

**FERPA (Family Educational Rights and Privacy Act)
FREQUENTLY ASKED QUESTIONS**

Q: What confidential information can be disclosed to a student?

A: With proper identification, a current or former student has the right to inspect and review official records, files, and data pertaining to them as a student.

Q: What are official records, files, and data?

A: Material on students pertaining to their status as students held by any unit or department and which is intended for University use, or (with restrictions identified in the MSU guidelines) use by third parties outside the University system. If the records involve or affect the status of the student, the records are official and the student shall have access to them.

Q: What are non-official records?

A:

- a) medical records
- b) Sole possession notes or personal records kept by faculty or by supervisory or administrative personnel that are used only as a personal memory aid and are not accessible or revealed to any other person
- c) records which relate to the student as an individual or citizen; such as law enforcement records
- d) letters of recommendation or statements of evaluation prepared before January 1, 1975
- e) Parent's Confidential Statement contained in the student's financial aid file

Q: As an academic advisor, can I keep an anecdotal record on an advisee to help me advise the student?

A: Yes. Records that are kept in your sole possession, are used only as a personal memory aid, and are not accessible or revealed to any other person, are not considered education records under FERPA.

Q: What about electronically stored information that I have pertaining to a student?

A: Again, if the information is in your sole possession, is used as a personal memory aid, and is not accessible or revealed to any other person, it is not an education record and is not covered by FERPA.

Q: How do we determine "need-to-know"?

A: An MSU official requesting information must have a legitimate need to have the requested information for the effective functioning of their position or office. The dean of each college and his/her administrative staff have access to all official records on students in that college. Otherwise, determination as to whether the need-to-know requirement has been satisfied shall be made by the head administrator of the unit retaining the information.

Q: What constitutes a health or safety emergency?

A: FERPA states that confidential information may be released to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Appropriate parties may include the MSU Department of Police and Public Safety, parents, or Olin Health Center. When in doubt, contact MSU's Office of the General Counsel.

Q: A support office on campus wants a list of all students in our department with a 3.0 GPA. May I give them one?

A: No. Offices on campus that have an academic need have access to their students via the Student Information System. If additional information is being requested, they should be directed to the Office of the Registrar or provide you with written permission from the student.

Q: If an office on campus contacts me to confirm if a student has a 3.5 GPA to qualify for a position as a tutor, can I release that information?

A: No. Grade-point average is confidential and should not be released to another office without the student's written permission. Confidential information should not be made available to anyone for the purpose of employing a student, unless the student has provided written permission.

Q: If I request and receive a report which includes confidential student information, can I share that information with someone else (a third party)?

A: No. FERPA regulations are clear that information released for a specific purpose must be done so with the understanding that it should not be disclosed to any other party without the written consent of the student(s). The original recipient may use the information, but only for the purposes for which the disclosure was made.

Q: Why are FERPA regulations slightly different than MSU's guidelines?

A: MSU is, in some instances, more restrictive than FERPA. For example, FERPA permits institutions to designate date of birth as directory information – MSU does not.

Q: Can anyone from an MSU student organization request and receive lists of students with directory information?

A: Registered student organization members should be referred to the MSU Student Life office to initiate a request. Student Life will review the request and, if appropriate, forward it to the Office of the Registrar for approval and processing. Lists and/or labels are made available (at a cost) to MSU student organizations desiring to offer membership to MSU students. Honorary Organizations interested in offering membership or in recognizing student accomplishment should initiate a request through their faculty advisor who, in turn, submits a data request to the Office of the Registrar.

Q: What should I do if I receive a subpoena for a student's academic record?

A: The Office of the Registrar will handle the subpoena if a student's academic record is being subpoenaed and will notify the student before responding to the subpoena, as required by law. If in doubt about what to do with a subpoena, contact the Office of the General Counsel.

Q: What is the Solomon Amendment?

A: The Solomon Amendment is a Federal law, separate from FERPA. It provides that military recruiters may have access to campuses, access to students, and access to student recruiting information on students age 17 and older, and enrolled for at least one credit. They can receive name, address, phone, date of birth, class, major, place of birth, degrees earned, and most recent educational institution attended. Release of recruiting information may be limited to one request each semester for each branch of the service -- Army, Navy, Air Force, Coast Guard, Marine Corps, including their Reserve or National Guard components. These requests should be referred to the Office of the Registrar.

Q: How does a student who is working on a research project obtain needed student data?

A: Research conducted by a student, administrator, or faculty member that involves surveying people and publishing results must first be approved by the University Committee on Research in Human Subjects (UCRIHS). Student data needed from the Office of the Registrar may be requested using the RO web Data Request Form (www.reg.msu.edu), and depending on the nature of the request, it may also need approval from the Committee on Release of Confidential Student Information. When students who are to be surveyed are selected based on confidential parameters (such as age, gender or ethnicity), the Office of the Registrar must handle the initial mailing. Students interested in participating would then respond on a voluntary basis to the researcher.

Q: If we can't post grades by student number (PID), is there a workable alternative?

A: If you post grades, you may use code words or randomly selected numbers known only by you and each student. The order of posting should not be alphabetical. Other options would be to obtain the student's un-coerced written permission to post in a way that might not ensure confidentiality, or have interested students provide a self-addressed, stamped envelope to be mailed to them. Grades or any other confidential information should not be sent via email because there is no guarantee of confidentiality in transmitting information electronically.

Q: My students would like to know, if they request that their MSU Net ID be treated as confidential information, will FERPA and MSU protect them from subpoenas directed to the University?

A: E-mail addresses are directory information. Students wanting to restrict release of their MSU Net ID (e-mail address) may do so by completing the Directory Information Restriction Request form online at www.reg.msu.edu under Privacy Guidelines. (Obviously the restriction is effective from that date forward.) The e-mail address would continue to be available to administrators on campus who have a need-to-know -- such as

an instructor who needs to communicate with students. The only way a student can completely shut down the e-mail address is to deactivate it at the Computer Center. FERPA requires that we respond to lawfully issued subpoenas, whether the student has restricted directory information or not; and that we attempt to notify the student in advance of releasing information--except when a court has ordered that the student not be notified.

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