

# FERPA Essential – Faculty

DOs	DO NOTs
<p>DO refer requests to the Registrar’s Office when you are uncertain how to respond.</p> <p>DO release a student’s information to him or her when you can positively identify the student. Remember telephone and e-mails are not reliable methods to make positive IDs.</p> <p>DO post grades on SAIL .</p> <p>DO use Canvas to give individual students access to their grades and assignments.</p> <p>DO check with the University Registrar to verify student's consent prior to releasing information.</p> <p>Do feel comfortable to contact the Registrar's Office for assistance including the one time parental release for dependent students.</p> <p>DO shred unneeded confidential documents.</p>	<p>DO NOT display student scores or grades publicly in association with names, student ID numbers (even the last 4 digits of the SSN) or other personal Identifiers.</p> <p>NOTE - Randomly assigned numbers or code words that only the instructor and student know can be used to post grades and are not a violation of FERPA. However, the posting order should NOT be in alphabetical order.</p> <p>DO NOT put exam papers containing student names and grades in publicly accessible places. Students should not have access to the scores and grades of the other students in the class.</p> <p>DO NOT post grades on any individual Facebook page or group Facebook page.</p> <p>DO NOT share student education record information with other campus officials unless there is "legitimate educational need" for that information.</p> <p>DO NOT share by phone or e-mail information from student education records, with parents or others outside the institution, including letters of recommendation, without written permission of the student.</p> <p>DO NOT view education records for personal reasons.</p>
<p>DO hide confidential information on computer screens from unauthorized individuals.</p>	

## *" When In Doubt, Don't Give Out "*

1. **Can I have access to all our students, and not just my assigned advisees or students in my classes?** .In all circumstances you will need to have a “legitimate educational need” to access records information. You are responsible to ensure a legitimate educational need exists.
2. **What defines a legitimate educational interest?** A faculty or staff member has a legitimate educational interest in accessing or reviewing a student’s education records, if the faculty or staff member is:
  - a. **Performing a task that is specified in his/her position description or contract.**
  - b. **Performing a task related to a student’s education or to student discipline.**
  - c. **Providing a service or benefit related to the student or student’s family.**
  - d. **Maintaining safety and security on campus.**
3. **What information collected and maintained by the University about a student am I as a faculty member permitted to see?** All faculty members have access to directory information You

# FERPA Essential – Faculty

may access other information in the educational record when you have a legitimate educational interest: that is when in the exercise or completion of your administrative, supervisory, academic, research or other administrative responsibilities on behalf of TAMUCC, you incur the need to know specific information from those records.

4. **If a student restricts the release of his/her directory information, what happens when faculty requires the student's email address (part of directory information) for class work and class discussions?** Restrictions on directory information do not apply to in-class communications. Students have no inherent right to anonymity in the classroom whether it's an online class or a physical classroom. When students are in a classroom it's a given that they know each other's names, emails and general information. It is good practice to notify students upfront (through course description, syllabus, in-class communication, etc..) that emails will be shared and that online discussion and communication will be a part of the nature of the class. No other education records information of a student should be shared by faculty with other students.
5. **May I talk to another faculty member about a student's education record?** Students' education records may be discussed among faculty and campus officials as long as all parties have a legitimate educational interest. The information from the student's record discussed should ideally be needed in order for the school official to perform tasks that are relevant to his or her role.
6. **Does FERPA allow a faculty member to speak to a parent or to another faculty or staff member when s/he thinks a student is in trouble?**
  1. FERPA does not prohibit faculty members from discussing their personal observations with parent's or with other faculty/staff if the situation warrants such communication. However, we recommend that the faculty members talk with the [University Registrar](#) before contacting other parties, 361-525-2624.
7. **How can faculty members find out if a student has a history of violence or in some other way presents a danger to others?** If a faculty or staff member has a concern about a student, they should contact the TAMUCC Police and/or the [Associate Dean of Students](#) (361) 825-2967).
8. **Is it permissible to post student grades on my office door by using only a portion of student's social security number?** No. The public posting of grades either by the student's name, TAMUCC ID Number or social security number (whole or part of it), without the student's written permission, is a violation of FERPA. Even with names obscured, numeric student identifiers are considered personally identifiable information and therefore violate FERPA.

# FERPA Essential – Faculty

- 9. Are there restrictions on returning assignments and examinations?** It's a violation of FERPA for faculty to leave graded exams where students can see each other's grades and work. Leaving personally identifiable, graded papers or examinations unattended for students to view is no different from posting grades in the hallway. Student's right to privacy of education records should be honored at all times.
- 10. What are "Sole Possession Notes" and do I have to release them to students if requested?** Sole possession notes are made by one person as an individual observation or recollection of a student, and are kept in the possession of the maker. Sole possession notes are not subject to FERPA regulations. However, sharing the notes with another person, or placing them in an area where they can be viewed by others makes them "education records" and become subject to FERPA and release to student if requested.
- 11. Can I e-mail final grades to students?** If the email is being sent to each student one at a time and doesn't include the grades and information of other students and it is sent to their assigned university email address, then this is not considered a violation of FERPA. Notification of grades via e-mail is permissible. However, there is no guarantee of confidentiality. It's preferable view their grades in SAIL or the Canvas grade-book. Student's also have the option to order [Official paper or eTranscripts](#).
- 12. May I include a student's grade in a letter of recommendation that the student has asked me to write?** Statements made by a faculty making a recommendation that are made from that faculty's personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student's education record is included in the letter of recommendation (for example grades in the recommender's course(s), then you are required to obtain a signed release from the student. The release will need to specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure can be made. This student release should be requested from the student prior to writing a letter of recommendation.
- \* Faculty are not required to maintain the letters of recommendation, but it is suggested that they do retain the permission letter for 6 months.
- 13. A parent has called me about his child's performance in my class. What can I tell him?** Progress in a course, deficiencies in a subject area, final grades, grades on exams, and other information about academic progress are examples of the confidential information that makes up part of a student's education record. This information is protected under FERPA and parents do not have access to it unless the student has provided consent to the release of this information. You can verify the parent's authorization to access the student's education record through the Office of the University Registrar. When a parent calls you and wants this information over the phone, it is recommended this be done in person or with the student present in your office who can verify identity on person on the phone.
- 14. What if a parent tells me that he or she has already talked with the student and still has questions?** You will still need the student's consent to release any information to the parents. Only

# FERPA Essential – Faculty

after you have confirmed the student's consent through the University Registrar's Office, you may discuss a student's performance.

- 15. What about a spouse?** The spouse has no rights under FERPA to access the student's education record unless the student has granted that [right in writing with the University Registrar's Office](#).
- 16. If a student asks for an explanation regarding his or her performance, can I compare the performance of the student asking for the explanation with the performance of other students?** No. Although a faculty member or teaching assistant can, of course, explain why a particular student performed well or poorly on a given examination or other assignment, in so doing the faculty member or teaching assistant should not discuss or make reference to the performance of other students. Disclosing information regarding another student jeopardizes that student's privacy rights.
- 17. Are the Pre College Students (Concurrent/Dual Enrollment Students, Talented and Gifted Students) education records protected under FERPA?** FERPA applies for a student when he/she enrolls in a higher education institution at any age. Parents do not have access to student's education records unless they gain authorization to access and receive information from their child's education records. Parents of a student enrolled in these programs who wish to have access to their child's records are encouraged to work with their student to gain access to his/her education records by completing [the FERPA Waiver form](#) and returning to the Office of the University Registrar.
- 18. What about crisis situations or emergencies?** If non-directory information is needed to resolve a crisis or emergency situation, TAMUCC may release that information if it determines it necessary to protect the health and safety of a student. However, if personally identifiable information about a student is needed, then the inquiring party should be referred to the [Dean of Student Life](#) office, (361) 825-2967) or the University Registrar at (361)825-2624. Efforts will be made to get word to the student of the emergency.
- 19. Whom do I contact with questions or concerns?** General questions may be directed to the University Registrar (361)825-2624.
- 20. Where can I find out more information about FERPA?**
  - a. [U.S. Department of Education \(Office of Compliance\)](#)
  - b. [AACRAO](#)