

FERPA: What faculty and staff need to know

It's the Law!

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a postsecondary student:

1. To see the information that the institution is keeping on the student;
2. To seek amendment to those records and, in certain cases, append a statement to the record;
3. To consent to disclosure of his or her records;
4. To file a complaint with the FERPA Office in Washington.

Third-party Authorization

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education (most financial aid is federal funding that falls under this category).

Students can submit a third-party authorization for an individual to view all or some of their **educational** records. A third-party authorization **MUST** be confirmed on file before education records can be discussed. However, a third-party authorization does **NOT** obligate NDNU to release the information — only allows us to do so at professional discretion.

Even with a third-party authorization in place, information should only be shared in person with identification, or in hard copy.
Grades and GPA should never be shared over the phone or to a

Summary—It's Your Responsibility!

As a faculty or staff member at NDNU with access to student information, you are considered an Officer of the University and have a legal obligation under FERPA to protect the confidentiality of student educational records in your possession.

- You have access to student information only for legitimate use in the completion of your responsibilities as an officer of the University. You may not request access to student information that is outside your reasonable right to know for your job.
- As an officer of the University you are also a custodian of student records. You may not release lists or files with student data, or any other form of protected information, to any party outside the University.
- With the exception of non-suppressed directory information, student educational records are considered private and may not be released without the student's written consent. Student consent does **NOT** obligate you to release the requested information, except to parents of tax-dependent students.
- The Office of the Registrar is the primary point of oversight for Title 34/FERPA compliance at NDNU. Please direct any information requests there if you do not have the access to properly confirm or are unsure about protection status!

Family Policy Compliance Office
US Department of Education
400 Maryland Ave SW
Washington, DC 20202-4605

Types of Student Information

Educational Records — Protected!

Educational Records are protected information under FERPA

Student Educational Records include information provided by a student for use in the educational process, such as:

- **Personally Identifying information**
- **Attendance or Enrollment records**
- **Student's exams or papers**
- **GPA, grades and transcripts**
- **Course schedules**
- **Academic advising materials or degree audits.**

Personally-Identifying Information (PII) — Protected!

Personally-identifying information (PII) is protected information under FERPA

PII is information that can be used to confirm and distinguish someone's identity, and includes but is not limited to:

- **Social Security or Tax ID Number**
- **Race, Ethnicity or Nationality**
- **Citizenship Status**
- **Sex or Gender**
- **Religion**

Protected information can be found in various media types, physical or digital, handwritten or typed, electronic or communicated in conversation. It does not need to be an "official" document to be protected and for NDNU to be liable!

Directory Information — Not Protected...

but handle with care!

"Directory information is [...] information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34, Part 99.3)

Directory information is considered public and can be released without the student's written consent. However, the student may opt to keep this information confidential by requesting to withhold their directory information, also called suppression or a FERPA block. Directory information should not be released by anyone without access to view whether or not a FERPA block is in place!

NDNU considers directory information to include the following:

- Name, address, and phone number
- University-assigned email
- Dates of Enrollment and enrollment status
- Class standing, Academic awards and honors
- Degrees received and graduation dates

A word about Student ID numbers... FERPA considers student ID to be directory information, as long as it cannot be used by the recipient to obtain additional information without further authentication such as a password. It's best practice not to release a Student ID number unless it specifically requested under circumstances that comply with FERPA policy!