

MCAD Records Office

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

To be allowed access to work with student records, you must carefully review the following information, in addition to completing any required FERPA training modules.

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 for all institutions receiving federal financial aid.

FERPA stands for the 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 U.S. Department of Education

At MCAD, the Registrar is the FERPA compliance officer for the institution, and all questions or concerns that cannot be answered by reviewing the information that follows should be directed to the Records Office.

What is a student education record?

Any information directly related to a student and maintained by the college for use in the educational process is considered a student education record, including items such as:

- Personal information
- Enrollment records
- Grades
- Schedules

What do I need to know about complying with FERPA in my day-to-day work?

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 to which you have access.

Some information is considered public (sometimes called "directory information"). This information could be released without the student's written permission.

However, any student may opt in writing to block disclosure of their directory information as well, so do not assume that because the information is defined as directory, that you may freely disclose it. The Records Office can advise regarding any disclosure blocks in place.

MCAD may also, at its discretion, decline to provide directory information. This decision will be managed by the Registrar, so any such requests (for instance, from an honor society or potential employer) should be referred immediately to the Records Office.

Directory information at MCAD is currently defined as:

- Legal name
- Address
- MCAD 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)
- Hometown

Note that the list of what is designated as directory information may change over time, so you should always check the most recent FERPA Directory Information List on the Records Office resource page on the Intranet.

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. You may not access information out of curiosity or solely because you are related or otherwise connected to a student.

Students may grant specific third-party individuals access to certain elements of their non-directory academic and financial information using a FERPA Permissions Form on myMCAD. This access generally pertains to information held in the Records Office, Student Accounts, and Financial Aid. The Records Office maintains current FERPA permissions data.

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 the stewardship of all student education information, and can advise you on the information you may release and whether a student has authorized us to share information with a specific third party (parent, guardian, partner, etc.).

To avoid violations of FERPA, here are some examples of situations which require extra caution:

- Avoid using the Social Security Number of a student, or any portion thereof, in a public posting of grades, or linking the name of the student with their SSN or grades in any public manner.
- Avoid leaving graded materials in a common location for students to retrieve by sorting through or viewing the materials of their classmates.
- Avoid circulating a roster with student names linked to SSNs, grades, or other non-directory information.
- When sending an email containing information about a student, double-check and then triple-check that you have identified the correct recipient(s). Email is a very common means by which past FERPA breaches have occurred at MCAD. Remember that some members of the MCAD community can have very similar usernames.
- Avoid discussing the academic progress of any student with anyone other than the student without the student's consent. Reasonable exceptions include MCAD academic staff, advisors, and/or department chairs. If a third party outside of MCAD requests this information, you must first verify with the Records Office that the student has granted the third party access to their information.
- Decline to provide anyone outside of the college with lists of students enrolled in classes. Refer such requests immediately to the Records Office.
- Decline to assist anyone other than college employees in finding a student on campus. Refer such requests immediately to Student Affairs or Campus Safety.

Consequences for committing a FERPA violation include an investigation, notification of your supervisor for follow-up and retraining, documentation of the breach and the information which was improperly disclosed, and notification of the affected students. These students have a right to file a complaint against the institution with the U.S. Department of Education, which may, at its discretion, initiate additional investigations and impose penalties on the institution for any findings of non-compliance.

Sample Scenarios

If a student's parent calls asking how the student is doing in a class, can I 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.

I 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 I 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 Records Office for follow-up.

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 Records Office in conjunction with other departments would determine the best way to share information with students about legitimate opportunities.

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

No. Direct this person to contact the Records Office. MCAD has an established procedure for transcript and records request processing. The Records Office is the only department which generates transcripts for release to third parties. Official transcripts must be requested through a secure ordering portal, and current students are able to access their own unofficial transcripts on myMCAD. Do not give *any* student records to a third party.

Is it OK for a parent or third party to join a Google Meet that I have scheduled with a student, in which we will be discussing their academic progress?

Only if the student has provided written consent for that individual to be present. If the student wants a third party present, best practice is for the student to provide written consent stating that fact and naming the third party prior to the meeting.

I 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, am I allowed to give them this information?

No. Law enforcement should be directed to Campus Safety, who may then work with the Records Office to obtain additional information.

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

Yes. This is a violation of FERPA because it is inappropriate for students to have access to other students' protected information, such as grades. Never leave materials containing personally identifiable information in a public or unmonitored place.

I want to combine two separate sections I am teaching because we are covering the same information and it would be easier for me to manage. Can I do this?

No. This is a violation of FERPA because students' individual schedule information, including which courses and sections they are in, cannot be disclosed to other students by the institution. Combining required sections or class meetings which are not already officially cross-listed would effectively do this. See your department chair or program director for additional guidance.

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 every time you leave your workspace, even if just for a few minutes, and keep printed materials in secure locations when they are not in use. No student information should be left accessible or unattended for any length of time.

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

No, you should not share this information. All data should be considered confidential if there is not a legitimate academic or business reason to share the information. Curiosity is not a legitimate reason. If the colleague persists, direct them to contact the Records Office with their request.

I 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 I 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). Direct the caller to Student Affairs or Campus Safety, and they will help follow up with the student.

For any other questions or unclear situations, do not hesitate to contact us!
records@mcad.edu **612.874.3727**