

## It's Your Responsibility

As a faculty member at Augsburg University, you have a legal responsibility under FERPA to protect the confidentiality of student education records in your possession and information for which you are aware. Student education records (other than directory information) are considered confidential and may not be released without the written consent of the student. Your job places you in a position of trust and you are an integral part of ensuring that student information is handled properly under the law.

## Guidelines

### Do

- Review the Student Education Privacy Rights (FERPA) handout before responding to a request for education records.
- Check with the Registrar's Office before disclosing any student education information to third parties outside the institution.
- Follow the confidentiality provisions of FERPA by not sharing information with your colleagues unless a legitimate educational interest exists.

### Do NOT:

- Post students' papers, scores, or grades in a public place on which name, student ID, Social Security number, or other personal identifiers are displayed. You may post grades by a randomly assigned identifier and in a random, non-alphabetical order.
- Circulate a printed class list with student name and 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. Parent and other third party consent must be verified every time with the Registrar's Office.
- Provide anyone with lists or files of students enrolled in your classes for any reason.
- Provide anyone with student schedules or assist anyone other than University employees in finding a student on campus.
- Release directory information on a student without first contacting the Registrar's Office to see whether the information has been flagged as confidential.
- Request information from an education record custodian, or access the student's records by computer, unless you have a legitimate educational interest and are authorized by Augsburg University to access the information.
- Put purely personal notes (for example, from a committee meeting recommending students for a particular program) in the student's file, because those notes will become accessible to the student. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person. Official committee minutes are likely to be considered accessible.

## Scenarios

1. Instructor Auggie, who teaches MAT 105, requests the MAT 103 grades and cumulative GPAs for three of their current students (Note: MATH 103 is a pre-requisite to MATH 105). Can you provide the information?
  - **Answer:** Instructor Auggie has a legitimate educational "need to know" the grades the students received in a pre-requisite course. However, they do not have a "need to know" the students' GPA.
2. A parent calls to talk about why their student received a poor grade in your class. Can you talk with them?
  - **Answer:** Unless the student has given written consent allowing their parent to access to their records you cannot discuss specifics of the student's situation. You can, however, discuss your grading philosophy in general terms, as presented on the course syllabus. If a release is on file with the Registrar's Office you may discuss with the parent but you are not required.
3. A parent wants the ability to speak with their student's instructors on a regular basis regarding their progress in classes. The student has signed a consent form granting their parent access to this information. Are you required to honor this request?

**When in doubt don't give it out!**

Contact the Registrar's Office for guidance [registrar@augsborg.edu](mailto:registrar@augsborg.edu) or 612-330-1036.

## Education Privacy Rights (FERPA) for Faculty

- **Answer:** No. The only disclosure requirement that is a “must” under FERPA is to the student. All other disclosures, even with a student's release form is a "may". The decision to engage in dialog with a parent is up to the discretion of the faculty member or department personnel. We recommend you work through the student or engage in a three-way conversation asking the student's permission to have the parent join the conversation.
4. A student asks you to write a letter of recommendation for a job application. They provide you with a copy of their resume that indicates their GPA. May you include in the letter the GPA and grades they received in your class?
    - **Answer:** No. Without the student giving written consent, you may not disclose non-directory information from the education record. FERPA requires explicit (not implied) consent.
  5. A student in your online class informs you that they have a confidentiality flag on their record and states, that because of the flag, they cannot participate in required online chat among their classmates. Must you excuse them from this portion of the class?
    - **Answer:** No. Confidentiality does not allow the student to remain anonymous in class. They will be required to participate in all required components of the course.
  6. Instructor Auggie wants to make their 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:** Yes. Specific course registrations and personally identifiable class materials from students are not directory information. Therefore, they should not be publically accessible. Additionally, there may be students who have chosen "no release" for their directory information, displaying their information effectively disregards this request.
  7. You have found a great new online tool that you would like to use as part of your class. Can you upload your class list to the vendor's website so that the students can log into the site?
    - **Answer:** No. Class enrollment is not considered directory information and therefore requires either written consent of every student in the class, or an official contract between the vendor and Augsburg University containing FERPA specific clauses.
  8. Are comments and notes related to a discussion you had with a student considered part of the education record?
    - **Answer:** It depends. If the comments and notes are recorded in a database or kept in a file that is accessible to even one other person, they are considered an education 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 education 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 judgements or language.
  9. One of your past advisees graduated several years ago. The student has been a very involved alumnus. A journalist wants to write a story about their involvement with the University. What information can you provide?
    - **Answer:** Alumni records created after the student is no longer enrolled are not governed by FERPA and are, therefore, not considered, an education record. However, without the alum's written consent, only directory information can be released from education records created when they were a student.

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