

# **FERPA Guidelines for Advisors**

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law which sets forth requirements aimed at protecting the privacy of educational records. Education records are defined as those records which directly relate to a student and are maintained by an educational agency or institution or by a party acting on behalf of that institution. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Failure to comply with FERPA could result in the revocation of all federally awarded financial aid funding.

## **Education Record Definition**

An education record is any record 1) which contains information that is personally identifiable to a student and 2) is maintained by the university. Education records include any records in whatever medium (handwritten, print, email, computer file, etc.) that are in the possession of any school official. The following are examples of what is considered part of a student's educational record:

- Personal information
- Enrollment records
- Advising records
- Grades
- Schedules

Student educational records may be:

- A document in the Registrar's Office
- A computer printout in your office
- A class list on your desktop
- A computer display screen
- An email message
- Notes you have taken during an advisement session

## **Basic Rights of Students under FERPA**

1. Control the disclosure of their education records to others
2. Inspect and review their education records
3. Seek amendment to their education record
4. File a complaint with the Department of Education

## **Ownership of Student Records**

Once students are enrolled at Missouri Western, FERPA rights transfer to the student, regardless of the student's age. Applicants for admission are not protected by FERPA until they enroll in classes and attend.

## **What can be released?**

In the absence of an official request, information contained in a student's records remains confidential between the student and MWSU and will not be released to third parties without the consent of the student, with the following exceptions:

- as directory information
- to school officials with legitimate education interest
- to organizations conducting studies of or on behalf of educational institutions
- to federal, state or local education authorities
- in connection with the receipt of financial aid
- to accrediting agencies
- to comply with a judicial order or subpoena
- in health or safety emergencies
- results of a disciplinary hearing to an alleged victim of a crime of violence
- to parents of students under the legal drinking age if caught possessing or using alcohol or drugs

### **Approved Directory Information at MWSU**

The university will not disclose any personally identifiable information about students (except directory information listed below) without the written consent of the student. Missouri Western defines directory information as:

- |                             |                                      |
|-----------------------------|--------------------------------------|
| • name                      | • anticipated graduation date        |
| • mailing address           | • classification                     |
| • telephone numbers         | • degrees awarded                    |
| • campus e-mail address     | • honors awarded                     |
| • date of birth (month/day) | • previous institutions attended     |
| • major or field of study   | • participation in activities/sports |
| • date of attendance        | • weight/height of athletes          |
| • enrollment status         |                                      |

### **Legitimate Educational Interest**

The Family Educational Rights and Privacy Act stipulates that information may be released to university employees only when the disclosure of information is to faculty or staff who have a “legitimate educational interest” in the student information. “Legitimate educational interest” is defined by your role with the university. Acceptable usage of the information is:

- Academic advising
- Letters of recommendation on behalf of the student
- Verification of major or degree requirements
- Verification of admission enrollment requirements (testing, etc.)
- Departmental recommendation for scholarship or awards
- Departmental or university program reviews

Legitimate educational interest **does not** convey inherent rights to any and all student information. The law discriminates between educational interest and personal or private interest with determinations being made on a case-by-case basis.

### **Posting of Grades by Faculty**

The public posting of grades either by the student’s name, student identification number, or social security number without the student’s written permission is a violation of FERPA. Instructors who post grades should use a system that ensures that FERPA requirements are met. This can be

accomplished either by obtaining the student's written permission or by using code words or randomly assigned numbers that only the instructor and individual student should know.

Notification of grades via a postcard or telephone violates a student's privacy rights. If grades are to be sent through email both the sending and receiving email account should be the MWSU account in order to help guarantee confidentiality. Non-public educational data, including grades, should never be sent to non-institutional assigned accounts. Additionally, the student can be directed to their Goldlink account or Canvas account to verify grade information.

### **Letters of Recommendation**

Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.

If the person writing the recommendation keeps this letter on file, it would be part of the student's education records and the student has the right to read it unless he or she has waived that right to access.

### **The Media**

Nothing in FERPA allows an institution to discuss a student's educational record publicly even if a lawsuit has made the information a matter of public record. A school official may not assume that a student's public discussion of a matter constitutes implied consent for the school official to disclose anything other than directory information in reply.

### **Suggested Guidelines**

FERPA mandates that you protect the information provided to you from third-party disclosure. The following guidelines will help you toward that aim:

- As a faculty or staff member you have a responsibility to protect educational records in your possession
- Do not release information about students to other persons except those that meet the criteria of acceptable usage identified above
- Do not release information that is not considered "directory" as identified above
- Do not release information that could easily be traceable to an individual student
- Do not give your computer account passwords to others and do not store written passwords in your desk
- Turn your computer monitor away from the view of others who may enter your office or workstation
- Do not leave your computer unattended when logged into the student information system
- Carefully shred all printed documents no longer needed
- Do not leave printed documents in view of others who may enter your office or workstation

- Do not circulate a printed class list with student name, G number, or grades as an attendance roster
- Do not provide anyone with lists of students enrolled in your classes for any commercial purpose
- Do not provide anyone with student schedules or assist anyone other than Missouri Western employees in finding a student on campus. Requests from parents or others should be directed to the MWSU Police Department
- Do not release information, specifically grades and/or GPA, to parents, spouses or any third party of students in your class without student consent and/or confirming a release has been received by the university

If you are ever in doubt, do not release any information until you contact the University Risk Manager or the Registrar's Office. The Office of the Registrar is responsible for student record information.

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