

# FAQs - FERPA for Faculty

(For the purpose of this information faculty are defined here to include any person to whom the duty to teach and/or grade academic exercises has been delegated.)

*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 faculty 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 faculty 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?**

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

## **What are Appropriate Ways to Notify Students of Their Grades?**

Please assign or allow students to choose a unique or confidential identifier (e.g., a 4-digit number). This unique identifier cannot be part of the student's name, MTU ID or social security number.

Grade lists must be posted in random, not alphabetical order.

Web based course management systems such as WebCT can be used to post grades if the system is secured by username and password.

Do not send grades to a non-MTU email address (mtu.edu) as there is no guarantee of confidentiality with electronic transmission.

You can send grades via fax or release by telephone **only** if you are certain that the student is the one receiving the information. To verify the student's identity, you should confirm personally identifiable information with the student.

You may also mail students their final grades. Have students provide self-addressed, stamped envelopes. You may not send grade notification using a postcard.

## **What Standard Security Practices Should I follow?**

All faculty must utilize reasonable measures to preserve the confidentiality, security and integrity of Michigan Tech information systems and the information contained therein.

All teaching faculty 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.). Department staff or supervising faculty should obtain individual log-on information for graduate/teaching assistants. Security access for the student records system is available from Enrollment Services Information Systems.
- Never use generic/group IDs when accessing confidential education record information. 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).
- Take reasonable measures to restrict an unauthorized person from viewing confidential education record information. For example, you should
  - Never leave your computer workstation unattended while signed on without appropriate screen locking

(e.g., a password-protected screen saver).

- Never leave personal logon information (e.g., username, password, network mapping, etc.) in view of unauthorized persons.
- Never program (or 'hot-key') automatic access to confidential education record systems.

### ***What are Acceptable Methods for Returning Papers or Exams?***

You may share graded papers and exams only with the student, with others upon receiving the student's consent or with university officials in performance of official duties. Student papers or exams should not be left outside an office door where students must look through all the papers to find their own; students should not have access to other students' grades. While you may return papers and/or examinations by mail, the safest practice is to return papers personally to the student. Other options would be to leave the exams with an administrative assistant who would ask students for proper identification prior to distributing them or simply to leave the exams in a sealed envelope with the student's name on it.

### ***Can I Circulate a Class Attendance Roster?***

You can circulate an attendance roster, but it should not contain confidential information such as social security, MTU ID number and/or grades.

### ***Can I Discuss my Students with other Faculty?***

Faculty should discuss a student's education record only with that student or with university employees in the performance of official duties.

### ***Can I Access a Student's Record to Write a Recommendation Letter?***

Faculty who are asked to write a recommendation letter have a legitimate educational interest and may access the student's education record. You may include information from personal observation or knowledge without the student's consent. Items that are 'directory information' may be release without consent as long as the student has not requested **confidentiality**. This is recorded in Banner by the Office of Student Records and Registration and the word 'Confidential' appears on every Banner screen viewed for that student.

However, if you include grades, GPA, and other non-directory information in the letter that you obtained from the student's education record, you should obtain a **signed release** from the student. This applies even if the student provided a resume containing this information to you. The release should specify the information that may be disclosed, the purpose of the disclosure and identity of the party(ies) to whom the disclosure can be made – <http://www.admin.mtu.edu/em/osrr/privacy/>

### ***If a Reporter from 'The Lode' Requests Information on the Number of Students Who have Dropped Your Class this Term Can You Release this Information?***

An aggregate number is not personally identifiable to specific students so this does not fall within the context of FERPA. Using a minimum of 5 when sharing numbers can help to prevent possible identity of individuals depending upon the type of data requested.

### ***What are a Student's Parents/Guardians Entitled to Know?***

Regardless of age, parents/guardians do not automatically have rights to students' post secondary educational records, including progress in a course, unless the student gives them written permission. This also applies to spouses, or any other family member. Directory information may be released if not restricted by the student.

Encourage the parent to ask the student for the information, or to obtain a signed release from the student to disclose the particular record. Even with evidence of dependency, the release of educational records to a parent is only permissible, not required.

### ***As an Instructor, May I release Information About an Athlete's Academic Performance When Requested by Athletic Department Coaches?***

Our Division I and Division II student athletes sign an NCAA Student-Athlete Statement authorizing information about their academic performance to academic representatives of the Athletic Department. Release of such information by faculty is helpful for advising purposes.

### ***What Information Can I Release When Asked for Assistance in Finding a Student on Campus?***

Release no information. Refer the individual to the Office of Student Affairs or Public Safety.

# Understanding FERPA – What Would You Do?

***A parent calls and wants to know if her son has been attending your class regularly. Your response is:***

Encourage the parent to ask the student for the information. If you keep attendance records, check with the Office of Student Records and Registration to determine whether the parent has provided the student's written consent, granted them Guest Access, or provided the appropriate document indicating the student's dependency status. If so, you may release the information; if not, refer the parent to the Office of Student Records and Registration.

***A colleague in your department tells you that she suspects that one of her students has cheated on an exam and asks you about this student's performance in your class last semester. Under FERPA, what is an appropriate response?***

You should not discuss the progress or performance of a student with anyone, including parents and other faculty, without the student's consent. Inquiries to faculty regarding previous student performance do not constitute a legitimate educational interest. In this case she should consult with her Department Chair and then if necessary a Student Judicial Affairs staff member.

***Can you release a list of students enrolled in your class?***

You should not provide anyone with lists of students enrolled in your class(es) to individuals that do not have a legitimate educational interest. Refer any requests for information to the Office of Student Records and Registration.

***A medical school admissions office wants to confirm that an MTU alum earned a 3.95 GPA in your department and graduated summa cum laude. Can you confirm both facts?***

Honors conferred is designated as directory information and may be released to a third party. Grade point average could not be released without the student's written consent.

***If a former student has applied for a position in my department, may I view his or her record?***

No. Accessing a Michigan Tech student's record on-line for non-educational purposes, such as potential employment, is not permissible. Request a transcript from the student as part of an employment process.