

FERPA for Faculty

What is FERPA?

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants specific rights to a post-secondary student. For faculty, the most relevant parts of FERPA are rules governing the disclosure of student information.

This guide is meant to provide an overview for faculty. More detailed descriptions of FERPA rights and definitions of FERPA terms are included at the end of the guide. Full information about Colgate policy is located in the [student handbook](#) with additional information on the [Registrar's webpage](#). Full details of the law and regulations can be found at [US Department of Education - FERPA](#).

How does FERPA govern the release of information about a student?

FERPA draws a distinction between “directory information” and “educational records.” Directory information is basic information about a student (including items such as email address and major) that may be disclosed externally and shared internally without specific consent: students may, however, opt out of disclosure and request that no directory information be publically released or routinely shared internally. As a general rule, educational records (the types of information contained in a transcript or a gradebook are examples) and personal non-directory information (race/ethnicity, religion and citizenship are examples) may not be disclosed externally without specific written consent from a student and may be shared internally only when the person with whom the information is being shared has a “legitimate educational interest,” i.e., needs the information to fulfill their job responsibilities.

Please note that FERPA rights are vested with students. Parents are considered third parties under Colgate’s FERPA policy and any discussion of a student’s educational record with a parent requires written consent for disclosure from the student.

How does FERPA apply to faculty?

A student’s educational record includes information such as course registration, transcript information, and the information in a faculty member’s gradebook, as well as other university records pertaining to a student. FERPA requires that a faculty member protect a student’s educational record and other personal non-directory information against unauthorized disclosure to third parties: including parents, other students, student organizations, and potential employers. Some of the practical implications are described below.

- Faculty should safeguard educational records. This includes not posting grades publicly by name or ID number; not leaving graded work in a publicly available space for students to pick up or handing around a folder in class as a means of returning graded work; and not handing back graded work to a student’s friend or roommate. If a faculty member wishes to post grade information then Moodle provides a secure platform.

- Electronic versions of educational records should also be safeguarded. This includes not leaving information about a student open on a computer screen when meeting with someone other than the student; password protecting all devices on which electronic information is accessed (educational records should be stored only on Colgate-owned devices or on the Google colgate.edu domain) and reporting to ITS the theft of any device immediately; not communicating grades or other restricted information by email unless the email addressee is known (email communication with students should be conducted only within the colgate.edu domain); and never communicating records via text message, social media, or any other method where the recipient's identity cannot be verified.
- Faculty should make sure that there is written consent from a student whenever educational records are discussed with third parties. This includes conversations with parents and information disclosed as part of a letter of recommendation. Personal impressions of a student are not educational records, but discussions or recommendations that convey information about a student's transcript (courses and grades) or class performance require the student's written consent. A consent form for recommendations or other disclosures is available from the Registrar. Note: No separate consent form is needed when a student is applying for graduate school and initiates an automated request from the graduate program for a recommendation.
- Faculty may communicate with other university offices and employees about a student's educational record provided that the other office/employee has a legitimate educational interest in the information being communicated. For example, FERPA allows communications about a student's course performance with the student's academic adviser or administrative dean, or with other offices that provide support or services for students.
- Faculty should only access information in Degree Works and other databases when the faculty member has a legitimate educational interest in the information being accessed. The Office of the Registrar has further information on Degree Works at <http://www.colgate.edu/offices-and-services/registrar/degree-works/degree-works-faq>
- Special rules govern students who have requested that directory information not be disclosed. These students have opted to keep even basic directory information (the fact that they are enrolled, their email address, etc.) confidential. The class lists in the portal indicate when a student has opted not to share directory information. FERPA does not require that basic directory information be held as confidential within the confines of a class in which the student is enrolled, but sharing directory information (including the fact that the student is enrolled at Colgate or the student's email address) is otherwise prohibited. This means that any email that goes to all advisees or majors should not list an opt-out student's email address or name in a way that is visible to others. In general, it is a good idea to bcc recipients of emails that go to any group of students.
- Upon ending employment at Colgate, faculty should leave copies of grade-books (paper or electronic), final exams/papers, and any other graded student work still in their possession with the department chair: those educational records are the property of the university.
- FERPA does allow for the release of non-directory information in crisis or emergency situations, but faculty should usually contact Campus Safety, Dean of the College, Dean of the Faculty, Counseling Center, or Student Health Services rather than releasing information directly.
- The Registrar is designated as the FERPA officer for the university. When in doubt, contact the Office of the Registrar's office by phone 315-228-7408 or email registrar@colgate.edu.

FERPA Rights and Definitions

Rights Granted to Students

FERPA (Family Educational Rights and Privacy Act) grants four specific rights to a post-secondary student:

- to see the records 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 withhold the disclosure of a student's educational records except for situations involving legitimate educational interest or as may be required by law; and
- to file a complaint with the FERPA Office in Washington.

Directory Information

Directory information, defined by Colgate in accordance with FERPA regulations, includes the student's name, class year, address, telephone listing, e-mail address, date and place of birth, enrollment status (e.g., undergraduate or graduate, full-time or part-time), major field of study, identification number, participation in officially recognized activities and sports, weight and height of members of athletic teams, photographs or other visual images, dates of attendance, degrees and awards received, the most previous educational agency or institution attended by the student, and other information that would not generally be considered harmful or an invasion of privacy if disclosed.

Note that membership in any recognized campus organization or athletics team is directory information and can be shared externally. Gender, race/ethnicity, religion, nationality, other personally identifiable information, and financial aid status are not directory information. The fact that directory information may legally be shared does not mean it should be shared: in particular, sharing identification numbers is discouraged.

To exercise the right to withhold directory information a student must give reasonable advance written notice to the Office of the Registrar. Faculty can identify students that have exercised this right by viewing names in class lists in the portal. Faculty should not identify the fact that students have opted out of sharing directory information to third parties, including other students.

Educational Records

With certain exceptions, an education record is any record (1) maintained by the university and (2) from which a student can be personally identified. Examples include personal information, enrollment records, grades, and course schedules. The location of a record or the storage media does not matter. A student education record may be a document in the office or the dean of the college's office; a printout in your office; a class list on your desktop; a computer display screen; e-mail correspondence; notes you have taken during a meeting with a student; etc.

Legitimate educational interest

You may not disclose personally identifiable information from educational records to persons other than the student in question and *University officials* who have *legitimate educational interest*. As a general

principle, you may not disclose student information in oral, written, or electronic form to anyone except Colgate staff and faculty who need the information to perform their job functions.

A University official has a legitimate educational interest to access information when that information is appropriate for use in connection with: performing a task that is related to the student's education; providing a service or benefit relating to the student or student's family (for students with spouses or children), such as housing, health care, counseling, job placement, or financial aid; performing a task related to the discipline of a student; maintaining the safety and security of the campus; or otherwise performing a task related to the effective functioning of the University. If unsure, please consult the Office of the Registrar.

A *University official* is a person employed by the university in an administrative, supervisory, academic or research or support staff position (including campus safety and health services); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. Note that student groups, including clubs or honor societies, are not included in this definition.