

Quick Tips – FERPA

Basic information Faculty & Staff need to know

1. What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) of 1974 as amended details the access of student records held and maintained by educational institutions. The law further requires that eligible students be notified of the types of records held and officials responsible for such records.

While parents have the right of access, review and challenge for elementary and secondary students (under the age of 18), the student assumes the rights of the parents at age 18 or upon enrollment at a postsecondary institution.

This quick-tips document only includes an introductory level of FERPA information. For more comprehensive information please see: <http://www.xavier.edu/registrar/ferpa.cfm>

2. What is an Educational Record?

Educational records include records directly related to a student and maintained by the institution or by a party acting for the institution such as admissions records, registration files, exams, papers, advising notes, financial aid materials (excluding financial information submitted by their parents), housing files, discipline records and any athletic records.

Personal notes maintained by and for a sole individual as a memory aid and not made available to any other faculty or staff members are exempted from this requirement under FERPA. It is important to note that, such “sole possession notes” could be subject to discovery through a court subpoena.

- ➔ Notes and information maintained by the faculty or department for use by more than a sole individual ARE considered an educational record, and students therefore have a right to review those records.

3. What is “Directory Information” under FERPA?

The Family Educational Rights and Privacy Act (FERPA) permits the public release of what is termed "directory information." For Xavier University's purposes, this information includes:

- the student's name,
- all addresses (including email)
- telephone listings
- date and place of birth
- any photographs including ALL Card photo
- major field of study
- number of hours registered
- full or part-time status
- class standing (freshman, sophomore, junior, senior, graduate)
- participation in officially recognized activities and sports
- weight and height of members of athletic teams,
- dates of attendance
- degrees awarded
- total hours earned
- special honors and awards
- the most recent previous educational agency or institution attended by the student.

A request for nondisclosure of the "directory information" must be filed with the Office of the Registrar, and will be honored by the institution until the student asks to have it removed, whether

or not the student is currently registered. Upon the death of a student, all privacy holds are removed.

All other student educational record information, including the student's Banner ID and course schedule, are NOT considered directory information and are protected under FERPA.

4. What is a Legitimate Educational Interest?

In accordance with FERPA, University employees and other school officials may access student educational records in which they have a legitimate educational interest. Whether someone has a legitimate educational interest in a student education record will depend on the facts and circumstances of the situation. The following examples may be helpful in understanding whether you have a legitimate educational interest in a particular education record:

- You **HAVE** a legitimate educational interest in an education record if it is something you need to know or access in order to carry out your job responsibilities in support of Xavier's educational mission.
- You **HAVE** a legitimate educational interest in an education record if it is something you need to know or access in order to carry out your responsibilities to a committee that you serve on by virtue of your employment in support of Xavier's educational mission.
- You **DO NOT HAVE** a legitimate educational interest in an education record if you are accessing it out of curiosity.
- You **DO NOT HAVE** a legitimate educational interest in an education record simply because you have the ability to access the record through the Banner system.

What about health or safety concerns?

Xavier faculty, staff and students are encouraged to report concerns regarding students who may be struggling with academic, emotional or behavioral difficulties. Concerns reported to appropriate University officials for the purpose of responding to student needs are not a violation of FERPA. To ensure that the report is received by an appropriate University resource, Xavier community members should utilize the University's online reporting form located at: <http://www.xavier.edu/studentconcern>. Please note: In emergency situations or for an expressed threat of harm to self or others, please call Xavier University Police at 513-745-1000.

Tips for Faculty to avoid FERPA violations:

- **DO NOT:** at any time use the student's name or any part of the Banner ID of a student in a public or semi-public posting of grades, including any postings in Canvas that more than the individual student can see.
- Do **NOT** circulate a printed class list with student name and Banner ID or grades as an attendance roster
- **DO NOT** leave graded tests in a stack for students to pick up by sorting through the papers of all students
- **DO NOT** discuss the progress of any student with anyone other than the student (including parents) without the consent of the student. You **MAY** answer parent questions about general policy and procedures without including student specific information.
- **DO NOT** provide anyone with student schedules

If in doubt, ask the Office of the Registrar

Main Office: 513-745-3941

xureg@xavier.edu



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Office of the Registrar
(513) 745-3941 xureg@xavier.edu