

FERPA – FAQs for Faculty/Staff

UNIVERSITY OF SOUTH CAROLINA
BEAUFORT



What is FERPA?

The Family Education Rights and Privacy Act (FERPA), passed by Congress in 1974, requires educational institutions to provide students access to their educational records, to allow students to correct inaccurate or misleading information in these records, and to limit the release of information to third parties.

Am I responsible for FERPA?

Yes. As a faculty or staff member, you have a responsibility under FERPA to protect the confidentiality of student education records. Access to student education records should only be before legitimate educational interests.

What is Public/Directory Information?

Directory information are considered public and may be released upon request, without the consent of the student. Directory information includes:

- Student Name
- Permanent Mailing Addresses
- USCB Email Address
- Major & Minor field of study
- Classification
- Date of Admission
- Dates of Attendance
- Current or previous enrollment status (full-time or part-time)
- Whether or not currently enrolled
- Anticipated date of graduation & expected degree(s)
- Degrees, honors, and awards received (including scholarships and fellowships)
- Participation in official recognized activities & sports
- Weight & height of athletic team members

What is Private Information?

Private information/data cannot be released to the public and some limitations within the University. At USCB, private information includes:

- Grades
- USCB Student ID Number
- Social Security Number
- Telephone Numbers
- Class Schedule
- Residency
- Class Rank
- Age
- Date of Birth
- Place of Birth

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What is an Education Record?

Education Records are records that are directly related to a student and that are maintained by USCB or a party acting for or on behalf of USCB. These records include but are not limited to grades, transcripts, class lists, student course schedule, and discipline records. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, and email.

Where can I find out more information?

Students may find more information regarding FERPA from the U.S Department of Education's website found here:

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

If a student is under 18 years old, can I release their Private Information?

No, when a student begins attending USCB, regardless of age, they are afforded all the rights under FERPA.

Do I need written consent to write a Letter of Recommendation for a student?

That depends on the content of the Letter of Recommendation. If the content of the Letter of Recommendation were to include any Private Information (for example grades or GPA), then yes you would need to receive written consent from the student to disclose that. If the Letter of Recommendation does not include any Private Information, then consent would not be required.

What if someone has Power of Attorney for a student?

Education records may be disclosed to a third party who has a properly executed power of attorney for a student. The power of attorney must specifically authorize access to academic records or be a general power of attorney that covers all documents.

When does FERPA protection start for students?

For students at USCB, FERPA protection begins on the 1st day of classes for your first semester of enrollment.

What is considered a 'legitimate educational interest'?

Faculty or staff with legitimate educational interest may be granted access to student information if it is needed to fulfill their professional responsibilities as a university employee. Employment with the university does not convey inherent rights to any and all student information.

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What are some things I should NOT do?

Some examples of things NOT to do include:

- Do NOT disclose information to a student before authenticating the identity of the student.
- Do NOT leave grades tests, papers, or other student materials posted publicly or accessible to the general population.
- Do NOT include Private Information of any student without written consent of that student.
- Do NOT access the records of any student for personal reasons.
- Do NOT disclose your passwords to anyone.
- Don't leave your computer or handheld devices unlocked when you're away from them.
- Do NOT dispose of education records by simply throwing documents in the trash. It is preferred that education records with Private Information be disposed of by shredding the documents.
- Do NOT communicate with students via your personal email address. Always use your USCB email address.
- Do NOT circulate attendance rosters that contain Private Information.
- Do NOT save student data on personal drives, disks, etc.
- Do NOT guess. If you are unsure, reach out to the Registrar's Office.

How do I confirm when an individual claims the student has completed the FERPA form to allow them access to their education records?

A note will be added to a student's Degree Works audit when they have submitted a FERPA form. You may also contact the Registrar's Office to confirm.

Do FERPA rights end when the student is no longer in my course? Do they end when they are no longer a USCB student?

No. Records held by an institution are still protected under FERPA until that student's death.