

FERPA Basics

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Under FERPA, student educational records are considered confidential and may not be released without the written consent of the student.

An institution's failure to comply with FERPA may result in the Department of Education withdrawal of federal funds. Educational records include but are not limited to: class schedule, grades, GPA, academic standing, test scores, academic transcripts, student employment, class lists, email between the student and MTSU, etc. Educational records may be in paper, electronic files or other medium.

What is directory information at MTSU?

Directory information is information that can be released without the student's written consent, unless the student opts out of disclosure. It includes the student's name, city of permanent place of residence, photograph, year of birth, major field of study, enrollment status, student level (freshman, sophomore, etc.) participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and dates conferred, honors and awards and dates received, and the most recent educational agency or institution attended by the student. Some information is considered directory information if for a legitimate educational purpose or in relation to a MTSU activity. This includes email address (school and person), mailing address, and university ID number (M#).

Students have the right to suppress the disclosure of directory information to outside agencies and third parties. A student may request that such directory information not be released to anyone other than those persons defined as school officials. To do so, a Request for Non-release of Directory Information must be sent to the Registrar's Office or taken to the MT One Stop. A student must notify the Registrar's Office in writing to resume the release of directory information.

If a student has opted out of releasing directory information, then directory information is also confidential. In such a case the student's record is flagged as confidential in PipelineMT and Banner.

The university's policy on Access to Education Records can be viewed at <https://www.mtsu.edu/policies/p318/>.

What is PII (personally identifiable information)?

PII is that information which allows someone to know an individual's personal business, or by use of the PII allows them to gain access to an individual's private information for mischievous purposes, such as identity theft.

Specifically, Tennessee state law defines a person's PII as the Social Security Number, driver's license number, account number, and credit or debit card number in association with the person's name (first name or first initial and last name) or access code.

Best Practices for Faculty

Class List:

- Do not link the student's name to the student's social security number or M# in any public manner.
- Do not circulate electronically or in print, a class list with the student name and social security number/M# or any part of the social security number as an attendance roster.
- Do not provide anyone with a list of students enrolled in your classes for commercial purposes.

Disclosing Student Information:

- When in doubt, don't give out student information. **Always err on the side of caution.** Contact the Registrar (898-5814) or University Counsel (898-2025) for guidance.
- The Registrar's office is the custodian for the student record. A student may request transcript(s) by going to www.mtsu.edu/transcripts and following the steps for ordering. Students may also visit the MT One Stop to receive a free printed copy of their transcript or request an official copy to be mailed.

Disposal of Student Information:

- Records containing student names, identification numbers, etc. should always be shredded not just thrown in the garbage.

Document Storage:

- Electronic documents containing PII and/or education records must never be stored on unencrypted devices including laptop computers, smartphones, tablet computers, flash drives, etc.
- Paper and other non-electronic media containing PII and/or Educational Records must be securely stored in order to prevent disclosure of protected information to unauthorized individuals.

Email:

- All faculty and staff should use their MTSU email account when communicating with a student. Faculty and staff should send the email to a student's MTSU assigned email address instead of a personal account such as Gmail or iCloud. When communicating with students, we are required to make a best-faith effort to confirm the identity of the person. By using the MTSU email address that is issued to the student, we are doing that. When you communicate with a student using a non-MTSU email address, you have no idea who is on the other end of that email.
- "Non-public educational data should never be sent to non-institutional assigned accounts, since there is no way to verify the authenticity of the end user. The institution would be held responsible if an unauthorized third party gained access to a student's education record through any electronic transmission method where the institution did not take measures to secure that transmission." Source: American Association of Collegiate Registrars and Admissions Officers (AACRAO) 2012 FERPA Guide.
- When emailing a student or replying to a student's email, take a minute to consider the type of information to be communicated. Ask yourself these questions: Is this directory information? Is the information personally identified information such as a social security number? What are the consequences if information is disclosed inadvertently to someone other than intended recipient? Should this information be communicated through the MTSU email account?
- Never include a social security number or other PII in an email. You may include the M# (MTSU identification number) in an email to the student if it is to their MTSU email account.

Grades:

- Do not post students' grades in any forum or listing in public.
- Do not leave graded tests (electronically or in print) for students to sort through, review or pick up.
- While it is not recommended that grades be routinely sent via email, there may be times when this is necessary due to the student's circumstances. The grade must be sent via the institutional email account (MTSU email address) to the student's MTSU email address and only contain grade information for that individual student.
- Students may access PipelineMT for their end of term grades. Grades are never mailed unless a student orders their own transcript.

Letters of Recommendation:

- Do not disclose personally identifiable information obtained from a student's educational record in a letter of recommendation without written permission from the student. For example, do not include in a letter of recommendation a student's grade or GPA unless the student provides a signed release. An exception to this is if you are giving the student the letter to submit on their own and the student is able to review the content (not in a sealed envelope).
- The signed and dated release must specify the educational records that may be disclosed, include to whom the information is to be disclosed and the purpose for the request. This may be a paper request or an email with an attached scanned paper copy with signature.
- A statement made by a faculty member based on personal observation does not require a written release from the student.
- Sample permission letter to write a letter of recommendation:
I give permission to Professor ____ to write a letter of recommendation to
Name/address
Professor _____ has my permission to include ____
I waive/do not waive my right to review a copy of this letter at anytime in the future.
- Faculty should retain letters of recommendation in a secure medium.

Partners in Education Program (PIE):

- The Partners In Education (PIE) program is designed to strengthen the three-way partnership among the student, the family, and the University so as to maximize support of the academic success of the student. By entering partner information in PipelineMT students may allow designated persons access to specific academic information otherwise protected under the Family Educational Rights and Privacy Act (FERPA). The MT One Stop is the contact point for any requests for students records using the PIE program.
- If a parent or family member contacts you about their student's academic performance, respond by stating that you appreciate their interest in the student's class work; however, you cannot communicate about a student's educational record due to FERPA. All requests for student records by PIE partners must go through the MT One Stop.
- The MT One Stop may reach out to you and ask about student grades, attendance, etc., and if so you are allowed to provide them with any information about the student you have in your records. They will determine what can be communicated to a PIE partner and verify they have the appropriate access to those records before releasing any information.
- If a student wants to meet with you and brings a parent or family member with them, you do not have to disclose any student records based on verbal authorization. You should secure in writing that the student is okay with discussing records in the presence of a parent or family member.
- Students may withdraw permission to release information through the PIE program at any time on PipelineMT.

Phone Calls:

- When a student calls to request information about their own record, they must provide their Student Privacy PIN which can be found on SPACMNT in Banner for those with access.
- For those without that access to Banner, you should require two pieces of information to authenticate the identity of the student, in addition to the student's name. This information can include: Student ID number (M number), major, current or previous class schedule, or other information that is not widely available but the university can reasonably expect the student to know. **Do not use any part of the social security number or date of birth to authenticate identity.** If you are unsure whether the person on the phone is the student, err on the side of caution and provide any information needed to their MTSU email account.
- In general, do not communicate grades or other educational records via telephone if you can help it.
- Never leave confidential information on a student's voicemail which may be accessible by others in the household.

School Official

- School officials with a legitimate educational interest may access student education records within the scope of performing their job duties (need to know). Simply being an employee does not convey a "legitimate educational interest." School officials with a legitimate "need to know" may include faculty, administration, professional, clerical, student employees or graduate assistants.
- If a school official requests information without an educational need to know, you are not required to provide that information to them. For example, a faculty member who asks about a student's progress in your class because the student is a family friend or relative.
- Faculty must require graduate assistants and student workers to complete the FERPA tutorial.
<https://www.mtsu.edu/resources/ferpa/>

Social Media:

- Social media may be used in relation to class assignments. However, no personally identifiable information or educational records may be shared via social media.
- Consider the content of the assignment as you design these assignments so as not to risk sharing educational data. Consider if the social media assignment should be by membership only or marked as private so that only the students and the instructor may access the data. When discussing these assignments, announce that anyone who has questions or concerns about using social media, may see you after class to discuss the concern. You may set up an alias username for those students with concerns.
- Never post student pictures or videos to social media in the classroom without their written consent.

Sole Possession documents:

- Notes or memory joggers (not grade or GPA related) maintained by a faculty member in private are not subject to FERPA. If these notes are shared with another person, these notes no longer are considered "sole source" and become part of the student's educational record and are subject to disclosure under FERPA.
- Keep personal notes relating to a student separate from the educational record. Also make sure these notes are secured.

Student Identity:

- When working with a student in person or via a remote app like Zoom or Teams, request the student to provide photo identification. You are required to make a “reasonable” effort to confirm the student’s identity.

Student Progress:

- Do not discuss a student’s progress with anyone other than the student (including parents) except:
 - You may discuss a student’s progress with a university (school) official with a legitimate educational interest (need to know) such as an advisor.
 - Staff from the Student Athletic Enhancement Center and the Student Support Services programs may contact faculty regarding student participants. These students sign waivers giving staff permission to access their educational records through the faculty.
- Do not release information to parents (like all other third parties) except for directory information. If a student has opted out of releasing directory information, then directory information is also confidential and should not be released. In such a case, the student’s record is flagged as confidential in PipelineMT and Banner.
 - In general you should never release any information, including directory information to a third party. Any requests for directory information should be sent to the Registrar’s Office.

Student Schedules:

- Do not provide anyone with a student’s schedule. If someone needs to find a student on campus, these inquiries should be directed to Public Safety.