

# FERPA Frequently Asked Questions

## What is Directory Information at Florida State College at Jacksonville (FSCJ)?

Directory Information contains:

- Student Name
- Program of Study
- Dates of Enrollment (Start and end dates of the period of attendance, not to individual class attendance records)
- Enrollment Status (active/inactive; full time/part time)
- Degrees, Honors and Awards Received
- For student athletes on our NJCAA-recognized teams: height, weight, hometown and high schools from which the athlete graduated

## How can students request a Letter of Recommendation or Letter of Reference from a faculty or staff member?

Students should start by completing a FERPA [Consent Form](#) and providing it to the person who will write the letter. Be sure to fill out the form completely and be specific about what information you wish to be included. The form can also be found in the "Forms" section of myFSCJ, your student portal.

## How long is a FERPA consent form valid?

By default, a FERPA [consent form](#) is good for one year. However, students can stipulate a much shorter time. In fact, forms may be valid for only one day, one meeting time or one use, such as for a recommendation letter. The best practice recommendation is to set the dates so that the form is good for only the time and purpose for which it is needed. Student Records will update the FERPA note as expired in our system at the appropriate time.

## When do FERPA rights begin?

According to law, FERPA rights begin for a student when he or she becomes 18 or enrolls in a higher education institution at any age. According to FSCJ, FERPA begins at the point the student applies to the College.

## When do FERPA protection and FERPA rights end?

FERPA protection and rights endure for the lifetime of the student. FERPA rights cease when the student passes away.

## What rights do parents have?

At the postsecondary level, parents have no inherent right to inspect their child's education records. Although FERPA allows for disclosure of FERPA-protected information to parents when the student is considered a "dependent," according to the IRS tax code, it does not require it and FSCJ does not permit it.

## What rights do parents of Dual Enrollment students have?

Dual Enrollment students have the same rights under FERPA as all other students. That said, it cannot be assumed that the parent of a Dual Enrolled student has a right to see the student's information. However, FSCJ's Dual Enrollment office does ask all Dual Enrollment students to complete a FERPA consent form to allow us to speak with parents. Before releasing information to any parent of a Dual Enrollment student, the Executive Director of Articulation is to verify that there is a FERPA consent on file.

## How can information be shared about at-risk students?

FERPA does not preclude administrators, staff and faculty from sharing crucial information about at-risk students. The current legal framework clearly authorizes collaboration among faculty/staff, mental health administrators and campus security officers. The FERPA exception for this situation indicates that protected student information may be disclosed, "if a health or safety emergency exists and the information will help in resolving the emergency." Faculty who fear that there might be a health or safety emergency should contact FSCJ Security. If there is no emergency, but serious concern, a faculty member may submit an Early Alert ticket through myFSCJ or Canvas. Student Services generally responds to Early Alerts within a day. A staff member will reach out to both the student and faculty member to address the concern.

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### What should a faculty member do in these scenarios?

#### A parent calls and wants to know if her son has been attending class regularly.

The parent will be encouraged to ask the student for that information. If the faculty member keeps attendance records, they may contact Student Records or Advising to determine if the student has provided written consent. If access has not been granted, the parent will be referred to Student Records or Advising. The faculty member may opt to begin the process by initially referring the parent to these offices.

#### A colleague in your department tells you that she suspects that one of her students has cheated on an exam and asks you about the student's performance in your class last term. Under FERPA, what is an appropriate response?

Faculty members can discuss their personal observations about students with colleagues. However, if an official conduct referral was made, the details provided are now protected as part of the student's education record. Faculty should advise colleagues to contact the Associate Director of Student Conduct for guidance. The Associate Director of Student Conduct will provide the context needed to make a decision about how to handle the situation. Contacting the Associate Director of Student Conduct has the added benefit of allowing there to be a centralized record of such violations so that repeat offenses might be more easily recognized and addressed.

#### A university admissions office wants to confirm that an FSCJ alum earned a 3.95 GPA in your department and graduated with Highest Honors. Can you confirm both facts?

Honors conferred is designated as directory information and may be released to a third party. Whether or not you can release the GPA, however, depends on certain circumstances. Do we know for sure that the student has applied for admission or has documented an intention to transfer to that institution? If so, the information can be released without consent. Prior to releasing information, it is important to know that the College has either confirmed the student's intention to transfer or that there is a consent form on file from the student allowing us to share protected information with that institution.

#### A student provides you with her resume that states her overall GPA is 3.81 and asks you to write a Letter of Recommendation for her. Can you include her 3.81 GPA in the letter since she provided it to you?

No, for two reasons – one legal and one best practice. First, according to the law, consent must be provided in writing to release any part of an education record. In other words, consent must be expressed and may not be implied. Second, according to best practice, you should not assume the student is self-reporting accurate information. If you intend to release protected information, you must have a consent from the student and it is recommended that you validate any information you provide that is not under your direct control to assign or confirm.

#### If a federal or contacted agent comes to my office asking questions about a student. Can I answer his or her questions?

You can answer questions only if the agent provides you with legitimate identification and a signed consent form. If you are not sure about the legitimacy of either the ID or the consent form, refer the agent to the Registrar. Remember, FERPA gives you permission, not a mandate, to release information. Any time you are uncomfortable with a request for information, you can always refer the requestor to the Registrar.

#### Can I release a list of students enrolled in my class?

This depends on who is asking and why. You should not provide lists of students enrolled in your class(es) to individuals who are not FSCJ officials AND who do not have a legitimate educational interest. The person making the request must meet both criteria. Refer any requests for information to the Office of Student Records.

#### If a former student applies for a position in my department, may I view his or her account or record?

No. Accessing an FSCJ student's record online for non-educational purposes, such as potential employment, is not permissible. Request a transcript from the student as part of the employment process.

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### **As a faculty member, may I write a Letter of Recommendation or Reference for a student if I am asked?**

Yes, and we hope that you do! Being asked to write a Letter of Recommendation is an honor. You should have the student complete a FERPA [Consent Form](#) and provide it to you prior to writing the letter. The form is also available to students via myFSCJ. With the FERPA Consent, you don't have to worry about whether the information you provide is protected or not. Once the letter is written, a copy of it, along with the consent form, should be emailed to the Student Records office at [StudentRecords@fscj.edu](mailto:StudentRecords@fscj.edu) so that it can be included in the student's official record. Although it is not recommended, you may write a Letter of Recommendation without asking the student to complete a FERPA Consent Form. If this is the case, you must limit your comments to only those things that are observable to you – like a student's motivation, engagement in your class or interaction with other classmates. Specifics about a student's grades or attendance records may not be shared. The rule of thumb is, if it is something that you record and that factors into a student's final grade, it may not be shared without permission.

### **I am often sent electronic recommendation forms to be completed on behalf of my students. May I complete those forms since the student has not completed our FERPA Consent Form and I won't be able to provide a copy of the completed recommendation to our Records office?**

Probably, but there are some things to keep in mind. Most electronic recommendations come with a student-signed release from the asking institution. In most cases, that signed release says that the student is waiving his or her right to review the recommendation. That release gives you the authority to complete the recommendation form and return it without notifying the Records office. However, if you don't see an attached release form, or if the release form doesn't specifically waive the right to review, then please contact the Records office so that we can help decide how to serve the student within FERPA guidelines.

### **I have been asked to write a Letter of Recommendation for one of my students but will not include any FERPA-protected information. Do I need to tell anyone that I have provided this letter?**

No. As long as there is absolutely no protected information in your letter, the Records office does not need a copy. It is good practice for you, however, to retain a copy of such a letter. The state guidelines for document retention suggests five years after the student's graduation.

### **In a Letter of Reference/Recommendation, can you state that the student was "one of my top students in class" or "they were an 'A' student" without a FERPA consent form?**

You can say that the student was "one of my top students," but you cannot divulge that they were an "A" student because the actual letter grade will appear on an official record, therefore it is protected by FERPA.

### **As an instructor, may I review any element of my students' education records?**

This is probably the number one question asked regarding FERPA. Many instructors ask whether it is permissible to review their students' educational history, as they want to ensure they provide the necessary support and content in their classes to help students be successful. However, at FSCJ, "legitimate education interest" is not automatic. Still, establishing "legitimate educational interest" is easy to do. Simply complete an Early Alert on the student and request information about the student's academic history. A Success Coach will provide you with the information you need to help the student and will become a partner to help serve the student holistically in addressing issues outside the classroom, as needed.

### **As a faculty member, what information am I entitled to see about the students enrolled in my classes?**

Faculty members have access to directory information and also to any information provided on your Canvas rosters such as Student ID, student photo, FSCJ email address, phone number, etc. You do not have personal

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email addresses or mailing addresses as the College has an institutional practice of limiting all official communications with students to only FSCJ email address.

### **If a faculty member wants access to additional information about a student enrolled in one of their classes, what is the process?**

The faculty member should complete an Early Alert through the Symplicity system and explain why the requested information is needed. The Student Support staff member will partner with you to not only provide any information for which there is an identified and articulated “legitimate education interest,” but also to help with additional resources to address the student’s needs and support the student’s long-term success.

### **If a faculty member requests to see additional information about a student enrolled in one of their classes, but the request is denied, what is the recourse?**

The faculty member should contact the Registrar to mediate disagreements regarding “legitimate educational interest.” If satisfactory resolution cannot be reached, or if the Registrar cannot respond immediately, the Vice President of Student Services can respond on behalf of the Registrar. If a satisfactory resolution still cannot be reached, the VP of Student Services will coordinate with the Provost for resolution.

### **May I discuss a student’s educational record with another faculty member?**

Students’ educational records may be discussed among faculty and campus officials only when all parties have a “legitimate educational interest.” This means that the faculty member must be able to articulate how this information is necessary in order to fulfill administrative, supervisory, academic or research responsibilities. This may involve consulting with another faculty member about a particular student to help inform pedagogy to assure their success. Simply being curious about a student or wishing to “compare notes,” however, is problematic. It is up to the professional judgment of individual faculty members to determine when information is being sought for allowable reasons under FERPA.

Faculty members may discuss personal observations about a student that are not part of a student’s educational record. This allows faculty members to confer regarding classroom management issues or observed learning challenges related to individual students.

### **Does FERPA allow a faculty member to speak to a parent or to another faculty or staff member when he or she thinks a student may be in trouble?**

If a faculty member thinks a student is in academic trouble, is struggling with emotional or mental health issues, or has basic needs issues outside of class, an Early Alert should be submitted.

If a faculty member thinks a student is in physical danger, the faculty member should contact the Academic Dean. The Academic Dean should notify the Provost and the Vice President of Student Services.

Under the Clery Act, certain faculty members may be designated as Campus Security Authorities. If a Campus Security Authority becomes aware that a student is a victim of a reportable crime, they should contact the FSCJ Chief of Security. If you want more information about the Clery Act or if you aren’t sure whether you are a designated Campus Security Authority, check with your administrator. For all other situations, the faculty member may contact either the Associate Vice President for Student Support Services or the Vice President of Student Services.

### **How can faculty members find out if a student has a history of violence or presents a danger to others in some other way?**

If a student is acting in a way that violates the Student Code of Conduct, the faculty member should submit a disciplinary referral.

If a faculty member has concerns about a student’s behavioral history, they should contact either the Associate Vice President for Student Support Services or the Vice President of Student Services. Note that information shared on the student’s application, in background check documents, and in disability records are protected by FERPA and, in many cases, also by HIPAA. Therefore, requests for access to this information will be considered with great scrutiny.

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### Is it permissible to post student grades on my office door using only a partial ID number?

No. The public posting of grades either by the student's name or ID number (whole or partial) without the student's written permission is a violation of FERPA. Even with the names obscured, numeric student identifiers are considered personally identifiable information. The best way to notify students of their grades is to use the Canvas gradebook.

### Is it permissible to put student assignments into individual envelopes, with the student's name on the front, and leave the envelopes unattended for students to pick?

FERPA requires authentication of the identity of persons to whom protected information is given. Unless the information in those envelopes is ungraded or contains other unprotected information, leaving protected information unattended means we are not fulfilling our mandate to protect information by reasonable means. As a rule of thumb, if a document contains information that becomes part of a final grade calculation, or is subject to review under a grade appeal, then it is protected. Under this premise, ungraded assignments would likely not be protected. If it is not possible to return graded work to students in person, you may leave graded work with the Library and Learning Commons (LLC) for students to pick up.

### What is the procedure for returning graded student work through the LLC?

This is the process as defined by Academic Operations in an email dated 12/15/2020:

- FSCJ faculty may require assistance with returning graded coursework to students. Following FERPA guidelines that protect student information, the Library and Learning Commons is happy to assist FSCJ faculty with the return process. Faculty can simply complete a new online **Consent Form**, print the form, attach the form to the course materials, and deliver the materials to a campus LLC for distribution. Materials not picked up by students will be returned to the faculty offices 30 days after the end of the semester. For further information, please contact Susan Mythen, Director of Campus Library Services, at 904-381-3626 or at [smythen@fscj.edu](mailto:smythen@fscj.edu).

### What are "sole possession notes" and do I have to release them to students if requested?

Sole possession notes are made by one person as an individual observation or recollection of a student, and are kept in the possession of the maker. Sole possession notes are not subject to FERPA regulations. However, sharing the notes with another person, or placing them in an area where they can be viewed by others, makes them "education records" and subject to FERPA and release to the student, if requested.

### What are my responsibilities for notifying the Registrar if I release information from a student's education record to an outside party?

You must notify the Registrar of each and every disclosure of non-directory information from a student's education record that you make unless the student has signed a waiver of his/her right to review. A copy of the student's release should be provided along with a copy of whatever document/information you provided. Doing so is necessary so that the Registrar can fulfill FSCJ's legal obligation to maintain a record of each request. This requirement also applies to letters of recommendation prepared at the request of the student if the letter contains any FERPA-protected information.

### Given that this is a fairly new policy on Recommendation/Reference letters, does the College's prior policy constitute a FERPA violation that needs to be addressed?

The policy is not new, however, it is the same policy communicated in a new way. That said, there has been no FERPA violation. Once the College identified risk areas and training vulnerabilities, we took measures to correct them to prevent future unintended releases. These measures assure the College's compliance with FERPA.