information has been stolen or lost.
Potential Pitfalls to Avoid

- Do not post grades in any manner that would allow one student to determine the grades of another.
- Do not share information on a student who you perceive to be a minor. Age does not matter with FERPA.
- Do not release any information in a letter of reference that would be considered protected information, unless you have written permission to do so.
- Do not leave tests or papers out in an area in a manner by which students can see each other’s grades or work.
- Do not store FERPA protected information on jump drives.
Top Ten FERPA Tips

The Lane Community College Top Ten “Most Important Things to Remember About FERPA”
http://www.lanecc.edu/cops/release.htm

10. The purpose of the Family Educational Rights and Privacy Act of 1974 (FERPA) is to afford certain rights to students concerning their educational records. The primary rights afforded are the right to inspect and review educational records, the right to seek to have the records amended, and the right to have some control over disclosure of information from the records.

9. If asked where one can read Lane’s policies on FERPA, the release of directory information, or how to restrict one’s directory information, direct them to the following references: Lane’s COPPS website, specifically listing our FERPA policies, the Policies and Student Code section in the Aspire Magazine, and in the Procedures section of the 2011-2012 catalog, page 57.
8. Because a student’s “L” identification number listed in alphabetical order by the student's last name can easily be traced to a student’s identity by referencing the alpha name list, grades may not be posted by the “L” student identification number. Grades may be posted using the last four digits of the “L” student identification number, as long as the list is NOT in alphabetical order.

7. “School Officials” at Lane are defined as those members of the institution who act in the student’s educational interest within the limitations of their “need to know.” This may include faculty, administrators, classified employees, student employees and/or part-time employees who manage student education record information.
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6. Lane Community College has designated the following items as directory information. (This is information that can be given out to any requester, provided that a confidentiality restriction has not been placed on the individual’s record.)
   • Student name(s)
   • Degree program and major
   • Participation in officially recognized activities/sports
   • Weight and height of athletic team members
   • Dates of attendance (not daily, but whether they are enrolled currently or dates that student attended)
   • Degrees and awards received
   • Most recent previous school attended and photograph
   • Enrollment status (full-time/half-time only)
   • Date of graduation
   • E-mail address
Top Ten FERPA Tips

5. If a student has accessed myLane to update their Student Information Release information which allows them to add or remove the release of directory information and/or to provide a password that-populates Native Banner, if restricted, it will be flagged on every student module form in Native Banner with the word *Confidential* in the upper left hand corner of the form/screen. Absolutely NO information can be released except to individuals presenting the current password or unless the student appears in person with a present photo ID. If the person is calling and there is a restriction on their record you must say: “THERE IS NO INFORMATION AVAILABLE ON THAT PERSON.”
Top Ten FERPA Tips

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4. SPECIAL “DON'TS” FOR FACULTY AND STAFF

To avoid violations of FERPA rules, DO NOT:

- Require students to disclose personal information such as phone number and e-mail address to another student.
- Never ask a student for their myLane PIN or accept it if offered under any circumstance.
- At any time use a student’s “L” student identification number in a public posting of grades, including an electronic environment or link the name with the “L” number.
- Post grades in a web environment which does not require a secure password which might allow a student access to another student’s educational records (grades).
- Leave graded tests in a stack for students to pick up by sorting through the papers of all students.
- Circulate a printed class list with student names and “L” roster.
3. As an employee of Lane Community College you have a responsibility to protect all educational records in your possession. These include any documents in the departmental office, computer printouts in your office, class lists on paper or on a computer desktop, computer display screens, and notes taken during any kind of advising session with a student. Do not allow any students to view, read, or record another student’s “L” student identification number while in your workspace.

2. Employees at Lane Community College who are parents, spouses, partners, friends or relatives of any kind, of a Lane Community College student, do not have access to information on these students beyond directory information. Employees may not access and/or amend their own records in Native Banner or those of any members of their families or household for any reason, at any time and must conduct all transactions related to their own records using myLane. If you are feeling pressure to comply with a request for information beyond that which can be given out, refer the requester to Helen B. Garrett, Executive Dean of Student Affairs.
Top Ten FERPA Tips

The Lane Community College Top Ten “Most Important Things to Remember About FERPA”  [http://www.lanecc.edu/cops/release.htm](http://www.lanecc.edu/cops/release.htm)

And the number one Most Important Thing to Remember About FERPA is:

1. When in doubt, don’t give it out!  Call Helen B. Garrett, Executive Dean of Student Affairs, Academic and Student Affairs, 541-463-5725, or e-mail her at garretth@lanecc.edu to review with her the specifics of your individual question or scenario.

FERPA Top Ten List, produced by Helen B. Garrett, Lane Community College  
(541) 463-5725, updated 4/15/11
Let’s Take a Faculty FERPA Quiz!

Some additional examples...

- Ball State University
  [http://cms.bsu.edu/About/AdministrativeOffices/Registrar/ForFaculty andStaff/FamilyEducationalRightsandPrivacyAct/FERPAQuiz.aspx](http://cms.bsu.edu/About/AdministrativeOffices/Registrar/ForFaculty andStaff/FamilyEducationalRightsandPrivacyAct/FERPAQuiz.aspx)

- University of Baltimore
  [http://www.ubalt.edu/template.cfm?page=1825](http://www.ubalt.edu/template.cfm?page=1825)

- University of Georgia
  [http://www.reg.uga.edu/facultyStaffServices/ferpaTutorialAndQuiz](http://www.reg.uga.edu/facultyStaffServices/ferpaTutorialAndQuiz)
Question #1

You are concerned about a student’s performance in class and want to know how they did in other classes in the same discipline.

Do you have the right to see her transcript?

A. Yes
B. No
Answer to Question #1

- The answer is B: No.
- Faculty generally have no access to student records beyond their class and grade rosters. Faculty do not have access to the student academic records unless their normal job duties specifically requires access.
- You may not access to a student’s transcript unless you have access such as being the student’s advisor and serve as a school official in that capacity or the student shares the transcript directly with you.
Question #2

- Dr. Scholar, another faculty member in your department says that she needs one of your student’s phone number and asks you to give it to her.

This is a school official, so is it ok to give her what she needs?

A. Yes
B. No
Answer to Question #2

- The answer is B: No.
- Yes, a professor is a school official, but if the instructor had a legitimate educational interest they would have been provided with that information by the school already, typically in the faculty portal.
- Tell your colleague that they will need to access this information through their faculty online resource or to contact the Registrar for more information.
Question #3

- You are approached by a former student to complete a letter of recommendation to support a scholarship competition and to complete a form asking for the grade the student earned in your class. Do you complete the form and provide the recommendation?

  A. Yes, since the student asked you to send this it is ok.
  B. No, unless the student specifically provided you with written permission to release FERPA protected information.
  C. Yes, you may complete the form providing your personal observations of the student, but you do not provide the grade unless you have written permission to do so.
Answer to Question #3

- The answer is C.
- You may always present information when requested on personal observations of a student, since these are not considered FERPA protected information. The grade earned in the class is protected and unless the student puts in writing to you that you can release this or any other FERPA protected data, do not release this.
Question #4

- You are approached by an employer that hires students in the discipline you teach and they are asking for a list of the top students you have taught to be able to recruit them.

Should you comply with his request?

A. Yes

B. No
Answer to Question #4

- The answer is B: No.
- Even if the person making the requests seems to have a worthy and valid request, you are obligated per FERPA to not release any information to anyone without the student’s written permission.
- If the employer wants to recruit students from your school they can approach your Registrar’s Office and they can release Directory Information on all majors in your division, but not depending on their grades or GPAs.
Question #5

- You see that one of your students has posted the name and phone number of another student in your class on Facebook. Is this a FERPA violation and should you report them?

  A. Yes
  B. No
Answer to Question #5

- The answer is B: No
- Social media tools like facebook and Twitter are presenting very interesting dilemmas for FERPA.
- Technically, facebook is not a place where your school is maintaining student information and the student is not a school official.
- However, this person’s privacy is being violated and it is a good idea to copy this posting and notify the student posting the private information and alert them that this is inappropriate.
Question #6

- You have completed grading written papers and leave them on the table at the front of the class. The papers are graded and the students' names are written at the top of each page. Is this a FERPA violation?

A. Yes
B. No
Answer to Question #6

- The answer is A: Yes
- A student’s submitted work that has been graded is an educational record and it can not be shared with others unless the student has given written permission.
- Utilize your online system to release grades on work where a student is required to submit a pin to obtain access to only their grades.
- Whether it is on paper or in an online system you may never allow one student to see the grades of another
Question #7

- You are approached by Ms. Donta Questionme who presents a badge stating that she is an official of the government such as the Office of Personnel Management, CIA or FBI and that she needs to talk to you right now about a student in your class. Must you comply with her request since she is an official?

A. Yes  
B. No
Answer to Question #7

- The answer is A: No
- It doesn’t matter that the person is presenting a badge, says they are from the government and is in a hurry.
- Unless a student has presented your Registrar’s Office with a signed release, you should not discuss any details about this student with anyone without specific written permission from the student or legal counsel.
- Government employees are not able to access student information without the student’s written consent.
- Public Safety and Police Officers, unless specifically designated as school officials must present a subpoena for this information, as well.
Question #8

- You are reviewing a paper written for your class and the student indicates that they are depressed and are contemplating suicide. You want the student to trust that what they have written is confidential, but you are concerned for their well-being.

- In this scenario what is your role?
  A. A faculty member who is limited to just reviewing the paper based on how it meets the terms of the assignment.
  B. A school official with an obligation to report this to your dean or supervisor as a precautionary step.
  C. A confidante to the student who trusts you to keep this information to yourself.
Answer to Question #8

• The answer is B.

• Anytime that a student reveals in writing or in person anything that causes you concern that they may cause harm to themselves or to another, you must report this upward.

• You may refer the student to resources at your college, such as counseling, but take the step to report it upward to protect the student and to comply with FERPA.
Question #9

- A student comes to you upset that you have graded them unfairly and asks to discuss this with you. You take notes on the meeting and store them in your locked desk. Does the student have the right to review these notes at a later time?

A. Yes
B. No
Answer to Question #9

- The answer is A: Yes
- This information is not considered a “Sole Possession” record since you took notes in the presence of the student so they do have the right to review your notes if they ask. However, you are not obligated to release a copy to the student.
- If you want to have notes that are considered “Sole Possession” you will need to not take notes when in the presence of the student and record your notes after they have left the meeting.
Question #10

- You are grading take home exams of a husband and wife taking your class and observe that their answers are exactly the same, including those that are incorrect. You want to be able to share the results of the exam with each of the students individually to find out who cheated. Can you share these without violating FERPA?

A. No, because it is student protected information.

B. Yes, as long as you have not yet graded the exams and recorded the grades.
Answer to Question #10

- The answer is B, as long as you haven’t yet recorded the grades.

- In this circumstance you could present the paper of the other student to each student individually without indicating whose paper it is as an extra precaution and you could tell them that you believe that two students completed the exam together as a way to address the cheating.
Congrats! You are FERPA Trained!
Additional Resources

  sample forms, library, recent updates, regulations


- AACRAO Publications: www.aacrao.org/publications/
  AACRAO FERPA Guide 2010
  FERPA Quick Guide

- Do a C.A.S.E. (Copy And Steal Everything) study
  by going to other websites and searching on “FERPA”.
Questions?
Thank you for your participation!

Helen B. Garrett  
Executive Dean of Student Affairs  
Lane Community College  
4000 E. 30\textsuperscript{th} Avenue  
Eugene, OR  97405  
garretth@lanecc.edu  
(541) 463-5725