

FERPA (FAQ's for Staff)

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UNDER FERPA, TO WHICH STUDENT RECORDS DO I HAVE ACCESS?

Staff members are normally considered "school officials." Under FERPA, school officials may obtain access to only those education records in which they have legitimate educational interests. "Legitimate educational interest" is defined as an interest which results from the duties officially assigned to a school official and which are related to such a school official's responsibility for facilitating the student's development. In other words, a staff member should only access those student education records that are needed to perform his or her job as an official of the university. Any other access is a violation of FERPA.

WHAT STUDENT INFORMATION MAY I RELEASE?

FERPA protects the privacy of education records. As a staff member you have a responsibility to protect educational records in your possession. You may not disclose personally identifiable information about students or permit inspection of their records without written permission from the student, unless such action is covered by certain exceptions permitted by FERPA.

Information that is defined as “directory information” may be released without student consent unless the student has directed the university to withhold such information. If such a hold is in place (called a “confidentiality indicator”), then no information may be released about that student, including no verification whether or not the individual is a student at NSU. If a student has asked this information be withheld, a screen will appear in Banner when that student’s record is accessed. This screen indicates that information release is restricted at the request of the student. Banner self-service class rolls (class lists) and advisee lists also include designations for students who have a confidentiality indicator.

The Office of the Registrar handles most requests for directory information from entities outside of NSU.

University officials may request student record information through the Office of the Registrar.

Protection of student privacy is crucial, and the consequences of mishandling of student information are significant. When in doubt, do not release student information—consult your department head, college administrators, the Office of the Registrar, or the Vice President for Student Affairs Office.

WHAT IS CONSIDERED DIRECTORY INFORMATION?

Directory information may be released without the written consent of the student, unless the student has filed a Request to Withhold Directory Information. If such a hold is in place (called a “confidentiality indicator”), then no information may be released about that student, including no verification whether or not the individual is a student at NSU. If a student has a confidentiality indicator, a special screen will appear in Banner when that student’s record is accessed. This screen indicates that information release is restricted at the request of the student. Banner self-service class rolls (class lists) and advisee lists also include designations for students who have confidentiality indicators.

An institution may not disclose or confirm directory information without the student's written consent if the student's social security number or other non-directory information is used alone or combined with other data elements to identify the student.

The following items are considered "directory information" at NSU. Directory information may be released without the written consent of the student, unless the student has filed a Request to Withhold Directory Information. An institution may not disclose or confirm directory information without the student's written consent if the student's social security number or other non-directory information is used alone or combined with other data elements to identify the student.

- Student's name, mailing address, and telephone number
- Date of birth
- Classification and enrollment status
- Major field of study
- Dates of attendance at Northeastern State University
- Most recent previous school attended
- Degrees, honors and awards received
- Participation in officially recognized activities and sports
- Weight and height of athletic team members
- E-mail address assigned/provided by the institution or provided to the university by the student
- Parents' names and addresses (city and state only)

HOW DO I KNOW IF A STUDENT HAS RESTRICTED ACCESS TO HIS/HER DIRECTORY INFORMATION?

If a student has a confidentiality indicator, a special screen will appear in Banner when that student's record is accessed. This screen indicates that information release is restricted at the request of the student. Banner self-service class rolls (class lists) and advisee lists also include designations for students who have confidentiality indicators. No information may be released about that student, including whether or not the individual is a student at NSU.

HOW DOES FERPA APPLY TO STUDENT WORKERS?

Students who perform work for the university may be designated as "school officials" with a "legitimate educational interest" for specific purposes. The same requirements and responsibilities for full-time faculty and staff exist for student workers. Student workers must be trained on FERPA just as if they were faculty or staff.

WHAT ARE THE LIMITS IN WORKING WITH PARENTS?

At the elementary and secondary school level, FERPA gives parents the right to access education records. When a student reaches 18 years of age or is attending an institution of post-secondary education, FERPA rights transfer from parent to student. Therefore, at the postsecondary level, parents have no inherent rights to access their son's or daughter's education records.

Information such as a student's enrollment in a course, class attendance, or progress/grades in a course is personally identifiable information that constitutes part of the student's education record that is protected under FERPA. Parents may not have access unless the student has provided written authorization.

Even if no specific information can be released about a student, staff members can often assist parents by providing general information that does not violate FERPA. Enrollment procedures, academic calendar information, policy information, and other similar information may be helpful.

HOW SHOULD I HANDLE LETTERS OF RECOMMENDATION?

As a staff member, you may be asked to write a letter of recommendation on behalf of a student. If the letter includes information that falls within FERPA's definition of educational records, such as grade point average or other non-directory indicators, the student's written consent to disclose this information would be necessary. Unless the student has waived the right of access to the letter, he or she would have the right to read it, because it is part of the student's educational record.

The written release from the student should: (1) specify the records that may be disclosed; (2) state the purpose of the disclosure; and (3) identify the party or class of parties to whom disclosure may be made. Statements in a recommendation that are based on the faculty member's personal observations about a student do not require a written release from the student.

MAY I RELEASE INFORMATION TO FRATERNITIES AND SORORITIES?

Many fraternities and sororities maintain scholarship committees, academic excellence awards, and related types of activities that are based upon personally identifiable information. However, fraternity and sorority members

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in charge of these activities are not “university officials” and may not have access to student record information, unless the student has provided written authorization.

HOW ARE SUBPOENAS HANDLED?

At NSU, subpoenas for student education records are generally directed to the Office of the Registrar, Office of Student Affairs, or other office responsible for maintaining the specific records that are requested. Legal Counsel is consulted when a subpoena is received.

WHAT HAPPENS DURING CRISIS SITUATIONS AND EMERGENCIES?

If non-directory information is needed to resolve a crisis or emergency situation, an education institution may release that information if the institution determines that the information is necessary to protect the health or safety of the student or other individuals. Factors considered in making this assessment are: the severity of the threat to the health or safety of those involved; the need for the information; the time required to deal with the emergency; and the ability of the parties to whom the information is to be given to deal with the emergency. If information is released in this type of situation, a record must be placed in the student’s file describing the articulable and significant threat that formed the basis for the disclosure (the circumstances of the emergency).

COMMENTS/QUESTIONS

General questions may be directed to the Vice President for Student Affairs, 204 Administration Building, Tahlequah, OK 74464, 918.444.2120.