

# FERPA for faculty and staff

## *It is Your Responsibility*

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession. You have access to student information only for legitimate use in the completion of your responsibilities as a university employee. **Need to know is the basic principle.**

Your access to student information, including directory information, is based on your faculty or staff role within the university. You may **not** release lists or files with student information to any third party outside your college or department.

Student educational records (other than directory information) are considered confidential and may not be released without written consent of the student. Student information stored in electronic format must be secure and available only to those entitled to access that information.

If you're in doubt about a request for student information, contact the Office of Registration and Records at 701-231-7981.

## FERPA is Federal 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 postsecondary 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.

FERPA applies to all educational agencies or institutions, including North Dakota State University, that receive funds under any program administered by the Secretary of Education. FERPA governs what may be released but does not require that any information be released.

## Student Information Types

### Directory/Public Information and NDSU Directory Information

"Directory information is . . . information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, 34CFR, Par 99.3.)

#### Directory information at NDSU

Directory Information is considered public and can be released without the student's written permission. *However, the student may opt to keep this information confidential.*

- Student Name \*
- Hometown (city, state)
- Campus E-mail address \*\*
- Height, weight and photos of athletic team members
- Major field of study (all declared majors)
- Minor field of study (all declared minors)
- Class level
- Dates of attendance
- Enrollment status (withdrawn, less than half-time, half-time, three-quarter-time, full time)
- Names of previous institutions attended
- Participation in officially recognized activities and sports

- Honors/awards received
- Degree earned (all degrees earned)
- Date degree earned (dates of all degrees earned)
- Directory photos, photographs and video recordings of student in public or non-classroom settings (photographs from classrooms or class-related activities are NOT directory information)

\* If a student provides a preferred name, NDSU tries to use it when communicating directly with the student. The preferred name is also used in class/grade rosters, academic requirement reports, email addresses, etc. Preferred name is a supported business practice, unless there is a documented business or legal reason to use the student's legal name. When communicating with outside third parties, including parents, NDSU generally uses a student's legal name.

\*\*Campus email addresses are only disclosed to requestors who agree not to use them for solicitation.

Directory Information can never include:

- Social security number
- Student identification number

- Race
- Ethnicity
- Nationality
- Gender

**Student education records** include information directly related to the student and maintained by North Dakota State University such as the following:

- Personal information (name, etc)
- Enrollment records
- Student's exam or paper
- Grades
- Class schedules
- Disciplinary files
- Financial aid information
- Student employment records

**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 from an advising session

Can student directory or public information always be released?	<b>NO!</b> Before releasing any information about a student, check for a suppression in Campus Connection (blue window shade icon). If the student has requested that directory information be withheld, no information can be released. If the student does not have a restriction on the release of directory information, directory/public information may be released. Note that FERPA does not require that directory information be released. University faculty and staff who have a need to know may obtain directory information for a student with a suppression, but must not release this information to anyone.
I like to post course updates on various forms of social media – is this permitted?	It depends. Be sure to not post any course related information about grades, course enrollment, or the class schedule. In addition, asking students to “check in” on social media can raise safety and privacy concerns. Avoid taking or sharing any photos of students in any course activities, unless <a href="#">signed permission</a> is obtained from each student.
How can a student withhold release of directory information?	Students can request to suppress directory/public information by contacting the Office of Registration and Records. A blue window shade icon will appear on all Campus Connection screens for students who elect to withhold information.
What are parental rights under FERPA?	FERPA allows parental access to student’s educational records if the student requests that academic and/or financial information be released to the parent(s) <b>or</b> if the parent claims the student as a dependent for Federal income tax purposes. A red star icon is indicated in Campus Connection if a student has authorized third party discussion. Verify names and security question and answer.
What must I do if I receive a subpoena concerning student educational records?	A copy of any incoming subpoena should be sent immediately to the Office of Registration and Records for review. It can be faxed to 701-231-8959. The original subpoena should be retained in the office that received it unless the Registrar requests it be sent to them. You should also send the Registrar a short description of how and when the subpoena was received. The Office of Registration and Records and NDUS General Counsel will determine whether and how to comply with the subpoena, and will also determine whether student notification of compliance with the subpoena is required.
For more information . . .	Contact the Office of Registration and Records, 701-231-7981, or <a href="https://ndsuhigheredsu.edu/registrars">ndsuhigheredsu.edu/registrars</a> .

**DO NOT!**

- Use the Student ID number of a student in public posting of grades or any other information.
- Link the name of a student with that student’s ID number in any public manner.
- 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.
- Circulate a printed class list with student name and Student ID number, photo, or grades as an attendance roster.
- Discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.
- Provide anyone with lists or files of students enrolled in your classes for any commercial purpose.
- Provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.
- Access the records of **any** student for personal reasons.
- Store confidential student information on any computer unless that information is required and secure from intrusion.