

## FERPA FAQs

### **Question 1:**

***You receive a call from a recruiting firm asking for names and addresses of students with a grade point average of 3.0 or better. They say they have good job information for these students. Can you help these students get jobs by giving out this information?***

**Answer 1:** No. Do not give out student information that pertains to GPA to anyone without prior written consent of that student. Refer such requests to the Office of the Registrar.

### **Question 2:**

***May confidential education information on a current student be released to prospective employers upon request?***

**Answer 2:** No. Confidential, non-directory education information may NEVER be released without written consent of the student.

### **Question 3:**

***A student asks you to write a letter of recommendation for a job opportunity. She provides you with a copy of her resume that states her GPA. May you include in the recommendation letter her GPA and the grade she received in your class?***

**Answer 3:** No. Without the student giving written consent, you may not disclose non-directory information from her educational record. FERPA requires explicit (not implied) consent. A "Request for Recommendation" release form is available on the Registrar's FERPA website for your convenience.

### **Question 4:**

***You receive a letter of recommendation supposedly from a student's adviser at a previous institution. You have reason to believe that the letter has been forged. Is it permissible to return the letter to the alleged creator for verification without the student's permission?***

**Answer 4:** Yes. FERPA permits the return of a record to the specified creator or originator of that record in order to verify authenticity, even without the student's permission.

### **Question 5:**

***You receive a phone call from the local police department (not from WIU's Office of Public Safety) asking if you can verify that one of your students was scheduled for a class on a specific date and time. The police officer indicates he is involved in an investigation concerning the student. Are you permitted to provide the requested information?***

**Answer 6:** No, not without a subpoena or official court order. Any subpoenas or court orders should be brought to the Registrar's Office for processing.

**Question 6:**

***You receive a call from an officer from WIU's Office of Public Safety asking for the address and class schedule of a student. You are informed that he has a warrant for the student's arrest. Can you provide the requested information?***

**Answer 6:** FERPA identifies campus police, such as officers in WIU's Office of Public Safety, as "university officials" with a "legitimate educational interest" if they are operating within the scope of their employment. The warrant would not be necessary. Such requests should still be forwarded to the Registrar's Office for processing.

**Question 7:**

***An academic department is preparing a mailing to departmental students about a critical academic deadline. Should the mailing list include the name and address of a student who has invoked the Privacy Act (filed an Exclusion of Directory Information Form)?***

**Answer 7:** Yes. The student's name and address may be used for this mailing. Information for students who have invoked the Privacy Act may be used by WIU officials to meet the direct educational needs of the student.

**Question 8:**

***A recognized student organization asks a department for a list of student names and addresses in order to send out an informational mailing. Should the department provide the information?***

**Answer 8:** No. Do not give out the information. Although addresses are considered DIRECTORY information, do not provide such a list to anyone not using it for official university business. Recognized student organizations must work with their faculty sponsors to obtain authorization for mailings.

**Question 9:**

***Your department chair asks for a list of names and addresses for students who are enrolled in a specific course in the department. The addresses will be used to mail a survey about the quality of the course. Results of the survey will be used to improve the course. Is this an appropriate use of student records?***

**Answer 9:** Yes. It is permissible to supply the list because the information is to be used by a University official to carry out responsibilities that are related to the educational interests of the students.

**Question 10:**

***May grades be posted for students if only the last 4 numbers of the social security number or WIU ID Number are used as identification of the students?***

**Answer 10:** No. Posting any exam, midterm, or final grade for public viewing where the student's name or any portion of the social security number or WIU ID number of the student is shown is a violation of FERPA.

**Question 11:**

***Instructor Smith, who teaches UNIV 200, requests the UNIV 100 grades and cumulative GPA's for three of his current students (UNIV 100 is a pre-requisite for UNIV 200). Can you provide the information?***

**Answer 11:** Official class rosters identify students who have not met course pre-requisites, so specific grade information is likely not necessary, unless there is an additional, clear "need to know". Typically, instructors do not have an official "need to know" student GPAs. Refer these requests to the Registrar's Office.

**Question 12:**

***Is access to the WIU ID number of a student authorization for unrestricted use of the student data?***

**Answer 12:** No. Access to a WIU ID number does NOT authorize unrestricted use of student data. Records should be used only in the context of official business in conjunction with the educational success of the student. Curiosity does not qualify as a legal right to know.

**Question 13:**

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

**Answer 13:** No. For the safety of the student you cannot tell another person where a student is at any time. You may expedite getting a message to the student. Contact the Student Development Office to assist with reaching out to the student regarding the situation.

**Question 14:**

***Are only paper files on a student are considered education records?***

**Answer 14:** No. FERPA covers education records maintained in any medium, including, but not limited to, the following: handwriting, computer media, print, video- or audiotape, film, microfilm and microfiche, and e-mail.

**Question 15:**

***You leave your desk for lunch. While you are gone a student uses your computer to access information on another student. Are you and WIU responsible for this violation under FERPA?***

**Answer 15:** Yes. Information on a computer screen must be protected in the same way paper documents are protected. Be sure to log off your computer or lock your screen if you leaving your work station for any period of time.

**Question 16:**

***According to FERPA, can staff of the colleges use confidential, individual sign-in sheets with WIU ID numbers to keep track of guests during a high traffic event or weekend?***

**Answer 16:** Personally identifiable information may be used by a staff or faculty member to carry out responsibilities. It is important to remember that non-directory information must be kept confidential. Non-staff may not have access to the information. A group sign-in sheet would allow public access to personal information; therefore, it should NOT include confidential information, such as WIU ID number. You cannot leave personally identifiable materials in a public place. Student information is to be used by a University official only to carry out the responsibilities of their position.

**Question 17:**

***Is access to student information a right of every WIU employee?***

**Answer 17:** No. Only those employees who have a LEGITIMATE EDUCATIONAL INTEREST should have access to student information. For the interest to be a legitimate educational one, a school official must need to review an education record in order to fulfill his or her professional responsibility.

**Question 18:**

***You receive a call from the parent of a registered student who had invoked the Privacy Act. The parent wants to know if the student is registered for the current semester. Should you release this information?***

**Answer 18:** No. Since the student invoked the Privacy Act, the correct response is: We have no information to release on that individual - please contact the person directly.

**Question 19:**

***A student in your online class informs you that she has invoked the privacy act and states that because of this, she cannot participate in required online chat among her classmates. Must you excuse her from this portion of the class?***

**Answer 19:** No. Invoking the privacy act does not allow the student to remain anonymous in class. She will be required to participate in all required components of the course.

**Question 20:**

***You teach a class that has a Web-based discussion component. Class members can see each other's WIU email address and name. It is not open to the public for view or use. Are there any FERPA issues?***

**Answer 20:** No. Since the discussion is only accessible to student in the class, there is no FERPA violation. However, non-directory information, such as WIU ID numbers, should not be displayed on the site.

**Question 21:**

***Instructor Smith wants to make her online course management (i.e., Moodle) pages publicly accessible to anyone. Are there FERPA considerations for making this information available to individuals beyond the course?***

**Answer 21:** Yes. Specific course registrations and personally identifiable class materials from students are not directory information. Therefore, they may not be publicly accessible. Additionally, there may be students enrolled in the course who have invoked the privacy act, and displaying their information would constitute an additional FERPA violation.

**Question 22:**

***You have found a great new online tool that you would like to use as part of your class. Can you upload your class roster to the vendor's website so that the students can log into the site?***

**Answer 22:** No. Class enrollment is not directory information and therefore requires either written consent of every student in the class, or an official contract between the vendor and WIU containing FERPA-specific clauses.

**Question 23:**

***FERPA rights cease after a student has graduated from WIU.***

**Answer 23:** No. Former students have FERPA rights just as current students do. FERPA protections last literally for life.

**Question 24:**

***You enter an office in an academic building on campus. Inside the office are several boxes of graded papers and portfolios, but no faculty or staff are present. There is a note on the box that says, "Papers and portfolios are graded. Take yours and have a great summer!" As you dig through the box, you notice the papers and portfolios have students names, WIU ID numbers, as well as a grade on them. Is this acceptable?***

**Answer 24:** No. Leaving personally identifiable educational material, including graded papers for students to look through, is unacceptable. Any information which contains personally identifiable educational data must be protected. It is acceptable to leave the student papers in a sealed envelope with a faculty or staff member who can verify the student's identity before handing out papers.

**Question 25:**

***You are facing an emergency situation where you fear the health and safety of people is in jeopardy if you do not release certain protected information to a third party. Can you exercise judgment and release the information?***

**Answer 25:** Yes. The health and safety of members of the WIU community is paramount and FERPA is not intended to increase the risk of individuals' safety in an emergency situation. The health and safety provision in FERPA states that you may release information from an education record to an appropriate person in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In such situations, referral to a law enforcement agency is likely the most appropriate step. If there are any questions, consultation with the Office of the Registrar is recommended.

**Question 26:**

***A parent of a student calls to ask how his/her student is doing in a class. Can you give out this information without the consent of the student?***

**Answer 26:** No. Even though the caller is the student's parent and may be financing the student's education, you cannot give the parent information about how his/her student is doing in a class without the explicit, written consent of the student.

**Question 27:**

***A parent calls to talk about why her son received a poor grade in your class. Can you talk with her?***

**Answer 27:** Unless the student has given written consent allowing his mother access to his records you cannot discuss specifics of her son's situation. You can, however, discuss your grading philosophy in general terms, as presented on the course syllabus.

**Question 28:**

***A mother calls your office, looking for information about her son. She has not heard from him in three weeks and he has not returned her phone calls. She is worried. She wants the names, phone numbers and email addresses of her son's instructors to verify whether or not her son is attending classes. Should you provide that information?***

**Answer 28:** No. You may not release this non-directory information directly to the mother; however, you may refer the mother to the Student Development Office to follow up with the student's faculty members and/or residence hall staff. It would also be appropriate to reach out to the Office of Public Safety who can perform a safety check of the student's local residence.

**Question 29:**

***A mother wants the ability to speak with her daughter's instructors on a regular basis regarding her progress in classes. The daughter has signed a release form granting her mother access to this information. Are you required to honor this request?***

**Answer 29:** No. The only disclosure requirement that is "required" under FERPA is to the student. All other disclosures, even with a student's release form, are optional. Even if a parent presents a signed release form from the student, the decision to disclose the student's educational information to the parent is still up to the discretion of the faculty member or department personnel.

**Question 30:**

***The University participates in dual enrollment programs that allow high school seniors to enroll in up to two WIU courses while still in high school. If a dual enrolled high school student is under the age of 18, may her WIU course grades be shared with her parents without an authorization form from the student?***

**Answer 30:** No. When the student enrolls in a post-secondary institution regardless of age, all FERPA rights belong to the student.

**Question 31:**

***Are comments and notes related to a discussion you had with a student considered part of the educational record?***

**Answer 31:** It depends. If the comments and notes are recorded in MVS or kept in a file that is accessible to even one other person, they are considered an educational record and subject to FERPA protection. If the comments and notes are kept simply as "memory joggers" and not shared with even one other person they are considered "sole possession" documents and not part of the educational record. Since FERPA grants students the right to review and access their records, the notes that do not meet the "sole possession" criteria should be included in that review. Therefore, it is important that all written comments or notes be factual and objective and devoid of inappropriate value judgments or language.