

Family Educational Rights and Privacy Act (FERPA)

FERPA is the federal law designed to protect the privacy of education records. It provides guidelines for appropriately using and releasing student education records.

It is intended that students' rights be broadly defined and applied. Therefore, consider the student as the "owner" of his or her education record, and the institution as the "custodian" of that record.

Basic Rights of Students

- Be notified of their FERPA rights at least annually
- Inspect and review their records
- Amend an incorrect record
- Consent to disclosure (with exceptions)
- File a complaint with the Department of Education regarding violation of FERPA rights

An **education record** is defined as any record maintained by the institution that is related to the student. Education records can exist in any medium, including written, computer-generated, film, email and others.

DIRECTORY INFORMATION: Those data items that are publicly releasable, so long as the student does not have a "No Release" on his or her record. Each institution establishes what it considers to be directory information. Directory information at WSU includes name, address, telephone, major field of study, dates of attendance, classification, and degrees and awards received (see www.wichita.edu/ferpa for complete listing).

- Directory information *cannot* include: race, gender, SSN, grades, or GPA.
- A student's myWSU ID number is NOT directory information.
- Every student must be given the opportunity to have even Directory Information suppressed from public release. That is referred to as a "No Release." Everyone within the institution must respect a student's No Release on his or her record.

Class lists accessed via the Faculty Dashboard in myWSU indicate "Confidential" for students with a "No Release" order on their record.

When do FERPA rights begin?

A FERPA-related college education record begins for a student when he or she becomes 18 **or** enrolls in a higher education institution at any age. Any student in your classes, regardless of age, owns his/her record.

Right to Consent to Disclosure

Start with the premise that the student has the right to control to whom his or her education record is released. Then, there are several exceptions when that permission is not required.

Some examples of the exceptions for having a release include:

Disclosure of directory information only

"School officials" with a "legitimate educational interest"/"need to know." Employees and legal agents have access to education records in order to perform their official, educationally-related duties

Disclosure for a health/safety emergency

FERPA rights (and the right to privacy) end at death, unless otherwise specified by state law.

Specific Issues for Faculty and Instructional Staff

Posting Grades: The public posting of grades either by student's name, ID number or SSN is a violation of FERPA. If an instructor posts grades using some other code known only to the instructor and the individual student, that is acceptable. Such a posted list should not be in the same order as the class roster or in alphabetical order.

Notification of grades via email is also not considered best practice. Faculty are encouraged to use Blackboard for assignment grades. Students should not have access to the scores or grades of other students in the class. Official final grading takes place via Self-Service Banner.

Third Party Inquiries: Requests for information from an educational record of a student by an external entity should be referred to the Registrar's Office. Educational record information is also not to be shared with other faculty/staff members unless they have a legitimate educational interest in the information for that student.

Parents do not have an automatic right to view their child's education records. A parent of a tax dependent child can receive semester grades via a form/process with the Registrar's Office. Faculty should not discuss student progress with parents without the student's written consent to do so and such consent does not compel the conversation if the faculty prefers to only discuss progress with the student.

Course Web sites: Many courses are supported by class Web sites and/or discussion groups. Only directory information can be available to the general public and other class members, so it is recommended that such Web sites have a security layer such that only class members and instructors can access appropriate information. Non-directory information cannot be available on a website, even one viewable only by the class members, unless each class member gives written consent.

Letters of Recommendation: Statements made by a person making a recommendation that are made from that person's observation or knowledge do not require a written release from the student who is the subject of the recommendation. 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 may be made. Since the letter of recommendation would be part of the student's education record, the student has the right to read it, unless she/he has waived that right of access.

All faculty and staff must complete the online FERPA Tutorial found on the Faculty/Staff tab in the myWSU portal. Completion of the tutorial/quiz is coded on the faculty/staff record and must be documented before any access to education records is granted.

Questions about FERPA compliance can be referred to:
WSU Office of the Registrar
102 Jardine Hall
Box 58
316-978-3672