

# FERPA

Family Educational Rights & Privacy Act

Know the rules; it's the law.

# Lake Superior State University

## FERPA (Family Educational Rights & Privacy Act)

### **What is FERPA?**

The Family Rights and Privacy Act of 1974, as amended, is a federal law which provides that colleges and universities will maintain the confidentiality of student educational records. The law basically says that no one outside the institution shall have access to students' educational records nor will the institution disclose any information from those records without the written consent of students. There are exceptions, such as allowing certain personnel within the institution with a legitimate educational interest to see the records, or releasing them in an emergency in order to protect the health or safety of students or other persons.

### **What is Considered Directory Information?**

Under the terms of FERPA, Lake Superior State University has established the following as directory information:

- Name
- Address
- Telephone number
- E Mail address
- Place/date of birth
- Enrollment status (e.g., undergraduate or graduate, full time or part time)
- Major field of study
- Participation in officially recognized activities and sports
- Height and weight of members of athletic teams
- Dates of attendance
- Degrees
- Honors and awards received, including scholarships
- Most recent previous educational agency or institution attended by student

This directory information will be available for release to the general public. However, FERPA states that each student has the right to inform Lake Superior State University that any or all of the information is not to be released. In order to withhold release of directory information, a student must notify the Registrar's Office in writing. If the student does not wish to have his name, address or phone number appear in the student directory, the release must be on file prior to the end of the sixth day of the fall semester.

### **Students Who Have a Directory Restriction**

Students who have requested a directory restriction will be flagged in SIS (Student Information System). When a student's record with a restriction is accessed in SIS a warning will appear that reads:

The information categories marked with a 'Y' are restricted.  
Such information may not be released outside the University.

NAME	DATES OF ATTENDANCE
Y LOCAL ADDRESS	MAJOR
Y PERMANENT ADDRESS	CLASSIFICATION
Y ADDRESSES FOR MAIL LISTS	DEGREES AWARDED
Y TELEPHONE NUMBER	HONORS
Y SEX	AWARDS
Y RACE	CLASS STANDING
Y NATIONALITY	Y PREVIOUS INSTITUTION ATTENDED
Y DATE OF BIRTH	PHOTOGRAPH
Y PLACE OF BIRTH	Y WEIGHT/HEIGHT OF ATHLETE
Y PARENTS' NAME	Y SPORTS PARTICIPATION
Y PARENTS' ADDRESS	Y PARKING PERMIT INFORMATION
Y CLASS SCHEDULE	Y JUDICIAL INFORMATION
Y E-MAIL	ENROLLMENT STATUS

Y INFORMATION RELEASE IS RESTRICTED BY STUDENT REQUEST

Any information flagged with a "Y" is not allowed to be released. If the student's name is restricted, the student's name should not appear on any documents, lists, etc. that will be seen by individuals or agencies that are not on the approved list of exceptions. Please refer to the University catalog for the list of exceptions and more extensive information on FERPA.

### **Prior Written Consent to Disclose Non-Directory Information**

A student must provide signed and dated written consent before LSSU will disclose non-directory information on the student to unauthorized individuals or agencies. The written consent must (1) specify the records to be disclosed, (2) state the purpose of the

disclosure, (3) identify the party or class of parties to whom the disclosure may be made, and (4) include a statement granting consent for the release of the information.

### **Parental Access to Children's Educational Records**

At the post secondary level, parents have no inherent rights to inspect a student's educational records. The right to inspect is limited solely to the students. Students may designate in writing whether they permit disclosure of their grades or class progression to their parents.

Records may be released to parents only under the following circumstances: (1) through the written & signed consent of the student, (2) in compliance with a subpoena, or (3) by producing a copy of the most recent Federal Income Tax form showing that the student was claimed as a dependent.

If a student has granted release of information to their parent, a comment to that effect has been posted to screen 848 in SIS (Student Information System). Refer to this screen **before** giving out any non-directory information to a parent. Ask for the parent's full name and confirm that this is the name we have recorded on screen 848.

### **Posting of Grades by Faculty**

The public posting of grades either by the student's name, institutional student identification number, or social security number without the student's written & signed permission is a violation of FERPA. Even with names obscured, student identifier numbers are considered personally identifiable information. Therefore, the practice of posting grades by social security number or student identification number violates FERPA. The returning of papers via an "open" distribution system, e.g., stacking them on an open table, is a violation of a student's right to privacy, unless the student submits a signed waiver to the instructor for such purpose. The instructor must keep the waiver on file in order to avoid institutional or personal liability.

## **Your Responsibilities as an Employee**

As an employee of Lake Superior State University, you may have access to students' educational records. Their confidentiality, use, and release are governed by FERPA. Your utilization of this information is governed by the regulations and the duties and responsibilities of your employment and position.

Your job places you in a position of trust. You are an integral part in ensuring that student information is handled properly. Students have the right to expect that their educational records are being treated with the care and respect that you would want for your own records.

In general, all student information must be treated as confidential. Even public and "directory information" is subject to restriction on an individual basis. Unless your job involves release of information and you have been trained in this function, any request for disclosure of information, especially from outside Lake Superior State University, should be referred to the Registrar or the Provost. Inappropriate release of information contained on a student's record without the written consent of the person identified on the document is in violation of Sec. 438 Public Law 90-247. As a University employee, you have your own accounts and passwords on the administrative computer system and on email. You are responsible for your personal account and will be held accountable for any improper use. Protection of your sign-on password and procedure is critical for security. Your password is the only protection your account has, and the only way the computer system can verify that you are actually who you say you are.

## **Your Responsibilities as a Student Employee**

Security and confidentiality are matters of concern to all offices and all persons who have access to office facilities. Educational records are stored in both hard copy and electronic files in offices throughout the campus. Many offices are able to extend job opportunities and work experience to supplement students' finances and education. In doing so, the student employee is placed in a unique position of trust since a major responsibility of offices is the security and confidentiality of student records and files. Since conduct either on or off the job could affect or threaten security

and confidentiality of this information, each student employee is expected to adhere to the following: (1) no one may make or permit unauthorized use of any information in files maintained, stored or processed by the office in which they are employed, (2) no one is permitted to seek personal benefit or to allow others to benefit personally by the knowledge of any confidential information which has come to them by virtue of their work assignments, (3) no one is to exhibit or divulge the contents of any record or report to any person except in the conduct of their work assignments and in accordance with University policies and procedures, (4) no one may knowingly include or cause to be included in any record or report a false, misleading entry, (5) no one may knowingly expunge or cause a valid data entry to be expunged from any record or report, (6) no official record or report, or copy thereof, from the office where it is maintained may be removed except in the performance of a person's duties, (7) no one is to aid, abet, or act in conspiracy with another to violate any part of this code, and (8) any knowledge of a violation must be immediately reported to the person's supervisor.

### **Your Responsibilities as a Student on a Committee**

Students serving in an official capacity on University committees have been designated as school officials and must adhere to the same policies of confidentiality and security as all school officials and employees.

### **Failure to Follow FERPA**

In addition to the possibility of personal litigation, proven FERPA violations may result in loss of federal funds to Lake Superior State University. Violations of confidentiality and security will lead to appropriate disciplinary action.

### **Other Important Things to Remember**

- Checking a person's picture identification when releasing educational records is required. Always check to see if the student is permitting disclosure of information before you release any information on that student.

- Discussing a student's record with any person who does not have a legitimate educational interest is a violation of FERPA. This pertains to conversations on and off the job.
- Removing any document from the office for non-business purposes is a violation of FERPA.
- Releasing confidential student information (non-directory) to another student, University organization, or any person who does not have a legitimate educational interest, or to the parents of a non-dependent student without the student's written & signed authorization is a violation of FERPA.
- Leaving reports or computer screens containing confidential information in view of others who do not have a legitimate educational interest in the data or leaving your computer unattended while connected to SIS is a violation of FERPA.
- Making personal use of student information is a violation of FERPA.
- Allowing another person to use your computer access code is a violation of FERPA.
- Putting paperwork in the trash with students' information (i.e. social security number, grades, etc.) is a violation of FERPA.

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