

8 Simple Rules for Faculty/Staff FERPA Compliance

Is it really important for faculty and staff to know FERPA? Consider this metaphor: Is it really necessary for a registrar to know traffic law in order to avoid citation or arrest? The fact is, if a few simple road signs and symbols are available, and we heed them, we are very unlikely to run afoul of the law. This informational handout is an attempt to set up some FERPA “road signs” for faculty and staff that will reduce their learning curve to 8 simple rules.

1. **Be aware of FERPA.** It is not necessary for faculty and staff to understand every nuance of FERPA and its administration. It is critically important that they understand that it exists and governs much of what they do.

2. **Be aware that FERPA is everyone’s responsibility.** Faculty and staff must understand that every employee of every higher education institution can subject the entire school to FERPA liability, if s/he has access to student education records.

3. **Understand that almost all student records are subject to FERPA.** Faculty and staff have access to lots of student records. Teachers often believe that only “academic records” are subject to FERPA. They sometimes believe that they have the authority to decide whether records fall under the law, or not. In fact, the law itself defines student records, and the definition is very inclusive.

4. **Disclosure of student records without student consent** risks a violation of the law. Although FERPA provides for the disclosure of student records without consent to certain designated persons, or under certain specific circumstances, those exceptions are few and narrowly defined.

5. **Students have the right to see their records.** FERPA requires all custodians of student records to accord review of those records to the specified student under almost all circumstances. Schools and school employees are not accorded the prerogative of deciding whether students should see records about them.

6. **The right of school employees to access student records** is very narrow. FERPA accords school employees the right to view student records under certain circumstances, referred to as “legitimate educational interest.” In general, this means “the employee needs access to the records to do his/her job.” Curiosity is not a legitimate educational interest. The ability to access student records does not confer the right to view student records.

7. **Good intentions, common sense, or innocent mistakes do not mitigate privacy violations.** Most FERPA violations by faculty and staff are unintentional. Nonetheless, it is the responsibility of the school to prevent violations and intent is not a defense.

8. **Ask for help!** Faculty and staff are expected to be experts in their fields. They should expect their schools to support them with resources in the field of student records privacy. When they see a sign and they are not sure what it means, they are professionally responsible to find out before they drive by it!

Any questions concerning FERPA may be referred to
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