



To: Faculty/Advisors
From: Bianca Birschbach, Interim Registrar
Date: March 22, 2021
Re: FERPA Compliance Guidance for Faculty

The primary purpose of this notification is to provide guidance to faculty for complying with the Family Educational Rights and Privacy Act of 1974, as it relates to grading, emailing, and letters of recommendation:

Posting of Grades

The public posting of grades, either by the student's name, institutional student identification number, or social security number, without the student's written permission is a violation of FERPA. This includes the posting of grades to a class/institutional website and applies to any public posting of grades for students taking distance education courses.

Even with names obscured, numeric student identifier numbers are considered personally identifiable information. Therefore, the practice of posting grades by social security number (SSN), including posting by the last four digits of the SSN or student identification number violates FERPA.

The returning of papers via an "open" distribution system, e.g., stacking them on an open table, is a violation of a student's right to privacy, unless the student submits a signed waiver to the instructor for such purpose. The instructor must keep the waiver on file in order to avoid institutional or personal liability.

Emailing Grades

There is no guarantee of confidentiality in transmitting information electronically via campus e-mail or particularly when it is done through the Internet. Faculty who wish to send grades to students via e-mail need to understand that, if there is an unauthorized release of grades to someone who is not a school official; the institution could be found to be in violation of FERPA if the Family Policy Compliance Office conducted an investigation.

Also, non-public educational data should never be sent to non-institutional assigned accounts, since there is no way to verify the authenticity of the end user. The institution would be held responsible if an unauthorized third party gained access to a student's education record through any electronic transmission method where the institution did not take measures to secure that transmission.

Sharing Email Addresses, Web-based Tools to Support Classes, and other Personally Identifiable Information among Students in the Same Class

Faculty who utilize electronic teaching tools such as Marian Online2 may wish to share students' e-mail addresses in a class with others in the same class. The 2009 amendments clarified that a student cannot be "anonymous" in class, even in a distance learning setting. While grades and other personally identifiable information that relates to the student's progress in the class cannot be disclosed, it is appropriate that contact information be shared if the class includes online discussions.

Courses supported by class websites and/or discussion groups must take extra precautions to not inadvertently release non-directory student information. Only directory information can be available to the general public and other class members, so it is recommended that such Web-based tools employ a security layer so that only class members and instructors can access appropriate information.

Letters of Recommendation

Statements made by a person providing a recommendation based on that person's personal observation or knowledge do not require a written release from the student subject of the recommendation. However, if personally identifiable information obtained from a student's educational record is included in the letter of recommendation (grades, GPA, and other non-directory information.), the writer is required to obtain a signed release from the student which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure, and (3) identifies the party or class of parties to whom the disclosure can be made.

Since the letter of recommendation would be part of the student's education record, the student has the right to read it, unless he or she has waived that right to access.

Sample letter of recommendation:

I give permission to Prof. Smith to write a letter of recommendation to:

*Allstate Insurance
324 Wilkins Drive
Atlanta, GA 33011*

Prof Smith has my permission to include my GPA, grades, and class rank in this letter.

I waive (or do not waive) my right to review a copy of this letter at any time in the future.

Signature/Date

If you are ever unsure as to what student information you may or may not discuss or disclose please feel free to contact me anytime.

If in doubt – don't give it out. ☺