



FERPA -Family Educational Rights & Privacy Act

What is FERPA?

The Family Educational 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 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 their information is not to be released. In order to withhold release of directory information, a student must complete and sign a Directory Restriction Request and submit it to the Registrar's Office.

Students Who Have a Directory Restriction – Have Requested Confidentiality

Students who have requested a directory restriction will be flagged in INB (Banner). Initially, when a student's record with a restriction is accessed in INB, a warning will appear that reads: Warning: Information about this person is confidential. The word Confidential will show in

the upper left corner of all of the forms you access for this student. To view what information is considered confidential, you will need to access the form SPACMNT. All confidentiality comments for this student will show on this form. You may need to use the Scroll Bar on the right side to view the “Confidential” comment.

The information indicated as Confidential on SPACMNT 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.

If you do not use INB Banner, please contact the Registrar’s Office. We can access the student’s record and let you know what specifically has been flagged as confidential.

Anchor Access: Anchor Access will show “Confidential” for students with directory restrictions. To determine if a student has requested confidentiality, click on Student Information from the Student’s Information Menu. Confidentiality will also show on the Class Lists and various other places. Anchor Access will **Not** identify what information is considered confidential. Because of this, all information in Anchor Access for a student with “Confidential” must be considered confidential.

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 their student’s educational records. The right to inspect is limited solely to the student.

Student records may be released to parents only under the following circumstances:

- Through the written & signed consent of the student
- In compliance with a subpoena
- By producing a copy of the most recent Federal Income Tax form showing that the student was claimed as a dependent
- In connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals
- If the student has violated any Federal, State or local law, or any rule or policy of the University governing the use or possession of alcohol or a controlled substance, if the University determines that the student has committed a disciplinary violation regarding that use or possession and the student is under 21 at the time of the disclosure.

The Registrar's Office must document any type of release of educational records. Please contact the Registrar for further information.

What to do when a parent calls you requesting information about their student

Parents have almost complete access to their student's records while the student is in primary or secondary school, under the age of 18. Parents sometimes have difficulty understanding that this changes once the student enters college/university. As mentioned, at the post secondary level, parents have no inherent rights to inspect their child's educational records. All rights transfer to the student once the student has reached 18 years of age **or** attends a postsecondary institution.

We recognize how important family members are to the success of our students, but, we are limited by FERPA on the information we can share (see Health and Safety below). It is especially difficult to provide information by phone because verifying the caller as the correct 'parent' is almost impossible. When parents call requesting information, you will need to explain that we are required to follow FERPA and that the parent will need to speak directly to the student for the needed information. Information about FERPA is available on the LSSU website at: <http://www.lssu.edu/registrar/FERPA>

If the parent requests a meeting with you to discuss their student's progress, you will need the written, signed consent from the student before you can release any non directory information to the parents. We have a form in the Registrar's Office that can be used for this purpose.

Student Release Form – Not for Academic Information

LSSU does **Not** have a Student Release Form that can be signed to allow parents access to academic information. The Business Office and Financial Aid Office have a release form, but this form only covers billing and/or financial aid information. The Registrar's Office only releases information as described under 'Parental Access to Children's Educational Records'.

Health and Safety Emergencies

FERPA (99.36) regulations state, in part, that an institution may disclose personally identifiable information from education records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

The institution should take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. If the school determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from educational records to appropriate parties (parents are considered appropriate parties) whose knowledge of the information is necessary to protect the health and safety of the student or other individuals. Institutions are required to record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed. If there is a rational basis for the determination, the

Department will not substitute its judgment for that of the institution in deciding to release the information.

Who to contact when you are concerned about the health or safety of a student

If you are concerned about the health or safety of one of our students, you need to contact appropriate University staff who are trained to provide help to the student. This may include our Counseling Center, Public Safety Office, Student Residential Life Office, etc. Faculty may also consider speaking to their dean about their concerns. If you have any questions, please contact the Registrar.

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's Office.

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.

Legitimate Educational Interest (Just because you can doesn't mean you should)

Although you may have access to students' educational records, you should only access information needed to do your job. Accessing student educational records out of curiosity is a violation of FERPA.

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.

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.

Password Protect Your Computer

Its easy to do - Right Click on your main screen, select Properties, select Screen Saver, Click “on resume, password protect”. Set the minutes to 5. Your password will be your Windows password – used when you first turn on your computer each day.

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 any of the University computer programs is a violation of FERPA. (See Password Protect Your Computer - above.)
- Making personal use of student information is a violation of FERPA.

- Allowing another person to use your computer password information or logging another person into INB or Anchor Access using your password is a violation of FERPA, and also a violation of LSSU policy.
- Putting paperwork in the trash with students' information (i.e. social security number, grades, etc.) is a violation of FERPA. When no longer required, all confidential documents should be shredded.
- Use of social security numbers should be avoided. If you need to have the student's ID number, always request their 'A' number – not their SSN number. Please also refrain from using SSNs in any written communications (ie., email, reports) unless this usage is required by law.