



MOUNT ST. JOSEPH
UNIVERSITY

FERPA Guidelines for Employees

Mount St. Joseph University's (MSJ) Registrar's Office, in compliance with the Family Educational Rights and Privacy Act (FERPA), is responsible for monitoring access to and release of information from student education records. The information provided on these pages is provided as a tool to answer general questions; it is not intended to include all academic policies and procedures.

Faculty and staff with access to student education records are legally responsible for protecting the privacy of the student by using information only for legitimate educational purposes to instruct, advise, or otherwise assist students.

Unless your position involves the release of information and you have been trained in that function, any requests for disclosure of information, especially from outside MSJ, should be referred to the Registrar's Office.

Discussing a student's record with any person who does not have a legitimate educational interest (including, but not limited to parents, spouses, and employers) is a violation of FERPA. This pertains to all conversations and communications. **When in doubt, do not release information and contact the Registrar or the Vice President Compliance, Risk and Legal Affairs/ General Counsel.**

FREQUENTLY ASKED QUESTIONS

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a Federal Law that helps protect the privacy of student education records. The Act provides students the right to inspect and review education records within 45 days of the day the University receives a request for access. The student also has the right to seek to amend those records and the right to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education.

When do FERPA rights begin?

FERPA governs and protects students' rights to their individual educational records. Students' FERPA rights begin at the age of 18 years or when they enroll in an institution of higher education, whichever is earlier.

What is a student's education record?

An education record is a record that is (a) directly related to a student and (b) maintained by an education institution/university.

What is “Directory Information” at Mount St. Joseph University?

Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed.

Mount St. Joseph University (MSJ) has identified the following as directory information and it may be released to those requesting it unless the student specifically requests otherwise by submitting written notification to the Registrar’s Office and subsequently has a privacy block on his/her record:

- The student’s name
- All addresses (local, home, email)
- Telephone (home and cell)
- Date and place of birth
- Photograph
- Academic Advisor
- Most recent previous educational agency or institution attended
- Student classification (year in school)
- Program of study: majors and minors
- Degrees and awards received (including honors)
- Dates of enrollment and enrollment status
- Weight and height of members of athletic teams
- Participation in officially recognized activities/sports

Mount St. Joseph University will not disclose any other information without written consent from the student. Students have the right to refuse the disclosure of personally identifiable information, as well as directory information, subject to other overriding provisions of law. To withhold directory information, students must complete the **Request for Non-Disclosure of Directory Information** form located on myMount and submit to the Registrar’s Office.

If a student has chosen to restrict the release of directory information, NO information can be released without further written permission of the student. Should someone inquire about an individual who has restricted the release of his/her directory information, the appropriate faculty/staff response is, “*I have no record of such an individual.*”

Students also have the right to rescind their decision to withhold directory information by written request. To rescind the non-disclosure of directory information, student must complete the **Request for Revocation of Non-Disclosure of Directory** information located on myMount and submit to the Registrar’s Office.

What information about students may be released to persons within the University?

All other personally identifiable information in a student’s educational record is confidential and may only be disclosed to University officials who have a legitimate need to know the information contained in the student’s education record.

What are the University’s guidelines for determining who is a University official under FERPA?

A school official is a

- person employed by the University in an administrative, supervisory, academic or research, or support staff position, including health or medical staff;
- person who is employed by the University Police Department;
- student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another University official in performing her or his tasks; or
- contractor, consultant, volunteer or other third parties provided that the outside party:
 - performs an institutional service which would otherwise be provided by employees of the University;
 - has been determined to meet the criteria set forth for being a “school official with a legitimate interest” in the education records;

- is under the direct control of the University with respect to the use and maintenance of education records; and
- uses education records only for authorized purposes and may not re-disclose personally identifiable information from education records to other parties, under third party has specific authorization from the University to do so and such use is otherwise permitted by FERPA.

What are the University’s guidelines for determining when a University official has a legitimate educational interest in a student’s record?

A university official has a legitimate educational interest if the official requires the information for the purpose of fulfilling her or his official duties, including but not limited to:

1. performing a task that is specific in her or his position description or contract agreement or within the scope of assigned professional responsibilities;
2. performing a task related to a student’s education;
3. performing a task related to the discipline of a student;
4. providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement or financial aid;
5. maintaining the safety and security of the campus; or
6. participating in or conducting studies, evaluations, or assessment of educational programs.

Do I have to release information from a student’s education record?

FERPA regulations state that you MAY release directory information about a student, but FERPA does not require or compel the institution to do so.

What are the consequences of violating FERPA?

Under federal law, FERPA violations may result in the loss of federal funding and fines for Mount St. Joseph University.

What do I do about subpoenas?

If you receive a subpoena regarding a student’s education record, please send the subpoena to the Registrar’s Office. There are FERPA regulations that the University must comply with before responding to subpoenas or court orders. The Registrar’s Office has a process in place.

May I release confidential information to officially registered student groups?

Student groups DO NOT have legitimate educational interest and consequently may not be given confidential information about a student or students without each student’s express, written permission.

May I access confidential information about students?

Access to personally identifiable information contained in educational records may be given to appropriate University administrators, faculty members, or staff members who require this access to perform their legitimate educational duties. Faculty members do not require knowledge of student academic records unless their normal job duties specifically require access. This type of access is termed “legitimate educational interest.”

How does FERPA affect letters of recommendation?

Writing a letter of recommendation may require express, written permission from the student to allow you 1) to access the student’s educational records and, 2) to disclose confidential information about the student to a third party. If written permission from the student for release of non-directory information is obtained,

it must: **specify the records that may be disclosed; state the purpose of the disclosure; identify the party or class of parties to whom the disclosure can be made; and must be dated and signed by the student.**

A faculty member may access a student's educational records without the student's express written permission only if specific job duties, such as the duties of an academic advisor, require access to those records. However, a faculty member, or any other appropriate University official, may not disclose confidential information from a student's educational records to a third party without express, written permission from the student. Personal observations about a student may be disclosed without the student's consent.

What information about students may I disclose to parents?

Without the express, written permission of the student, parents, like all other third parties, including designees, may have access only to the student's directory information. If a student has restricted his or her directory information, then the directory information is considered confidential and you should respond to any inquires by saying "*I have no record of such an individual.*" Confidential information may be released to parents/guardians only with the expressed, written permission of the student.

Does FERPA affect the return of assignments?

Personally identifiable information about a student may not be disclosed without the student's express, written permission. Therefore, extreme care should be used to protect such information (e.g. student ID numbers, Social Security numbers) when returning assignments, papers, and exams to students.

Does FERPA affect the posting of grades?

University policy prohibits the disclosure of any confidential student information in a personally identifiable manner without the student's written consent.

How do I properly dispose of confidential information?

Dispose of all material containing confidential information (such as tests, papers, class rosters) by shredding or by placing them in a university approved and secure receptacle intended for the collection of material to be disposed of in a secure manner.

Can information about deceased students be released?

The privacy rights of an individual expire with that individual's death. Records held by an institution for a deceased person is not a FERPA issue but a matter of institutional policy. Mount St. Joseph University will exercise its own discretion in deciding whether, and under what conditions, information should be disclosed to survivors or third parties.

What about in the event of a crisis situation or 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 to be considered or questions to be asked in making a decision to release such information in these situations are: (1) the severity of the threat to the health or safety of those involved; (2) the need for the information; (3) the time required to deal with the emergency; (4) the ability of the parties to whom the information is to be given to deal with the emergency.

Do's and Don'ts of FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Faculty and staff should keep the following guidelines in mind when dealing with student records:

- **DO refer to the Registrar's Office or Vice President Compliance, Risk and Legal Affairs Office when uncertain how to respond to a records information request.**
- **DO pay attention to any privacy warning indicators.** Consult the Registrar's Office for assistance determining the items for which the student has requested nondisclosure, if you are in doubt, before releasing any information about the student.
- **DO refer requests for information from the education record of a student to the proper educational record custodian** (e.g. Registrar, Financial Aid).
- **DO understand that only the appropriate educational record custodian may release information about a student's educational record to a third party outside the University.**
- **DO follow the confidentiality principles of FERPA by not sharing education records information with your colleagues or co-workers unless a legitimate educational interest exists.**
- **DO keep those individual student records necessary for the fulfillment of your teaching or advising responsibilities.** Private notes of a professor/staff member concerning a student and intended for a professor/staff member's own use are not a part of and should be kept separate from the student's education record.
- **DO be aware of your computer display and documents on and around your workstation** that may be visible to others.
- **DO shred or place in a receptacle intended for the confidential collection of material to be disposed of in a secure manner all unneeded documents that include personal student information.** Placing records in the trash is a violation of FERPA.

- **DO NOT display student grades publicly** in association with names, ID number, social security number (in whole or in part) or other personal identifiable information.
- **DO NOT leave stacked graded papers, assignments, or exams for students to pick up** – not even if sealed envelopes. Instead, return assignments and exams in class.
- **DO NOT communicate academic performance in a group email.** Limit to individual emails.
- **DO NOT request from any party a student's grade(s) for another class(es) to assist in grading for your class.** This does not constitute a legitimate educational interest.
- **DO NOT circulate a printed class list for attendance purposes** if it shows names and ID numbers or social security numbers.
- **DO NOT release a student's class schedule to anyone.** For security purpose, this information must be kept confidential.
- **DO NOT share non-directory information from a student's education record** with parents or guardians without the written consent of the student. The FERPA form must be signed and dated with a completion date filled in.
- **DO NOT provide non-directory information to third parties** such as prospective employers without the student's written consent.
- **DO NOT provide copies to students of their transcripts from other institutions.** If you release copies of transcripts, you are acting as a third party testifying as to the accuracy of the information on the transcripts.

- **DO NOT leave your workstation or computer unattended while logged in to CARS or myMount and DO NOT give your password to another employee or student.** You are responsible for maintaining the security of your university account and computer. This includes all transactions that occur under your username and password.
- **When in doubt, DO NOT release information to others.** Consult the Registrar's Office (244-4432) or the Vice President Compliance, Risk and Legal Affairs Office (244-4393).

“When In Doubt, Don’t Give Out”

For the full law, please visit the U.S Department of Education website
(<http://www2.ed.gov/policy/gen/reg/ferpa/index.html>)

For Quick Tips on FERPA, please visit the Registrar's Office page on myMount
at:https://mymount.msje.edu/ICS/MSJAcademics/Registrars_Office/