

MCAD Records Office

Facts About the Family Educational Rights and Privacy Act (FERPA)

To be allowed access to student records, you must carefully review this material. Maintaining confidentiality of student records is everyone's responsibility at MCAD, whether you are faculty, staff, or a student. Compliance with FERPA is a federal requirement.

FERPA stands for Family Educational Rights and Privacy Act. Sometimes it is referred to as the Buckley Amendment. Passed by Congress in 1974, the Act grants four specific rights to the student:

- The right to see the information that the institution is keeping on the student
- The right to seek amendment to those records and, in certain cases, append a statement to the record
- The right to consent to disclosure of their records
- The right to file a complaint with the FERPA Office in Washington, D.C.

What is a student education record?

Just about any information directly related to a student and maintained by the college for use in the educational process is considered a student education record:

- Personal information
- Enrollment records
- Grades
- Schedules

What are the basic rules?

Student education records are considered confidential and may not be released without the written consent of the student.

As a faculty or staff member, you have a responsibility to protect education records in your possession.

Some information is considered public (sometimes called "directory information"). This information can be released without the student's written permission. However, the student may opt in writing to block disclosure of their directory information as well.

Directory information at MCAD is defined as:

- Name
- Address

- Email address
- Phone number
- Date of birth
- Dates of enrollment
- Honors
- Degree program, major, minor, concentration
- Class level
- Expected date of graduation
- Enrollment status (full or part time)
- Mailbox number
- Hometown

As a faculty or staff member, you will be granted access to student information **ONLY** for legitimate use in completion of your responsibilities as a college employee, on a need-to-know basis.

If you are ever in doubt, do not release information without first contacting the Records Office at 612.874.3727 or records@mcad.edu. Our office is responsible for all student education information, and can advise you on which information you may release and whether the student has authorized us to share information with a specific third party (parent, guardian, partner, etc.).

To avoid violations of FERPA rules, **NEVER**:

- Use the Social Security Number of a student, or any portion thereof, in a public posting of grades, or link the name of the student with their SSN in any public manner
- Leave graded materials in a stack for students to pick up by sorting through the papers of all students
- Circulate a printed class list with student names linked to SSNs or grades
- Discuss the progress of any student with anyone other than the student without their consent. If a third party requests this information, you must first verify with the Records Office that the student has granted the third party access to their information.
- Provide anyone outside of the college with lists of students enrolled in classes.
- Provide anyone with student schedules or assist anyone other than college employees in finding a student on campus.

Sample Scenarios

If a student's parent calls asking how the student is doing in a class, can you give out that information?

Yes, you may, but only after ascertaining that the parent has been granted FERPA permission to access the student's academic information, or the student in question is a dependent according to the tax code. To be sure of the student's FERPA and/or dependent status, contact the Records Office and we will confirm this information for you.

You receive a call from a recruiting firm asking for names and addresses of students with GPAs of 3.0 or better. They say they have good job information for these students. Can you help these students access opportunities by giving out this information?

No. While we all want our students to succeed, this type of request should be sent to the appropriate office.

Do not give out student information that pertains to grades or GPA to anyone without prior written consent of the student. This includes letters of recommendation. In the scenario described above, the request for the list should be directed to Records. Information about the recruiting firm could be provided to students via Career Services.

A person comes to your office with a letter containing a signature that gives consent to release the transcript of a student. Do you give the transcript to them?

No. Direct this person to the Records Office. We have an established procedure for transcript/records requests and processing. Official transcripts must be requested at Records, and students are able to access their own unofficial transcripts on myMCAD. Do not give any records to a third party.

You receive a phone call from local law enforcement indicating they are trying to determine whether a particular student was in attendance on a given day. Since this is part of a police investigation, are you allowed to give them this information?

No. The officer should be directed to Records. Information about whether a student was enrolled in a particular semester is directory information and can be obtained at Records. If the police require additional information, a subpoena may be required. Additionally, FERPA requires notification of the student in these situations, unless it is specifically stated on the subpoena that the student must not be notified. Contact the Registrar if this situation arises.

Is it wrong for instructors to leave exams, papers, etc. outside their office for students to pick up?

Yes. This is a violation of the privacy rule because it is inappropriate for students to have access to other students' information. You cannot leave personally identifiable materials in a public place.

An unauthorized person retrieves information from a computer screen that was left unattended. Under FERPA, is the institution responsible?

Yes, the institution is responsible. Information on a computer screen should be treated the same as printed reports. The medium in which the information is held is irrelevant. Lock computer displays before leaving your workspace. No information should be left accessible or unattended.

You receive a call from another MCAD employee requesting information on a student. You are able to determine that the employee does not have a business-related need to know. Should you share the information?

No, you should not share this information. All data should be considered confidential if there is not a legitimate academic reason to share the information. Curiosity is not a legitimate reason. If the colleague presses, feel free to direct them to Records.

You get a frantic phone call from an individual who says that he is a student's father and must get in touch with the student immediately because of a family emergency. Can you tell him when and where the student's next class is?

No. For the safety of the student, you cannot tell another person where a student is at any time (unless it is a college official with a legitimate need to locate a student). You may direct the caller to Student Affairs or Public Safety and they will help follow up with the student.

For any other questions or unclear situations, please don't hesitate to contact Records! We are available by phone at 612.874.3727, by email at records@mcad.edu, or in person in Morrison M103.