**“FERPA” for Faculty: *Questions? Contact the Registrar (18147) or Dean of Students (73615)***

**How to handle student information**

**■What is FERPA?**

* FERPA [(the Family Educational Rights and Privacy Act)](http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html) is a federal law designed to protect the privacy of student records.
* The College’s [internal policy on Student Records Privacy](http://www.pomona.edu/administration/registrar/student-records-privacy/student-records-privacy.aspx) is based on FERPA protections, respecting the rights of students to control the release of their educational records.

**■Why is FERPA important for faculty?**

* FERPA protects students’ privacy from unnecessary or inappropriate distribution of their records.
* FERPA violations could result in a withdrawal of federal financial aid for our students.

**■What kind of information is FERPA concerned with?**

* Virtually any information that any College office or representative keeps on a student is an “education record” according to FERPA. Certainly, all records concerning grades and attendance are education records. Letters of recommendations are education records.

**■How do faculty uphold FERPA and the College’s policy on Student Records Privacy?**

* Faculty should refer all requests for information on students from outside entities to the Dean of Students (x73615) or Registrar’s Office (x18147).
  + Are parents “outside entitles” for FERPA purposes? Yes. While you can discuss general information about your course or grading policies with parents, requests for specific information—about attendance, performance, grades or any other facets of the student’s enrollment—should be referred to the Dean of Students or Registrar.
* Faculty should discuss information on students ***within*** the College only when there is a legitimate educational interest at stake.

**■What constitutes a “legitimate educational interest” for sharing information with College colleagues and staff?**

* A legitimate educational interest exists when there is a direct relationship between the information requested and the individual’s educational relationship to the student. All employees at the College are involved to some degree with the education of students, but the information they request from you must be relevant to a specific educational purpose.
  + Example: Discussing your advisee’s performance in a course with his instructor is appropriate, but you shouldn’t share the student’s grades in other courses with the instructor. That information exceeds the course instructor’s legitimate educational interest.
  + Example: Discussing your student’s performance in a course related to his major with the chair of his major is appropriate, because the chair of the student’s major department has a legitimate educational interest in the student’s progress and abilities. You shouldn’t, however, share unrelated information.
  + Example: While you wouldn’t share information you may have on a student’s personal circumstances with one of his instructors, you may share such information with the Dean of Students Office, for which legitimate educational interest encompasses more than grades and class participation.

**■What faculty need to know about Letters of Recommendation**

* Letters you write for students become education records as soon as you send them out. FERPA provides students the right to inspect their records. If you make waiver of that right a condition for writing a letter, the right for the student to inspect is given up. However, you must keep the waiver in order to decline to share it if a student later wishes to exercise his right to view it. It’s fairly rare for students to ask to view letters of recommendation. Keep the waiver if you are concerned about receiving a request from the student to view the letter. A waiver form can be found on [the Registrar's web page](http://www.pomona.edu/administration/registrar) in the “Forms” section.

**■What are the best tactics to avoid FERPA violations?**

* Don’t leave exam books or other graded material in public spaces.
* Don’t over-inform. If you are discussing your advisee’s past performance in math courses with his math instructor, don’t also discuss his grades in his non-math courses.
* Don’t include information about more than one student in a memo or email when recipients of the communication don’t have the same educational interest in the student. For example, don’t discuss two students who are doing poorly in your course in an email that you intend to send to both students’ advisors. Advisor 1 doesn’t need to know how Student 2 is doing in your course.
* Don’t post grades for students unless you have a system that uses an identifier that is known only to you and the student.

**■Frequently Asked Questions**

* **Q: Is it OK to share student email addresses with other students in your courses?** 
  + A: Yes, it’s fine. FERPA allows basic directory information to be shared with students in a course in order to conduct the course. Directory information, for this purpose, includes name, major(s), username and email address. You will find that the portal puts students email addresses into the “BCC” (“blind copy”, i.e. so they are hidden), but you are free to send your own emails with course enrollees’ names and email addresses in the “TO” field so they are visible.
* **Q: You receive a phone call from the local police department indicating they are trying to determine whether a particular student was in attendance on a specific day. Since they are conducting an investigation, are you allowed to give them this information?**
  + No, you may not. Information about whether a student was enrolled in a particular semester is directory information and can be obtained through the Registrar's office. If the police require additional information a subpoena may be required. Contact the Registrar at x18147. FERPA requires that students must be notified before subpoenas can be responded to.
* **Q: 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. No information should be left accessible or unattended, including computer displays.
* **Q: You get a frantic phone call from an individual who says that he is your advisee’s father and must get in touch with the student immediately because of a family emergency. Can you tell him when and where her next class is?**
  + A: No, you may not. The father should call campus safety (x72000) and ask to speak to the Dean on Call. 2011