FERPA for Faculty

There are some issues that faculty need to be aware of in dealing with student information. The Family Educational Rights and Privacy Act (FERPA) governs access to student record information. There are three primary rights under FERPA. The student’s right “(1) to inspect and review their educational records, (2) to have some control over the disclosure of information from their educational records, and (3) to seek to amend their education records.” (2010 AACRAO FERPA Guide, p. 1). Following are some areas of interest to faculty impacted by this act.

Returning Homework or Tests
It is a violation of FERPA to put homework or tests in an open area for students to look through and retrieve. Ways to avoid violating FERPA include:

1- Having students pick their work up from an employee who sees ID before releasing the papers.
2- Having students submit a labeled envelope with their work that the instructor can seal the confidential information inside. Only the name would be publicly visible, all confidential grade information will be protected in the sealed envelope.
3- Have students sign a form at the beginning of the semester requesting their homework or tests be returned to them in the common box. This would authorize the instructor to return the work that way. Any students who opt not to have their work put in a public place would need another process to receive their work and feedback.
4- Assign a random number to the student for that class that semester, which only you and the student know, and have the student use that number, rather than name or other identifier for submitting homework and tests. The numbers must be assigned in such a way that others cannot determine who any student is from the number or pattern of display.

Talking with Parents
FERPA rights belong to the student once they turn 18 or enroll in a post secondary institution. Since all BYU students meet these criteria, the parents of our students do not have rights to education record information at BYU. Parents must have a signed release from the student to access any of that information, including progress in a course, etc. There is an exception, and that is if the student is a dependent, meaning the parent claimed them on the last year’s income tax return. If this is the case, the parent must provide copies of the tax forms. If information is released under this exception, what was released, the date, and the exception must be noted and this becomes part of the permanent record. Since most faculty are not in a position to maintain a record permanently, this may not be the best option for them. Although we “may” release information under this exception, we are not required to do so.

Note: A spouse never comes under an FERPA exception and can only have access to a student’s record if the student has given them a written release.

Writing Letters of Recommendation
When students request a faculty member write a letter of recommendation, if the letter is to include any information that is non-directory, i.e. grades, GPA, rank, they must have written
permission from the student to include that type of information. (What items are considered directory are listed in each Class Schedule, Undergraduate Catalog and the University Registrar’s website.) The written permission must include who, what and why with a date and signature. The release must state who has permission to release the information, who the information should be released to, what specific information is to be released, the purpose of the release and it must be signed and dated.

Sample Permission Letter to Write a Letter of Recommendation

I give permission for Professor Kostal to write a letter of recommendation to:

Annie’s Catering
344 Willow Dr.
Lynchburg VA 24502

Prof. Kostal has my permission to include my grades and GPA in this letter.

I waive do not waive my right to review a copy of this letter at any time in the future.

________________________________________
Signed ________________________________

Date

Responding to Investigators
If someone is doing a background check and contacts you about a current or former student, you should ask to see a release from the student, authorizing BYU to share information with the agency the individual represents. Ask for ID to make sure they are someone covered by the release. Only share information specifically noted in the release. You may share any information from your memory if done so without consulting files or notes, since that is not part of the “education record.” You must have specific permission from the student to release anything from their files to a third party.

Questions
If you have any questions regarding FERPA and the implications for you, please contact the Records Office, B-150 ASB, 422-1196. We also have a short DVD about FERPA that we will be happy to provide.