



Helpful Hints for Faculty and Staff

Awareness: Although there is a need for faculty and staff to be aware of FERPA, it is not always necessary for faculty and staff to understand every aspect of FERPA and/or its administration. It is critical that we know that it exists and impacts much of what we do on a daily basis.

Responsibility: Faculty and staff must understand that every employee of every higher education institution can subject the entire school to FERPA liability, if s/he has access to student education records. Accountability and responsibility are critical. Good intentions, common sense, or innocent mistakes do not mitigate privacy violations. Most FERPA violations by faculty and staff are unintentional. Nonetheless, it is the responsibility of the school to prevent violations and intent is not a defense.

Understanding: Understand that almost all student records are subject to FERPA. Faculty and staff have access to lots of student records. Teachers often believe that only “academic records” are subject to FERPA. They sometimes believe that they have the authority to decide whether records fall under the law, or not. In fact, the law itself defines student records, and the definition is very inclusive.

Disclosure: Disclosure of student records without student consent risks a violation of the law. Although FERPA provides for the disclosure of student records without consent to certain designated persons, or under certain specific circumstances, those exceptions are few and narrowly defined.

Student Access: Students have the right to see their records. FERPA requires all custodians of student records (typically the Office of the Registrar) to accord review of those records to the specified student under almost all circumstances. Schools and school employees are not accorded the prerogative of deciding whether students should see records about them.

Employee Access: The right of school employees to access student records is very narrow. FERPA accords school employees the right to view student records under certain circumstances, referred to as “legitimate educational interest.” In general, this means, “the employee needs access to the records to do his/her job.” Curiosity is not a legitimate educational interest. The ability to access student records does not confer the right to view student records.