

The federal Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment) is the federal law passed in 1974 that protects the privacy of student education records. Under FERPA, colleges and universities must not release education records without prior written consent from the student, except under certain circumstances. Following are answers to questions that you as a faculty member may have about FERPA.

Are student “education” records and “academic” records the same thing?

No. According to the legal definition, education records include virtually all records (including academic records) maintained by an educational institution, in any format, that are directly connected to each former or current student. In plain language, that means any information—not solely academic—that can identify a student in any way, such as academic, financial, and disciplinary records; class materials, including academic papers and exams; and other items, including photographs, and class rosters.

Under what circumstances could I share information in education records without the student’s written permission?

Faculty members are free to share information from student education records with University officials who have a legitimate educational need to know in those records. Penn State has its own definition of “officials” contained in University Policy AD-11. If you have any questions, check with the Registrar or Privacy Office (see contact information under the “tips” question).

Is there any information about a student that can be shared publicly?

Yes, FERPA defines a set of information called “directory information” that may be shared with anyone, including those outside the University, without the student’s written permission. Penn State’s directory information items are:

1. Name
2. Address (local, permanent residence, and electronic mail)
3. Telephone number
4. Class level
5. Major
6. Student activities
7. Weight/height (athletic teams)
8. Date(s) of attendance
9. Enrollment status (full-time, part-time, or not enrolled)
10. Date of graduation
11. Degrees and awards received and where received
12. Most recent educational institution attended

Although FERPA permits institutions to share directory information publicly without the student’s consent, it does not require it. Do not provide student directory information to any third party for commercial use or for solicitation of any product or service. The University does not provide mailing lists to third parties.

What if someone, such as a prospective employer or internship company, asks me for basic information about a student, such as directory information, but the student has not been informed first?

Before responding to any request for directory information, check to see if the student has requested confidentiality (i.e., that directory information be withheld):

- The elion class list displays an asterisk(*) preceding the student’s name.
- The ANGEL class roster displays the notation *Confidential*.
- Many SIS screens, including ARUSPD, display ***CONFIDENTIAL*** in the upper left corner of the screen.

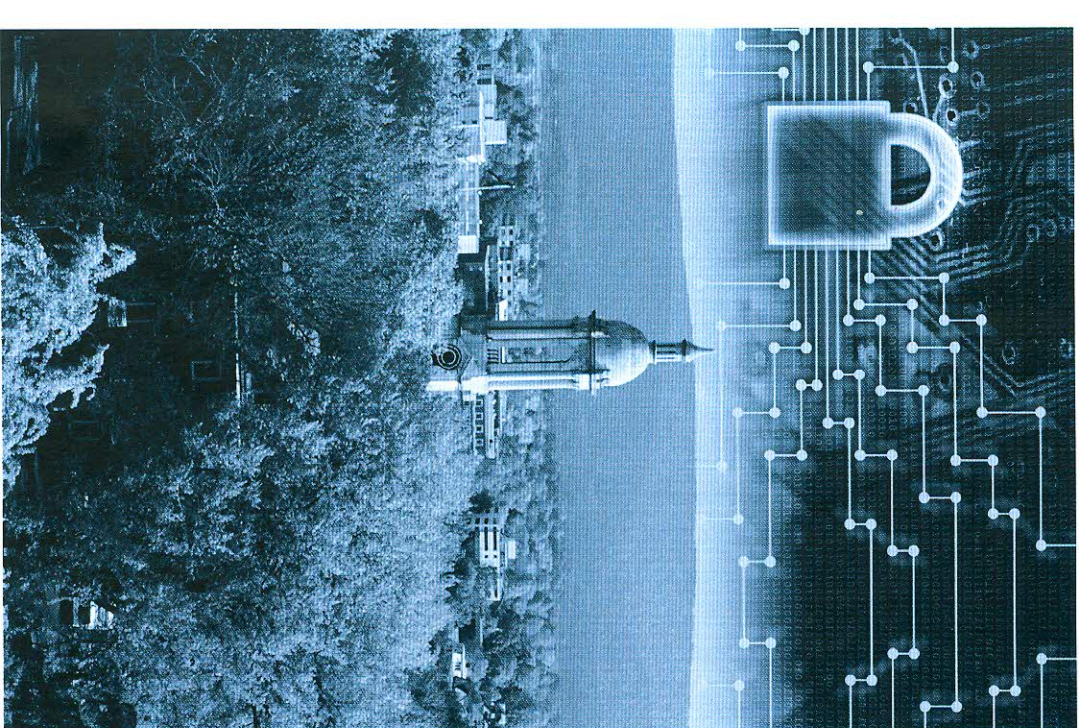
If the student has requested confidentiality, you may not release any information, even directory items, regarding that student, unless you have the student’s written permission. You should simply respond to the requestor that we have no record of the person.

May I discuss my personal knowledge and impressions of the student with other faculty members if it pertains to a legitimate academic and educational concern?

Yes, FERPA’s disclosure restrictions apply only to information derived from student education records, not to personal knowledge derived from direct, personal experience with a student. For example, a faculty or staff member who personally observes a student engaging in erratic and threatening behavior is not prohibited by FERPA from disclosing that observation. However, FERPA rules would apply if you put your impressions in writing. Limit sharing of that type of information to professionals trained to evaluate and manage it, to guard against possible violation of other, broader privacy laws.

What if one of my students is obviously struggling with a personal matter, but after I advise the student to seek help, it’s clear that he/she is still in distress?

FERPA permits the disclosure of information from student education records to appropriate people if knowledge of the information is necessary to protect the health or safety of the student or others. For example, if a student sends an e-mail to his resident assistant saying that he has just been diagnosed with a highly contagious disease such as measles, Penn State could alert the student’s roommate and others to urge them to seek appropriate medical care. Limit your communication about the student to an appropriate manner.



There may be times when a student's behavior is erratic or the severity of his emotional or psychological state may pose risks to himself or others, or may disrupt the academic environment of the University. Safety concerns could include a student's suicidal statements, unusually erratic or angry behaviors, or similar conduct that others would reasonably see as posing a risk of serious harm. If the threat appears to be imminent, you should contact the campus police or security office immediately. In cases where the threat is not imminent, individuals responsible for such behavior should be brought to the attention of University administrators, counseling services, health services or discipline officers. In situations where a student's behavior seems dangerous, at University Park you should contact Mr. Joe Puzycski, Assistant Vice President (AVP) for Student Affairs. The staff responsible for interventions, referrals and follow-up for distressed students at the campuses varies. Typically, at campuses other than University Park, the Director of Student Affairs or the Director of Student Enrollment Services, in consultation with counseling professionals and the AVP at University Park, coordinates interventions and referrals.

What are some tips for faculty members like me, who want to do the best for students yet not violate their privacy?

- When in doubt, contact the Office of the University Registrar or the Privacy Office or refer to the following Web sites for more information:
 - University Registrar's Confidentiality/FERPA site www.registrar.psu.edu/confidentiality/confidentiality_index.cfm
 - University Policy on Confidentiality of Student Records guru.psu.edu/policies/AD11.html
- Request information from a student's education record only when you have a legitimate educational need to know and the appropriate authority to do so.
- Do not share student education record information, including grades or grade-point averages, with other faculty or staff members of the University unless their official responsibilities require you to do so, or with parents or others outside the University, including within letters of recommendation, without written permission of the student.
- Keep only individual student records necessary for the fulfillment of your teaching, advising, or administrative responsibilities. Private notes concerning a student and intended for your own use are not part of the student's education record, although they may be subject to subpoena.
- If a student questions the accuracy of a recorded grade or evaluation comment, find out if the student has valid documentation to back up the complaint. If so, make the record accurate. However, if a complaint is about your judgment on academic performance and your grading material backs you, such a challenge from a student is not a FERPA-protected right.

- If you get a question about something unrelated to teaching or advising regarding the education record of a student, refer the questioner to the appropriate University office.
- Do not display or post student scores or grades, publicly in association with names, Social Security numbers, Penn State ID numbers, or other personal identifiers. Use ANGEL to securely report grades to students.
- Assignments, exams, papers or lab reports containing names or Penn State ID numbers should not be left out in a public space for students to pick up where grades and comments may be seen by other students.
- Do not circulate printed class lists that include Penn State ID numbers, or other non-directory information for purposes of taking attendance. Instead, use a blank "sign in" sheet.
- Peer grading is permitted since the grade is not considered to be part of the education record until it has been recorded in the instructor's grade book.
- Always use blind copies when emailing groups of students. Do not include grades in emails.
- A student request for confidentiality does not permit the student to be anonymous in the classroom nor to impede or be excluded from classroom communication.
- In a situation of potential danger involving a student, contact emergency personnel immediately. Error on the side of caution rather than assuming that you are overreacting.
- Never upload a class list or any information about a student to a vendor's web site without first checking with Purchasing Services (purchasesoftware@psu.edu) to see if Penn State has a FERPA-compliant contract with the vendor.
- Before conducting research using student information, you must first receive approval from the Office for Research Protections Institutional Review Board (ORProtections@psu.edu or <http://www.research.psu.edu/orp/humans>) and ensure compliance with FERPA requirements.
- For more information, review the on-line FERPA tutorial and quiz. Instructions for access are found at http://www.registrar.psu.edu/staff/ferpa_tutorial/ferpa_tutorial.cfm

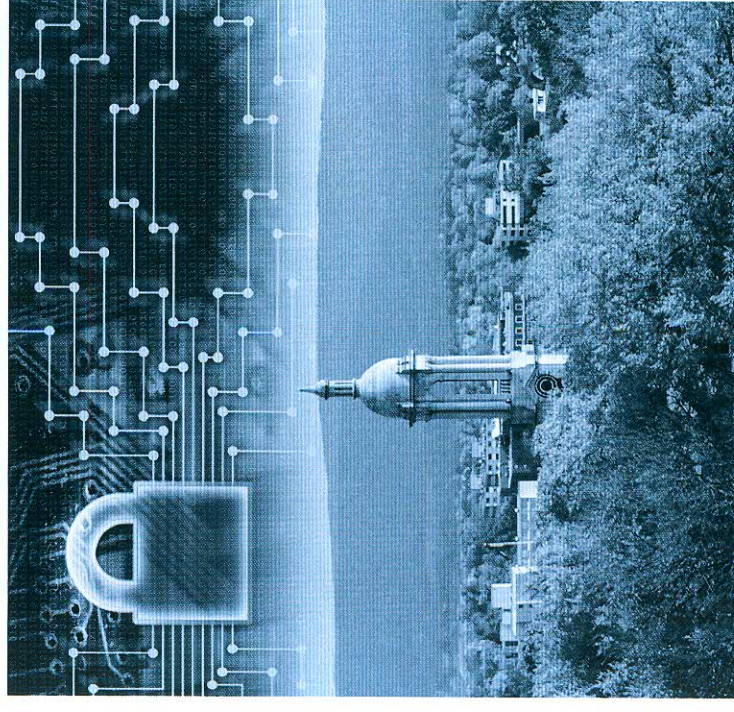
This publication is available in alternative media on request.

The Pennsylvania State University is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state or federal authorities. It is the policy of the University to maintain an academic and work environment free of discrimination, including harassment. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity, or veteran status. Discrimination or harassment against faculty, staff, or students will not be tolerated at The Pennsylvania State University. Direct all inquiries regarding the nondiscrimination policy to the Affirmative Action Director, The Pennsylvania State University, 328 Boucke Building, University Park, PA 16802-5901; Tel 814-865-4700/V, 814-863-1150/TTY. U.ED. UGE 11-14 MPC127103

January 2014

Faculty and FERPA:

What you need to know



PENNSTATE



Office of the University Registrar