



FERPA and Faculty: Dealing with Common Challenges

Faculty deal with student records all day, every day. The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law designed to protect the privacy of educational records; to establish the rights of students to inspect and review their education records; and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings. This is a list of common situations and some possible solutions.

- Returning “hard copy” student work:
 - Do:
 - Hand it back in class
 - Ask the students to provide a self-addressed, postage-paid return envelope and mail it
 - Have someone monitor the pick up if you have something that can’t be mailed (i.e. a secretary, graduate assistant, you during office hours, etc.)
 - Don’t:
 - Pass it out by having the students take theirs and pass the rest back with the grades and names showing to all who touch it as they do so
 - Leave it in the hallway for anyone and everyone to rifle through
 - Leave it in public, unattended locations such as mail rooms that open to hallways
- Reporting test and other grades back to students:
 - Do:
 - Use course management systems as much as possible (such as Blackboard)
 - Manage as you would other hard-copy work
 - Post the grades by some arbitrarily assigned code or password that is not easily decoded
 - Don’t:
 - Post grades by ID number
 - Post grades by name
 - Post grades by full social security number
- References for current or former students:
 - Do:
 - Get a signed release if you are going to discuss the student’s academic performance
 - Ask for them from every student up front so you won’t have to ask later
 - Ask them to follow up by mail, sending you a copy of the position description, their resume and in a reminder note asking for the reference
 - If you don’t have a release, keep it to observational characteristics that you know from interactions, i.e., things like, “He is inquisitive and often asked me to continue discussing certain topics,” or “She is prompt.”
 - Don’t:
 - Without a signed release, don’t give out grades, class rank, etc.
 - Provide anything that you have kept as part of the “record” without a signed release
- Illustrations of good (or poor) student responses to previous assignments:
 - Do:
 - Get a signed release

- Remove anything that would allow others to determine who did the work if you cannot get a signed release
 - Make an amalgamation of several students work and remove all items that could allow others to determine the creators.
 - Respect the student's intellectual property as well as following FERPA
 - Don't:
 - Show work, even excellent work, without the students express, signed permission
 - Post work to web sites, include in presentations, etc. without the student's signed release, even if they have graduated.
- Sharing "proud" student moments with colleagues, the peers or campus community:
 - Do:
 - Follow suggestions for sharing examples of work noted above
 - Get signed permission before posting photos, videos, displaying completed work, such as art, photos, etc.
 - (NOTE: large, crowd shots where you cannot identify people are exceptions.)
 - Don't:
 - Assume that photos, videos, recordings, blogs, etc. are not student records. (If it is maintained in any way by the institution, it is a record.)
 - Assume that because you think it is a good thing, that the student will feel the same way, for instance a student may have restricted directory information, be changing genders, etc.
- Parental/spouse inquiries:
 - Do:
 - Make sure there is a signed release to talk to the parent (or that you have a copy of the last tax form showing that the parent claimed the student in question)
 - Feel free to pass the buck, i.e. have a chair, dean or Univ. Reg. staff assist in telling the parent that they are not entitled to the information
 - Don't:
 - Feel you have to share information if you have a signed release. Note that even with a signed release you do NOT have to share information. You MAY do so.
 - Feel that if there is a concerning situation that you think parents or family need to be brought into the fold, that there may not be ways to do that. Talk to your chair, student affairs or Univ. Reg. staff for ideas to address the situation
 - Let yourself be "conned" by fake emergencies
- Argumentative students (the ones who just WON'T go away...):
 - Do:
 - Know that the student is entitled to his/her own record and all grades, etc.
 - Know that you do not have to provide a copy unless to not do so would be a great inconvenience (i.e. they would have to travel here from a great distance.)
 - Know that you can ask for assistance. (Univ. Reg. staff can assist by being "third" party allowing student to review document without faculty present.)
 - Don't:
 - Refuse the student access to the information and materials
 - Destroy information after it has been requested