

## FERPA: What NSU Faculty Need to Know

### *It's Your Responsibility*

As a faculty member at Nova Southeastern University, you have a legal responsibility under the Family Educational Rights and Privacy Act (FERPA) to protect the confidentiality of student education records in your possession.

Your access to student information is not only based upon your role as a university official but also because you possess a demonstrated need to know in order to perform your responsibilities in the student's educational interest.

Student education records (other than directory information) are considered confidential and may not be released without written consent of the student. And NSU policy prohibits you from releasing lists or files with student directory information to any third party outside of your college or program office.

If you are in doubt about a request for student information, contact the Office of the University Registrar for assistance.

### It's the Law

The Family Educational Rights and Privacy Act (FERPA) was passed by Congress in 1974. It grants four specific rights to the postsecondary students:

- To review the information that the institution is keeping on the student.
- To request an amendment to those records and in certain cases, append a statement on the record.
- To consent to disclose those records.
- To file a complaint with the U.S. Department of Education in Washington, DC.

FERPA applies to all educational agencies or institutions, including Nova Southeastern University, who receive funds under any program administered by the Secretary of Education. FERPA governs what *may* be released but does not require that any information be released. Failure to follow the law can result in lost federal funding for the university and possible disciplinary action against the responsible party.

## Student Information and Its Disclosure

### Directory/Public Information and NSU Directory Information

Directory information is defined as information contained in an education record of a student "that would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Part 99.3)

#### Directory Information at NSU

- Name
- Local, home, and Email addresses
- Telephone numbers
- Place of birth
- Major/Enrollment status
- Participation in intercollegiate athletics
- Dates of attendance
- Degrees, honors, and awards
- Year in school/Anticipated graduation date
- ID photo

Information not included on the list of directory information at NSU is defined as confidential student information and may not be released. Student schedules, their NSU ID numbers, grades, and dates of birth are confidential information and *may not be released*.

While **Directory Information** is considered public and can be released without the student's written permission, *the student may opt to keep this information confidential. Directory information can never include:*

- Social Security number
- Race
- Sex
- Ethnicity
- Nationality
- Gender
- Religion

### Health or Safety Emergency Disclosure

Faculty can share information about distressed or disruptive students with university officials who have a legitimate educational interest in the information. In addition, if a health or safety emergency exists, faculty can share information with other people, within or outside the university, to protect the health or safety of the student or others.

### Parental Access to Student Information

Parents of NSU students do not have a right to obtain information from student records, including grades and faculty records about a student's performance in class. However, a student may consent to disclosure of information to his or her parents.

<b>Can a student ask to have their directory information not be released?</b>	Some students exercise their right under FERPA to restrict the university from disclosing any information about them, not even their name or existence at the university, because of serious personal safety threats or for whatever other reason. NSU must ensure that no information about students who exercise this right is disclosed except to university officials who have a <b>legitimate educational interest</b> in the information
<b>How does FERPA affect letters of recommendation?</b>	Statements made by a person providing a recommendation based on that person’s personal observation or knowledge do not require a written release from the student. However, if personally identifiable information obtained from a student’s education record is included in a letter of recommendation (e.g., grades, GPA, etc.), the writer is required to obtain a signed release from the student which 1.) specifies the records that may be disclosed, 2.) states the purpose of the disclosure, and 3.) identifies the party to whom the disclosure can be made. Since the letter of recommendation would become part of the student’s education record, the student has the right to read it – unless she/he has waived that right to access.
<b>How is a student who has exercised confidentiality of directory information to be treated in the classroom?</b>	Students cannot choose to be anonymous in the classroom setting. If a student has chosen “confidential” for his or her directory information, that does not mean that an instructor cannot call on him or her by name in the class or that the student’s email address cannot be displayed on an electronic classroom support tool, such as a Canvas discussion board, blog, or chat feature.
<b>Are comments and notes related to a discussion you had with a student considered part of the education record?</b>	Possibly. If the comments and notes are recorded in Banner or kept in a file that is accessible to others, they are considered part of the education record and subject to FERPA. If the comments and notes are kept simply as a “ <i>memory jogger</i> ” and not shared with another person (other than a temporary substitute), they are considered “sole possession” notes and not part of the education record. Since FERPA gives students the right to review and access their records, the notes that do not meet the “sole possession” criteria would be included in that review. Therefore, it is important that all written comments or notes be factual and objective and devoid of inappropriate value judgements or language.
<b>Can email be used to communicate grades with students</b>	While emailing grades is permissible under FERPA, the Department of Education has ruled that an institution will be held responsible for a violation if any unauthorized individual sees the grade via your electronic transmission. Therefore, NSU prohibits the use of email for the dissemination of grades. Students should be directed to their SharkLink account to ascertain all grades.

- DO NOT!**
- ✓ Circulate a printed class list with student’s name and NSU ID number as an attendance roster.
  - ✓ Discuss the progress of any student with anyone other than the student (*including parents*) without the consent of the student.
  - ✓ Provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.
  - ✓ Access the records of **any** student for personal reasons.
  - ✓ Include personally identifiable information about student “A” in an email communication to student “B” without student A’s written permission.
  - ✓ Leave graded tests, papers, or other student materials in a stack for students to pick up that requires sorting through the papers of other students.
  - ✓ Use the student’s name, Social Security number, or NSU student ID, or any part thereof, when posting grades.