

FERPA Basics for Faculty and Instructors

What is FERPA?

The Family Educational Rights and Privacy Act of 1974 is the foundational federal law on the privacy of students' educational records. FERPA safeguards student privacy by limiting who may access student records, specifying for what purpose they may access those records, and detailing what rules they must follow when accessing the data. (taken from [NYSED, Federal Laws that Protect Student Data](#) with minor changes)

Syracuse University fully complies with FERPA and with guidelines recommended by the American Association of Collegiate Registrars and Admissions Officers.

Key Terms/Definitions

Education Records include any record directly related to a student and maintained by the University, with some narrowly defined **exceptions**, including but not limited to:

- Records in the "sole possession of the maker" (e.g., private advising notes).
- Law enforcement records created and maintained by a law enforcement agency for a law enforcement purpose.
- Employment records.
- Medical/psychological treatment records (e.g., from a health or counseling center).
- Alumni records (i.e., those created after the student graduated or left the institution).

Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Common examples include: name, address (local, home and email), telephone (local and home), and certain academic program information. Directory information does not include things like grades, GPAs, SUID numbers, demographic information such as race or gender.

Syracuse University lists the information that it designates as directory information in its [Annual Notification of Rights Under FERPA](#).

Every student must be given the opportunity to have directory information suppressed from public release. This process is often referred to as a "no release," "opt out" or "suppression." When a student makes this request, everyone within the institution must abide by a student's request that no information be released publicly about the student.

It is important to understand, that a "no release" does *not* mean that a school official within the institution who has a demonstrated legitimate education interest (e.g., a faculty member teaching the student in class) is precluded from using the information to perform that official's job duties. Students cannot choose to be anonymous in the classroom setting. If a student has chosen "no release" for their directory information, that does not mean that an instructor cannot call on the student by name in class or that the student's University email address cannot be displayed on an electronic classroom support tool such as a discussion board, blog, or chat feature.

When do FERPA rights begin?

A FERPA-related college education record begins for a student when they enroll in a higher education institution. At a postsecondary institution, rights belong to the student in attendance, regardless of the student's age.

This means that generally University faculty and staff must obtain permission from a student before sharing information with the student's parents or guardians.

Basic Right of Students under the Act

- Be notified of their FERPA rights at least annually.
- Inspect and review their records.
- Amend an incorrect record.
- Consent to disclosure (with exceptions).

Annual Notification

Every institution must notify students of their FERPA rights at least annually. Syracuse University publishes this notification in General Information of the course catalog, [Student Privacy Rights \(FERPA\)](#).

Inspection and Review

Students have the right to see everything in the "education record," except:

- Information about other students;
- Financial records of parents; and
- Confidential letters of recommendation if they waived their right of access.

FERPA does not prescribe what records are created or how long they are to be kept; however, you cannot destroy a record if there is a request to inspect and review. It is important to know and understand the University's records retention policy, which requires retention of most records for seven years.

Right to Consent to Disclosure

Start with the premise that the student has the right to control to whom their education record is released. Then, there are several exceptions when that permission is not required.

In those instances where a signed release is required, it is usually appropriate to accept an electronic signature.

Syracuse University students may authorize specific access by completing a FERPA authorization; found on MySlice → Student Home → eForms → Office of the Registrar → FERPA authorization.

When is prior consent *not* required?

The institution may disclose records without consent if certain requirements are met, but it is not required to do so.

Some examples of the exceptions to the release requirement include:

"School officials" with a "legitimate educational interest." Employees and legal agents have access to education records in order to perform their official, educationally-related duties.

Disclosure to organizations conducting studies to improve instruction.

Disclosure to parents or guardians of tax-dependent students (with proof of a W-2).

To comply with a judicial order or lawfully issued subpoena (in this scenario consult with University Counsel).

Disclosure for a health/safety emergency (consult with University Counsel in case of an emergency).

Disclosure of directory information, provided the student has not requested “no release.”

Specific Issues for Faculty and Instructional Staff

Posting Grades:

Since grades can never be directory information, it is inappropriate to post grades in a public setting. An instructor may, however, post grades if the grades are posted in such a manner that only the instructor and the individual student can identify the individual and their grade. Grades should never be posted by any portion of the SSN or student ID. Additionally, any posted list should not be in the same order as the class roster or in alphabetical order.

Web-based tools to support classes:

Courses supported by class websites and/or discussion groups must take extra precautions to not inadvertently release non-directory student information. Only directory information can be available to the general public and other class members, so web-based tools should employ a security layer so that only class members and instructors can access appropriate information.