

# FERPA: What faculty and staff members need to know

## It's the Law

**FERPA** (Family Education Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a post-secondary student:

- to see the records that the institution is keeping on the student.
- to seek amendment to those records and in certain cases append a statement to the record.
- to withhold the disclosure of a student's educational records except for situations involving legitimate educational interest or as may be required by law.
- To file a complaint with the FERPA Office in Washington.

**FERPA** applies to all educational agencies and institutions, including UWM, that 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.

## It's Your Responsibility

You may not disclose personally identifiable information from educational records to persons other than the student in question and university officials who have legitimate educational interest.

A university official has a legitimate educational interest in access to information when that information is appropriate for use in connection with; performing a task that is related to the student's education; providing a service or benefit relating to the student or student's family, such as housing, health care, counseling, job placement, or financial aid; performing a task related to the discipline of a student; maintaining the safety and security of the campus; or otherwise performing a task related to the effective functioning of the university.

As a general principle, you may not disclose student information in oral, written, or electronic form to anyone except UWM staff and faculty who need the information to perform their university job functions.

You have a legal responsibility under FERPA to protect the privacy of the student educational records in your possession, as stated in the UWM FERPA manual. You may not access educational records for personal reasons.

Student information stored in an electronic format must be secure and available only to those entitled to access that information.

You may not release lists or files with student information to any third party outside your school/college or departmental unit unless the third party is a UWM faculty/staff member with a need to know or is a vendor providing services to UWM which requires the release of information.

Student information should not be stored on laptops or home computers unless it is encrypted. Personal digital assistants used to read confidential data should be password protected.

Student information in paper format must be shredded before disposal or placed in a confidential recycling bin.

## Student Information Types

Student educational records include records directly related to a student and maintained by the institution or by a party acting for the institution. Examples include exams, papers, advising notes, and financial documents.

**FERPA** requires UWM to allow students to review educational records within 45 days of the student's request.

Personal notes maintained by and for the sole individual as a memory aid and not made available to any other faculty or staff members are exempted from this requirement under FERPA. Nevertheless, such "sole possession notes" could be subject to discover through a court subpoena.

Exclusions to student educational records include certain law enforcement records, certain treatment records, non-matriculant records, employment records, and post-graduation alumni records.

### Directory Information

"Directory information is ... 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, Code of Federal Regulations, Title 34, Part 99.3**). A list of directory information can be found at: <https://uwm.edu/registrar/students/your-student-record/sharing-and-protecting-your-information/>

Information designated by UWM as directory information such as email addresses, mailing and home addresses, and enrollment status is considered public and may be released without the student's prior written permission. *However, the student may opt to keep this information confidential.*

Directory information does not include:

- ethnicity or race
- gender
- nationality
- social security number
- campus identification number
- religious affiliation
- grades or GPA
- course enrollment or class schedule

### How can a student withhold release of directory information?

A student who so wishes has the right to prevent the release of all directory information including verification of enrollment to third parties or the general public. To do this, students must complete the Directory Information Withhold/Release Form. This form can be found online at UWM by typing the name of the form in the search

box on the UWM homepage. Student directory information will not be blocked from faculty and staff conducting official UWM business.

### **Can student non-directory information ever be released?**

All non-directory information is considered confidential and will not be released to outside inquires without the prior written consent of the student.

### **What should I do if I'm concerned about a student's health or safety, or the health or safety of those around the student?**

You should speak with your department chair, dean, director or the Student Health and Wellness Center anytime you have a health or safety concern. FERPA allows you to make disclosures of education records to others within UWM who have legitimate educational interests in the information, which interests include the performance of services to students, the effective functioning of UWM, and the safety and security of the campus. FERPA also permits disclosures of information in a health and safety emergency, if in light of the circumstances and information available at the time, knowledge of the information is necessary to protect the health and safety of a student or other individuals. Your own personal observations of a student's behavior or condition generally are not considered educational records. Federal and state rules limit what may be disclosed from a student's health or counseling records to you or to others, but these rules also contain exceptions for community health and safety emergencies. So, if you have a concern about a student first and foremost, report it.

### **What if someone needs to reach the student because of an emergency?**

All such inquires should be directed to UWM Campus Police.

### **What are parental rights under FERPA?**

Students who reach the age of 18 or any student who attends a higher education institution are covered under FERPA. A student's FERPA rights begin once they are admitted and enrolled in classes. Parents may be granted access to a student's education records if the student has authorized and completed a Student Consent Release form. It is generally UWM's practice to not make disclosures from a student's educational records involving academic matters to parents without the student's prior written consent. The Student Consent Release form is available in PAWS on the student center page or by typing the name of the form in the search box on the UWM homepage.

### **What are exceptions under FERPA?**

UWM must have written permission from a student to release any information included in a student's education records. However, there are exceptions that permit UWM to disclose a student's education records without their prior written consent. UWM may provide student education records to:

- \*UWM officials with legitimate educational interests
- \*Other education institutions to which the student is transferring
- \*Officials using records for audit or evaluations
- \*Appropriate parties providing a student's financial aid
- \*Organizations conducting approved studies for, or on behalf of, UWM
- \*Accrediting organizations
- \*To comply with a judicial order or lawfully subpoena
- \*Appropriate offices in cases of health and safety emergencies
- \*State and local education authorities
- \*Federal Law Enforcement Agencies

### **For more information**

See the policies online by searching on the UWM Homepage for FERPA information.

## **DO NOT!**

- disclose information to a student or UWM official before authenticating the identity of the person.
- disclose confidential non-directory information about a student to the media. Direct all such inquires to the University's Public Records Office at [public-records@uwm.edu](mailto:public-records@uwm.edu) or call (414) 229-2849
- link a student's name with their social security number, UWM campus ID number, or any portion of these numbers in any manner.
- send confidential information such as grades in an email.
- leave grades, exams/tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- include confidential information such as grades or GPA in a recommendation without the prior written consent of the student.
- discuss the progress of any student with anyone other than the student or the student's advisor without the prior written consent of the student. Refer inquires from other parties including parents to the Registrars' Office.
- provide anyone with lists or files of students enrolled in your classes for any commercial purpose.
- provide anyone with student schedules or assist anyone other than UWM employees in finding a student on campus. Refer such inquires to the Campus Police.
- access the records of **any** student for personal reasons.
- release your password for ANY reason.