

San Francisco State University - Office of the Registrar Protecting Students' Academic Privacy in the Classroom per FERPA

Let's Start with The Basics: Brief Overview of FERPA & Directory Information

Q: What is FERPA?

A. FERPA (Family Educational Rights and Privacy Act) is a federal statute enacted by Congress in 1974. It is designed to assure students' access to their own educational records and to protect their privacy. FERPA's complexity can be a bit daunting, but the primary issues faculty deal with on a daily basis are addressed in this document. Just remember: The Family Educational Rights and Privacy Act (FERPA), prohibits disclosure of educational records or personally identifiable information without the express consent of the student. But what does it mean to you as a faculty member at SF State? The following FAQs may be helpful.

For a complete explanation visit the Registrar's [privacy website](#), and review under Student Privacy Rights, [SF State Policy - Student Privacy Rights Policy and Procedure](#).

Q. What records are covered by FERPA?

A. Any record that is maintained by the institution, and that is personally identifiable to a student, is covered by FERPA. Students have the right to view & inspect their education records, as well as to prevent disclosure to third parties without their written consent (subject to specific exceptions identified in FERPA).

Q. What records can be released without a student's written consent?

A. Let's start by defining "Directory Information". Directory information can be released without a student's written consent. *Directory information* can be released without student consent, unless the student has requested that we withhold disclosure of their directory information. Non-directory information, on the other hand, cannot be released to the public without prior student consent. Anything not included in directory information (e.g., grades) is considered non-directory information and cannot be released without the student's written permission.

SF State defines *directory information* as:

- Student Name
- Email address
- Major field(s) of study
- Dates of attendance
- Class or Student Level
- Enrollment status (e.g. undergraduate or graduate, full-time or part-time)
- Degrees awarded
- Honors and awards received
- SFSU ID - Unauthorized users cannot access non-directory information solely with the SFSU ID number.

Q. What if a student has requested that we withhold disclosure of directory information?

A. If a student has requested that we withhold disclosure of directory information, **then no information, even directory information, can be released without the student's written consent** (unless under specific exceptions identified in FERPA).

Q. What about employees of San Francisco State University?

A. **In a nutshell:** access to a student record is permitted if an employee of SFSU needs access to it in order to do their job.

San Francisco State University defines "school official" as follows: "those persons who are employed by the University in administrative, supervisory, academic, research, or support staff positions, or who are officers or agents of the University." FERPA permits the disclosure of student records to a school official with a legitimate educational interest. And, SFSU defines "legitimate educational interest" as those who needs the ability to review or access the record in order to fulfill a professional responsibility, to perform appropriate tasks that are specified in his or her position description or by a contractual agreement; to perform a task related to the student's education; to perform a task related to the discipline of a student; or to provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

In the Classroom and Coursework

Q. May I circulate a printed class list with non-directory information (e.g. grades) as an attendance roster?

A. No. Non-directory information such as grades should not be shared with the class, even as part of an attendance roster.

Q. May I leave graded work outside my office for students to pick up?

A. No. It is a FERPA violation to leave graded work where others can view it or see another student's graded work. For example, you cannot allow students to search through a stack of other students' graded papers to find their own or to pick up work for another student.

What CAN I do?

There are several options for returning student work. Here are a few ideas:

- Authorized department staff can return papers from a common stack to students, provided no student sees another's graded material in the stack.
- Handing back work during class is appropriate as well, provided no student sees another's grade.
- Assignments, term papers, etc., submitted through iLearn can be graded and easily returned confidentially through the web.

Q. May I post students' scores or grades?

A. No, you may not post scores or grades in such a way that any student's individual performance can be identified by a third party. You *cannot* post scores by name, Social Security number, or SF State ID number or even partial SF State ID Numbers. Note that while the Student name and SF State ID number are part of *Directory Information*, scores and grades are not. Thus, you cannot post scores and grades associated with their name and/or SF State ID.

What CAN I do?

You *may* post scores and grades by using a PIN or code created especially for your class and known only to the student and you, the instructor. However, even this may be problematic in a small class or under other circumstances in which a third party might easily match a student to a grade. For example, even posting grades or scores by PIN but in alphabetical order is inappropriate because it would be easy for someone to match a student to a grade. (That is, everyone would know that Alicia Alvarez's grade was first on the list and that Zachariah Zimmerman's grade was last.)

Q. May students evaluate each other's work in class?

A. Yes, students may evaluate each other's work in class as long as it has not yet been graded or evaluated by the instructor.

Q. May I use student work and assignments from class as an example for others?

A. To avoid violating FERPA, only discuss student work and assignments without identifying a particular student. You may not disclose a student's non-directory information without the student's express written consent. For example, you cannot mention a student's identity, their name or SF State ID number in conjunction with any non-directory information: test answers, essay, term paper, grades, academic record, etc., unless the student has given you written permission. *Remember: You must ensure that the student's identity will not be apparent to other students in the class when discussing student work.*

Q. May I talk to another faculty member about a student's work?

A. You may discuss a student's non-directory information with another faculty member ("school official") as long as there is a legitimate need to know ("legitimate educational interest"). If discussing a student and his or her work is necessary for the faculty members to perform their jobs (e.g., discussing how to help a common student who is failing), then it is permissible to do so.

Letters of Recommendation**Q. How does FERPA affect my writing of letters of recommendation for students?**

A. If the letter of recommendation includes any non-directory information, the student must give written permission. This written permission can be authorized in a letter submitted by the student indicating the information they wish you to provide, in which case the letter needs to include to whom the information can be disclosed, what information can be disclosed, for what purpose, and be signed and dated by the student. Students can also grant permission for you to release non-directory information in a letter of recommendation by filling out the [Letter of Recommendation Release Form](#).

Note: If the recommendation will not include protected (non-directory) information, no written permission is needed unless the student has blocked the release of directory information. If the student has blocked the release of directory information, then written consent is needed even to release directory information. Written permission is also not required for teachers/employers to communicate their opinions of a student's performance, personal traits, etc. (e.g., punctuality, creativity).

Parental Rights

Q. What are a student's parents entitled to know?

A. Parents do not automatically have any rights to SF State students' education records unless they have written consent. The student must have provided written consent to release information to a parent or other third party in order to access any education information, including progress in a course.

Q. Can education records ever be released to a parent or family member without a signed release?

A. No, San Francisco State University only releases non-directory information with a written release from the student. Note: A parent, spouse or any other person, acting on the student's behalf when the student is unavailable, can only have access to a student's record if the student has signed the [Student Authorization to Release Education Records](#) form available on the Registrar's webpage.

Q. If I am concerned about a student's performance in class, may I speak with a parent, family member, spouse, or concerned friend?

A. No, not unless the student has provided a signed release. If you are concerned about a student's performance, you may speak with other school officials about how best to support the student personally or academically – for example, your department chair may have guidance on how best to support students in your department. The [Dean of Students](#) also has resources that may be helpful to supporting a struggling student. You can also refer students to our [Advising Hub](#) (for undergraduate students) if they would find academic advising helpful.

General

Q. What if a parent or other family needs to locate the student on campus because of an urgent family matter or other reason? Can I share the student's schedule or expected location?

A: No, we cannot share the student's schedule or location with a third party without the student's written consent, although it is fine to share with a school official who has a legitimate educational need for the information. If someone is looking for the student, as long as there is no block on their directory information, you can ask for the person's contact information and offer to reach out to the student so that the student is aware they would like to be in touch. If the student has a block on their directory information, we cannot even confirm or deny that they are a student at the institution.

In the case of a health or safety emergency, FERPA has certain provisions that may permit us to share information, but this needs careful review in order to be compliant. If you feel there may be a health or safety emergency, please seek additional support from your department chair, Dean's Office, or the Dean of Student's Office for additional guidance.

Top items to avoid

While this is not an exhaustive list, please note the following:

- Do NOT link the name of a student with their Student ID or Social Security Number in any public manner.
- Do NOT leave graded tests outside your office for students to pick up by sorting through the papers of all students.
- Do NOT circulate a class list including non-directory information (e.g. grades) as an attendance roster or for any other purpose.
- Do NOT discuss the progress of a student with any third party (**including parents**) without written consent of the student.
- Do NOT provide anyone with a class list for any purpose, commercial or otherwise, unless it is a school official with a legitimate educational interest.
- Do NOT provide anyone with a student's schedule, or assist anyone other than a school official in finding a student on campus.

Conclusion

In summary, despite FERPA's detailed recitation of rights and sanctions, it is student-friendly, legally necessary, and very important for ethical good practice in higher education. FERPA assists the university in respecting students' privacy by providing specific guidelines about when faculty (and others) can and can't, should and shouldn't share information about students and their academic work.

If you have questions regarding FERPA and its implications for you and your students, please contact University Registrar, Margo Landy, or visit the [Privacy Rights](#) section on the Registrar's webpage.