

## FERPA NOTICE: Faculty, Staff and Student Employees Take Responsibility for Student Record Confidentiality

The Family Educational Rights and Privacy Act of 1974 - commonly known as FERPA, the Privacy Act, or the Buckley Amendment - is a federal law designed to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

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### You play a critical role in the confidentiality of our students' educational records.

Please take the following steps to ensure the confidentiality and access of student education records:

- Student education records are considered confidential and cannot be released without the written consent of a student.
  - Access student records only if you have a legitimate educational interest.
  - Maintain the privacy of all student academic work (paper and electronic) at all times—at work, at home, and in transit.
  - Never allow students to pick up their academic work by sorting through stacks of materials that include classmates' work.
  - Do not use or circulate printed class lists/rosters that include student names and ID numbers for attendance purposes.
  - Do not use personal information, including student name and ID number, for the public posting of grades or for any other use.
  - When writing letters of recommendation, include non-directory information only after receiving permission from the student.
  - Always place student e-mail addresses in the blind carbon copy when sending an e-mail to a group of students.
  - Avoid using personally identifiable information about students in the e-mail subject line (e.g., student's full name, ID number, etc.).
  - Be careful about sharing private information via wireless technology (cell phones, wireless internet, etc.).
  - Some information is considered public (directory information) and may be released without the student's written permission. However, the student has the right to restrict this information as well. Do not release directory information without checking for a FERPA hold in WINS to make sure information is not restricted.
  - When in doubt, do not release student information; instead contact the Registrar's Office at [registrar@uww.edu](mailto:registrar@uww.edu) or 262-472-1570.
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### Educational Record

An educational record is any record (in any medium), with certain exceptions, maintained by UW-Whitewater that is directly related to the student. This record can contain a student's name, several students' names, or information that can personally (individually) identify the student. Some exceptions to educational records include:

- Personal notes of faculty and staff
- Medical and counseling records used solely for treatment
- University Police Services records
- Financial records of a parent or spouse
- Records that only contain information about the student after they are no longer a student (e.g., alumni records)

If ever in doubt whether information may be released, DON'T. Please contact the Registrar's Office at 262-472-1570. We will help you determine if the information is an educational record and/or whether it may be disclosed without written consent. To be safe, always obtain written consent.

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### Directory Information (Public Records)

FERPA allows for the release of specified items of information not generally considered harmful or an invasion of privacy if disclosed. UW-Whitewater, in accordance with FERPA, has designated the following categories of information about individual students as public, or directory information. You can release this information to any inquirer unless the student specifically requests that all of the items on the following list be withheld.

- Name
- Address
- Email address
- Telephone number (excluding cell)
- Dates of attendance
- Enrollment status (full/part time)
- Classification (e.g., sophomore, senior, graduate student)
- Major/minor/degree program
- Degrees and dates of graduation, including anticipated graduation dates
- Previous institutions attended
- Awards and academic honors
- Participation in officially recognized sports and activities
- Physical factors (weight and height) of members of athletic teams

Non-directory information (private records) are items which are considered private, or protected, and cannot be identified as directory information. Such information includes a student's social security number, race, religion, national origin, gender, grades, and GPA.

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### Legitimate Educational Interest

FERPA allows you, as a university official, to share educational record information (public and private information) without written consent with other UW-Whitewater university officials who have a legitimate educational interest.

Legitimate educational interest means you have the need to know specific information in an educational record in order to fulfill your professional responsibilities. As a university official you do not have authorization to transmit, share, or disclose any or all of that information to a third party who does not have a legitimate educational interest.

A "legitimate educational interest" includes:

- Performing a task that is specified in your position description or contract;
- Performing a task related to a student's education or to a student discipline;
- Providing a service or benefit related to the student.

It DOES NOT include:

- Accessing information for any other purpose;
- Viewing previous records/grades to see how a student performed;
- Viewing a relative's (son/daughter/spouse etc....) academic record to find out how they did in class.

Curiosity is not a legitimate educational interest. Simply the fact that you are a university employee does not constitute legitimate educational interest. Your need to know must be related to your job responsibilities. In other words, records should be used only in the context of official business in conjunction with the educational success of the student.

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### Posting of Grades

The public posting of grades by the student's name, student ID number, social security number, or any portion of these numbers, without the student's written permission, is a violation of FERPA. Even with names obscured, numeric student identifiers are considered personally identifiable information and therefore violate FERPA. You

can assign students unique numbers or codes that can be used to post grades. However, the order of the posting must not be alphabetic.

There is no guarantee of confidentiality when you send grades via email or the internet. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's education record through any electronic transmission method. A third party in this definition could be parents or guardians, boyfriend or girlfriend, roommate, etc. Only secure web sites (e.g., WINS and D2L) are approved by FERPA for accessing grade information.

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### Letters of Recommendation / Serving as a Reference

If personally identifiable information obtained from a student's educational record is included in a letter of recommendation or reference (e.g., grades, GPA, or other non-directory information), you are required to obtain a signed release from the student. The student can give permission by obtaining and completing a [Student Authorization for Release of Education Records Information](#) form available on the Registrar's website. However, if your information is based on your personal observation or knowledge, you do not need to require a written release from the student. Your letter of recommendation would become a part of the student's educational record, and the student has the right to read it unless he/she has waived that right.

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### FERPA Hold on Directory Information

Students have the right to have their directory information withheld from the public if they so desire. To do so, students must complete and file the "Request To Prevent Disclosure Of Directory Information" form available in the Registrar's Office. If a student has a FERPA hold on their record, you must not identify that the student has any educational record on file or is attending the university. You need to indicate that the student's name does not exist in the records.

Below is an example of a record from WINS with a FERPA hold. Please note the FERPA indicator located on the right-hand side in the red box. When you click on the indicator, it will bring up details about FERPA. This is your warning NOT to release any information, not even directory information. A [tutorial](#) is also available on the Registrar's Office website to assist you in identifying a FERPA restriction.

**Sue Warhawk**

\*Change Advisee



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### Student Safety

In an emergency, FERPA permits university officials to share relevant non-directory information with parties whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (e.g., law enforcement officials, public health officials, and trained medical personnel).

While FERPA protects a student's privacy and educational records, it does not bar university officials from sharing critical information about troubled students with appropriate parties. University officials, including faculty and instructional staff, are permitted and encouraged to share information about a student who is or might be considered to be a threat to him or herself or to other individuals. Changes in a student's behavior could provide warning signs of distress. Changes in behavior may include:

- Physical or verbal aggression
- Withdrawn and shy behavior
- Uncontrollable crying
- Troubling thoughts in writing assignments
- Reports from the student that he/she has been assaulted or abused

- Outbursts or inappropriate behavior in class
- Disheveled appearance
- Academic performance (e.g., drop in grades, not showing up for class, etc.)

Should you become concerned about the welfare or behavior of a student, please contact:

- [Dean of Students](#) (262-472-1533); or
  - [University Health & Counseling Services](#) (262-472-1300).
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### **Penalties for Violating FERPA**

If you witness or commit what you believe to be a possible FERPA violation, please notify the Registrar's Office immediately. The Registrar's Office will investigate the matter and determine what action, if any, should be taken. If you have any questions about FERPA compliance or the release of student information, please contact the Registrar's Office at [registrar@uww.edu](mailto:registrar@uww.edu) or 262-472-1570.

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### **Questions**

The Registrar is available to participate in a FERPA question and answer session for any department or faculty meeting. For more detailed information concerning the FERPA policy, please refer to the [UW-W FERPA Policy](#) on the Registrar's Office website.