



# WINSTON-SALEM STATE UNIVERSITY

## FERPA Scenarios:

1. Instructor Smith, who teaches MATH 1320, requests for the MATH 1310 grades and cumulative GPA's and cumulative GPAs for three of his current students (Note: MATH 1310 is pre-requisite to MATH 1320). Can you provide the information?

*Instructor Smith has a legitimate educational "need to know" what grades his students received in a pre-requisite course. However, he does not have a "need to know" the students' GPA.*

2. You receive a phone call from the local police department asking if you can verify that one of your students was scheduled for a class on a specific date and time. The police officer indicates he is involved in an investigation concerning the student. Are you permitted to provide the requested information?

*No, not without a subpoena or official court order. Any subpoenas or court orders should be brought to the Registrar's Office for processing.*

3. A student tweets to a professor. Is this protected under FERPA?

*No. Absolutely not.*

4. A professor publically tweets back to the student in response. Is this protected under FERPA?

*As long as the professor is not discussing a grade or other FERPA-protected data, no compliance issues exists. ALWAYS ALWAYS ALWAYS be careful what you post.*

5. You receive a call from WSSU campus police to get the address and class schedule of a student. You are informed that he has a warrant for the student's arrest. Can you provide the requested information?

*FERPA considers campus security officials as employees with a "legitimate educational interest" if they are designated as "university officials" and operating within the scope of their employment. The warrant would not be necessary. Such requests should be forwarded to the Registrar's Office for processing.*

6. You receive a frantic phone call from someone stating to be a student's mother who must get in touch with her daughter immediately due to a family emergency. Can you provide information pertaining to the student's class schedule?

*No. You can offer to send someone to the student's class to ask her to call home. You can contact Campus Police or Student Affairs to locate the student if necessary.*

7. You receive a call from someone indicating they are performing a background check on a student in preparation for a job offer. The student has not provided written consent to release educational information. How can you respond?

*Unless the student has placed a confidentiality flag on his/her record, you can provide directory information (including major, degree and awards received). You can also provide personal observations you have of the student. However, without written consent from the student, you cannot relay any other information from the educational record, including grades, GPA, etc.*

8. An FBI agent comes to your office and asks for a copy of a student's transcript or some other non-directory information. The agent presents his badge and states he's performing a background check. Can you release the information?

*Only if the agent presents a written release signed by the student specifying this specific information can be released to the FBI.*

9. A parent calls to talk about why her son received a poor grade in your class. Can you talk with her?

*Unless the student has given written consent allowing his mother access to his records you cannot discuss specifics of her son's situation. You can, however, discuss your grading philosophy in general terms, as presented on the course syllabus.*

10. The faculty advisor for a sorority has asked for GPAs of all the members in order that scholarships and academic honors can be determined. Can you provide the information?

*Yes, the advisor has a legitimate "needs to know". However, you should remind the advisor not to share the information to the sorority members or anyone else.*

11. A mother calls your office, looking for information about her son. She has not heard from him in three weeks and he has not returned her phone calls. She is worried. She wants the names, phone numbers and email addresses of her son's instructors to verify whether or not her son is attending classes. Should you provide that information?

*Under routine circumstances, you cannot release course information to Mom since course enrollment information is not considered directory information. You could contact the faculty members on behalf of the mother to inquire about attendance. If it turns out that the student has recently not been attending class, it would then be advisable to contact campus police and let the mother know. In addition, if you or others have recently seen the student, you could communicate that information to the mother since "observations" are not information from an educational record.*

12. You receive a call from the parents of one of your former students. Their son was dismissed over a year ago. The parents live in Florida and have been paying for their son to attend WSSU for every term during the last three years. They called to see how things were going since they didn't hear much from their son. How do you handle the conversation?

*FERPA permits disclosure of information from educational records to parents of student in a few different circumstance:*

- *A health or safety emergency situation*
- *When the student has been found in violation of conduct related to a controlled substance or alcohol and is under the age of 21*
- *When the student is dependent based on the IRS definition of “dependency”*
- *When you have written permission of the student*

*In this case, prior consent is required to release anything but directory information. However, if the student has not opted out of directory information, the school official could inform the parent that the student is not a student at the institution. You cannot tell the parents he was dismissed. Also, consider practical tips for talking with the parents. Find out what they already know and build from it. If appropriate, discuss use of the IRS dependency exception for providing access to their son's record.*

13. A student asks you to write a letter of recommendation for a job application. She provides you with a copy of her resume that indicates her GPA. May you include in the letter the GPA and grades she received in your class?

*No. Without the student giving written consent, you may not disclose non-directory information from her educational record. FERPA requires explicit (not implied) consent.*

14. One of your past advisees graduated from WSSU several years ago. He has been a very involved alumnus. A journalist wants to write a story about his involvement with the University. What information can you provide?

*Alumni records created after the student is no longer enrolled as a student are not governed by FERPA and are, therefore, not considered, an educational record. However, without the alum's written consent, only directory information can be released from educational records created when he was a student.*