

# FAQs - FERPA for Staff

*These FAQs are intended to help you follow the guidelines of the Family Educational Rights and Privacy Act (FERPA) as they apply in your role as a staff member.*

*The University FERPA policy and more information is located at <http://www.admin.mtu.edu/em/osrr/privacy/>*

## **What are my Responsibilities Regarding Student Records?**

All university employees are considered **school officials** and are required by law to maintain the **confidentiality of student records**. Any school official who maintains specific records is considered a record custodian. At Michigan Tech, the Office of Student Records and Registration is the official custodian of education records.

The release of any **non-directory information** about a student to any person outside the university community or to any university personnel without a **legitimate educational interest** violates federal law as well as university policy.

## **What are the Consequences of Violating FERPA?**

Under federal law, FERPA violations may result in the loss of federal funding for Michigan Tech.

## **Can I Access Student Records?**

Staff must have a legitimate educational interest in order to access a student's education record.

## **What can be Disclosed Without a Student's Consent?**

In certain instances, the law does not require the university to obtain student consent before disclosing information from an academic record. The most common examples of disclosure that do not require your consent include:

- Disclosures to school officials with a **legitimate educational interest**
- Disclosures to other institutions where student is enrolled or is seeking to enroll
- Disclosures in connection with the receipt of financial aid (validating eligibility)

- Disclosures to state/local officials in conjunction with legislative requirements
- Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations
- Disclosures to **parents of dependent** students
- Disclosures to parents of dependent students who have had drug and alcohol violations (contact Dean of Students prior to any release)
- Disclosures in compliance with a judicial order or lawfully issued subpoena. (Michigan Tech will make a reasonable attempt to notify the student of disclosures to their parents or disclosures in response to a subpoena.)
- Disclosures for a health/safety emergency
- Disclosures of information from disciplinary proceedings to the alleged victims of violent crimes or sexual offenses
- Disclosures of name, sanction and outcome of disciplinary proceedings \*public information), when a student has been found in violation of a crime of violence.

## **Can Parents Access Their Son or Daughter's Academic Record?**

When a student reaches 18 years of age or enrolls at a postsecondary institution such as Michigan Technological University, the rights afforded to the parents of a student automatically transfer to the student. However, parents may have access to the academic record if:

- The student provides a signed, notarized release to the university, specifying what information should be released, and including the timeframe for the authorization to remain in effect.
- The information requested is directory information and there is not privacy hold on the record.
- The information is released in response to a lawful subpoena.
- The parents demonstrate that the student is a dependent, as defined by the Internal Revenue Service, by completing the Parental Affidavit for Educational Record Information.

**What Should I do if I Receive a Call About a Student Who has Requested Confidentiality?**

If a caller requests information about a student who has requested confidentiality, you **cannot** provide any information about that student; in fact, you **cannot** even acknowledge that the individual is a Michigan Tech student. Any student who has requested confidentiality on their record must conduct all business **in person** after presenting photo identification. If there is any question regarding whether or not specific information can or should be provided, **always** err on the side of caution and consult with your supervisor.

**How do I tell parents that their student did not graduate? How do I tell a potential employer that the student did not graduate?**

Degree awarded information is directory information. Thus, for a non-restricted student, informing a parent, or an organization, that 'no degree was awarded' to this individual is permissible. Do not provide information on why the degree was not awarded or what degree requirements were not met. Encourage the caller to discuss the situation with the student.

**Do Student Employees Have to Maintain the Confidentiality of Student Records?**

Student employees have the same obligations to maintain the confidentiality of student records as any other employee. Student employees should be required to sign a Statement of FERPA Understanding (link on OSRR FERPA website) before they can access student records. Student employees should receive FERPA training from their supervisors. It is always best for students to ask questions and err on the side of caution when dealing with the release of any information.

**What Standard Security Practices Must I Follow?**

All staff must utilize reasonable measures to preserve the confidentiality, security and integrity of Michigan Tech information systems and the information contained therein. All staff should practice appropriate security measures:

Never disclose, share or loan your username(s) and password(s) to anyone (e.g., another employee, faculty member, supervisor, student assistant, etc.). Ensure that remote access to, retrieval and transmission of confidential education record information is accomplished through a secure and encrypted connection (e.g., HTTPS, SSH or SSL).

**How Should I Handle a Subpoena Requesting Student Information?**

Please forward it to the University Registrar.

**May I Include Non-Directory Information in a Letter of Recommendation for a Student?**

Only if the student provides written consent for the individual writing the letter of recommendation to release such information.

**May I Release Information About a Student to a Faculty Member Interested in that Student's Previous Grade(s) in a Particular Course(s)?**

No. For individual students, specific grade information should only be accessed by his or her advisor for the purposes of advising. However, researching the academic achievement of a cohort of students during their progression through a particular course may be permissible for planning purposes.

**May I Withhold a Transcript for a Person that has a 'Transcript Hold' Identified on the Banner System?**

You are not required to release an official transcript for an individual with a 'transcript hold'. The student has a right to inspect their records. You may provide them with an 'unofficial' transcript. If the individual has any questions concerning the hold they should be directed to discuss them with the departmental representative responsible for the hold.

**May I Release the Name of Current and Past Study Abroad Participants to the Media?**

Only with signed consent from the student. Participation in study abroad is tied to the academic record of the students, which is non-directory information.

**Are There Any Special Circumstances or Legal Issues of Privacy Pertaining to International Students?**

FERPA does not distinguish between international and non-international students; the privacy of all student records is protected.

# Understanding FERPA – What Would You Do?

***Your neighbor's daughter has not received word on her admission to Michigan Tech. As a personal favor, your neighbor asks you to look up her admissions status in the student records system. Is this appropriate?***

No. You can access only those education records for which you have a legitimate education interest during the performance of your official university duties. You should **never** access confidential information for personal reasons.

***Mr and Mrs. Smith have just enrolled their 17-year-old son, Tom, as a full-time student at Michigan Tech. Without his knowledge, Mr. and Mrs. Smith contact your office and demand to see Tom's education records. Should you disclose these records to his parents?***

No. Tom's FERPA rights began when he was accepted by Michigan Tech. Even though he is a minor, only Tom, not his parents, has the right to inspect and review his education records. However, Tom's can give his parent's permission by completing a Release of Educational Authorization form, by giving them authorization through the Guest Access System, or if he is a dependent as defined by the IRS by completing the Parental Affidavit stating dependency.

***You receive a frantic phone call from an individual who says that he is the student's father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is?***

No. Student schedules are not directory information at Michigan Tech. If he needs to reach the student right away, refer him to the Public Safety Office and they will contact the student if deemed necessary.

***Laura Lawyer calls you to request information about a student for a case. Should you answer her questions?***

No. You should not disclose confidential information to anyone without the student's consent. You should refer this call to the Office of Student Affairs.

***What information may I provide to a scholarship donor requesting enrollment, aid and grade information?***

You may release scholarship criteria information to a scholarship donor if the student has signed a release statement that specifies the information that may be disclosed to the scholarship donor.