

# FERPA: What faculty and staff members need to know

## It's the Law

**FERPA** (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a post-secondary student:

- to see the information that the institution is keeping on the student.
- to seek amendment to those records and in certain cases append a statement to the record.
- to consent to disclosure of his/her records.
- to file a complaint with the FERPA Office in Washington.

Family Policy Compliance Office  
U.S. Department of Education 400  
Maryland Avenue SW Washington,  
DC 20202-4605

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education. (Most financial aid is administered by the Secretary of Education.)

## Student Information Types

**Student educational records** include information provided by a student for use in the educational process such as the following:

- Personal information
- Enrollment records
- Student exams or papers
- Grades
- Schedules

### Directory/Public Information

"Directory information is . . . information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3).

### Directory Information can NEVER include:

- Social security number
- Student ID number
- Race
- Ethnicity
- Nationality
- Gender
- GPA
- Religion

**Storage media** for an educational record may vary and can include one or more of the following:

- Document in the registrar's office
- Electronic document or e-mail
- Computer printout in your office
- Class list on your desktop
- Computer display screen
- Notes taken during an advising session
- Database

### Directory/Public

**Information** is considered public and can be released without the student's written permission.

*However, the student may opt to keep this information confidential.*

### Directory information at Minnesota West Community & Technical College:

- Name, address, phone
- Major field of study
- Dates of attendance
- Enrollment status
- Participation in official recognized activities and sports
- Classification (i.e., freshman)
- Physical factor (height and weight) of athletes
- Graduation date
- Degrees, honors, awards received

Information not included in the list above is private student information and may not be released outside the College without the student's written permission or as otherwise provided in the MnSCU Policy on Student Education Records.

• You have access to student information only for legitimate use in the completion of your responsibilities as a College employee. Need-to-know is the basic principle.

• With the exception of non-suppressed directory information, student educational records are considered private and may not be released without the written consent of the student.

• Student information stored in electronic format must be secure and available only to those entitled to access that information.

• Your access to student information is based on your role as a College faculty or staff member. You may not release lists or files with student information to any third party outside your college or departmental unit.

**Can student directory or public information always be released?**

NO! Before releasing any information about a student, check ISRS for a student's suppression status. If the student has requested that directory information be withheld (suppressed his/her information), no information can be released. Note that FERPA does **NOT** require that directory information be released. College faculty and staff who have a need-to-know may obtain directory information for a student who has suppressed his/her information, but must not release this information.

**How can a student withhold release of directory**

Students may request suppression of their information by completing the Authorization to Withhold Directory Information, found on the Minnesota West website under Student Forms. The completed form can be returned to any campus registration office.

**What are parental rights under FERPA?**

FERPA allows parental access to a student's educational records if the student requests in writing that private information be released to the parent(s), or if the parent claims the student as a dependent for Federal income tax purposes. A parent who wants to request grades or other academic information for a dependent should submit a written request to the Registrar, along with a copy of the parent's most recent federal income tax return (section with dependents listed). FERPA does not allow parental access to post secondary student educational records without the student's permission if neither parent claims the student as a dependent for Federal income tax purposes.

**Where should I store my student data?**

Although you may be the one grading a student's performance, student data (e.g., grades, attendance, test scores) is owned by the College. It should not be stored on personal computing equipment, on the hard drives of shared computers, on portable devices such as "flash-or thumb drives," or on laptop computers. Portable devices are easily lost or stolen; if they contain student data when they are lost or stolen, all students may need to be notified.

**How can I locate my secure data storage for storing student data?**

If you work on a campus, you have your own space on the H: drive, which is secure data storage maintained by the college. If you are an adjunct faculty member or do not work on a campus, you must store your information securely. If you have questions on the best way to do that, send a ticket in to Ask IT.

**How can student data be protected?**

Store all student data on a central, MWCTC server (not a Web server); password protect files; encrypt data on your computer; use anti-virus software; don't open attachments or click on links in e-mails; trust where you are going when you are following a Web link; distribute graded materials in a secure manner; verify attachments and recipients before sending information via email.

**How are HIPAA and FERPA related?**

Medical documentation in the student education record is private information and is covered by FERPA. HIPAA (Health Insurance Portability and Accountability Act) regulations do not apply.

**For more information**

Contact Crystal Strouth, [crystal.strouth@mnwest.edu](mailto:crystal.strouth@mnwest.edu) or 507-372-3451.

## **DO NOT!**

- Use the Social Security Number or any portion of it, or the student ID number, in a public posting of grades or any other information;
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students;
- Discuss the progress of any student with anyone other than the student (including parents) without the signed, dated, and written consent of the student;
- Provide anyone with lists or files of students enrolled in your classes;
- Provide anyone with student schedules or assist anyone in finding a student on campus;
- Access the records of any student for personal reasons;
- Access the records of any student for any reason other than to perform your job duties.

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