

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA): GUIDANCE FOR FACULTY MEMBERS

What does FERPA require?

In general, FERPA states that:

- College students must be permitted to inspect their own education records upon request.
- School officials may not disclose education record information without the student's written permission unless one of the exceptions provided by FERPA applies.

What is an education record?

Education records are those records directly related to a student and maintained by the University. Examples include:

- Electronic records accessible in SIS or Connect Carolina
- A paper or exam that has been submitted to a professor
- Emails between instructors or administrators regarding a student
- Class lists or rosters

When can I disclose education record information about a student?

There are several FERPA exceptions that permit you to disclose identifiable information about a student. For example, FERPA permits you to disclose student information:

- With a student's written consent¹;
- To teachers, officials, and employees of UNC-Chapel Hill, University contractors, UNC-Chapel Hill students functioning in an official University capacity (e.g., Honor System members), and employees of General Administration so long as these individuals have a legitimate educational interest in the information, meaning that it is necessary or desirable for the individual to obtain the information to carry out their official University duties or it is in the educational interest of the student for such individuals to obtain the information;
- In response to subpoenas or court orders (please contact the Office of University Counsel immediately if you receive a subpoena or court order about a student);
- In a health or safety emergency (please contact the Office of the Dean of Students immediately if you believe that a health or safety emergency exists involving a student); and
- To anyone, if the information is "directory information" and the student has not notified the Office of the University Registrar that he/she wishes to opt out of directory information disclosures. The following items (and only the following items) of information are "directory information":
 - name;
 - local and grade/billing addresses;
 - e-mail address;
 - local and grade/billing telephone numbers;
 - date and place of birth;
 - county, state and/or United States territory from which the student entered the University;
 - major field of study;
 - class;
 - enrollment status (full-time, half-time, or part-time);
 - PID;
 - anticipated graduation date;
 - participation in officially recognized activities and sports;
 - weight and height of members of athletic teams;
 - dates of attendance
 - degrees and awards received; and
 - most recent previous educational agency or institution attended by the student.

¹ Template written consent forms are available from the Office of the University Registrar.

Note: Before disclosing directory information, you must confirm that the student has not opted out of directory information disclosures by contacting the Office of the University Registrar. Any other items of information regarding a student cannot be revealed, directly or indirectly, unless you have the student's written consent or unless another FERPA exception applies.

What if a student's parent, friend, or spouse calls and asks for information about the student's academic performance or wishes to discuss other issues related to the student?

FERPA prohibits you from sharing information about students with their parents, friends, or spouses unless you have the student's written consent. If you receive a call from a parent, friend, or spouse requesting information about a student, you can explain that, absent written authorization from the student, you are not permitted to share student-specific information. For further information, the parent, friend, or spouse can contact the Office of the University Registrar.

What if I receive a phone call from a newspaper or television reporter?

Requests from the media about current and former students should be directed to University Relations.

What if a student asks for copies of records or documents pertaining to him or her?

A student has a legal right to inspect his or her education record and must receive this access within 45 days of submitting a request in writing. If you receive a request from a student seeking access to his or her education record, please contact the Office of University Counsel.

Can I store grades and other FERPA-protected information on my laptop or other mobile device?

Yes, as long as no social security numbers (SSNs) are included with this information. In order to store student SSNs, you must receive authorization from your Dean or Department Head and you must store this information only on encrypted devices.

Is it permissible to use email to send student information that I am permitted to disclose?

Yes, so long as you are using your University-provided email account and sending the information to another University-provided email address.

What are some useful tips to assure that I comply with FERPA?

- Do not leave graded papers or exams in a pile for students to retrieve themselves.
- Do not identify particular students who earned even a good grade on an assignment, paper, or exam to other students.
- Assure that performance issues are discussed with a student in a private location.
- Obtain written authorization from a student prior to sending recommendation letters to prospective employers or educational institutions.
- Contact the Office of the University Registrar if you have any questions regarding FERPA.