

STUDENT GRADES, PRIVACY AND FEDERAL LAWS

Overview

The Family Educational Rights and Privacy Act of 1974, commonly known as FERPA, is a federal law that governs educational records. It grants specific rights to students and regulates how institutions must handle educational records, including grades. The main focus of FERPA is to give students rights to see their records and to protect against disclosures of certain information without the student's consent or specific legal authorization.

All individuals with access to records that FERPA covers must follow its provisions. However, FERPA does not restrict examination of or access to educational records by university employees who need such access to fulfill their professional responsibilities.

It is most important for all members of the academic staff to know how the law applies to discussions of student performance and to posting grades. Technical definitions from FERPA can be found below, including definitions of educational records and directory information, as well as references to additional sources of information.

Discussing Student Performance with Parents:

You may not discuss a student's performance or grade in your class with the student's parent unless you have written permission from the student or other provisions of the law are met. You should refer all inquiries from parents to the Dean of Students (333-0050), who will obtain or confirm the required documentation before approving any release of records or information. (Under FERPA, parents are not entitled to information in the student record unless the parent can prove that the student is legally their dependent or the student has given consent to the disclosure.)

References: Also, you may not provide a verbal or written reference for a student that discusses the student's educational performance unless you have written permission from the student.

Posting Grades: You may not post grades in a manner that enables anyone (other than the student seeking to know her or his grade) to connect class performance with students. See the guidelines on the back of this sheet for ways to post grades legally.

Social Security Numbers: While we no longer use the Social Security Number (SSN) as the student ID number, you may still have access to SSNs in Banner. The SSN is not considered public or directory information by the University; its use is severely limited by FERPA and by the Privacy Act of 1974. You may not request an SSN from any student or require students to write their SSNs on papers or exam booklets. **No SSN may be released to a third party without written permission from the student or an approval pursuant to a specific provision of the University's SSN policy, available at www.ssn.uillinois.edu.**

Directory Information: Part of any educational record includes "directory" information that may be disclosed without specific permission. However, each student has the right to restrict the release of directory information. Students who request suppression of directory information may do so because of serious, even dangerous, circumstances and it is critical that their absolute privacy be protected in every situation. Faculty and staff at UIUC will see a "CONFIDENTIAL" message on Banner screens indicating that students have restricted the release of directory information. If a student requests that directory information be restricted on one University of Illinois campus that restriction will apply to the records at the Urbana, Springfield and Chicago campuses.

Please Note: Students who have requested that all records be withheld may not be listed on posted class lists or in departmental staff or student directories. Their names should not appear on departmental web sites, newsletters, or other departmental communications. If they are teaching assistants, their names may not be listed in the Class Schedule.

At UIUC "directory information" for currently enrolled students includes the student's name, addresses, telephone numbers, college, curriculum, and major field of study, class level, date of birth, dates of attendance and full- or part-time status, eligibility for membership in registered University honoraries, degrees, honors, and certificates received or anticipated, for students appointed as fellows, assistants, graduate, or undergraduate hourly employees, the title, appointing department, appointment dates, duties, and percent time of the appointment, weight and height if the student is an athletic team member, participation in officially recognized activities and sports, and institutions previously attended.

Instructors should become familiar with students' rights as defined by FERPA in the Student Code:
www.uiuc.edu/admin_manual/code

More information about how FERPA affects your role as an instructor is available on the web www.oar.uiuc.edu/staff/ferpa/index.html or in the Campus Administrative Manual. A tutorial on these matters can be found on the OAR website: www.oar.uiuc.edu/staff/ferpa_tutorial/index.html

FREQUENTLY ASKED QUESTIONS

How does FERPA affect faculty and other course instructors?

There are three main areas in which FERPA affects your actions as an instructor: your capacity to discuss a student's performance with a parent or other family member or third party; the conditions under which you may provide references that discuss a student's performance; your actions in posting grades and returning graded work to students.

What do I do when a parent or guardian calls to find out how a student is doing in my class?

Refer the calls to the Office of the Dean of Students (333-0050) where staff will obtain the required documentation or confirm that it is on file, and then assist the parent. You may not discuss a student's performance or grade in your class with the student's parent unless you have written permission from the student or other provisions of the law are met.

If I receive a request for information about a student from a prospective employer or a faculty or staff member in program to which the student has applied for admission, are there restrictions on what I can say?

You may not provide a verbal or written reference for a student that discusses the student's educational performance unless you have written permission from the student.

And what about posting grades?

You cannot post grades by class roster, even with the names blanked out, or leave papers/tests in a box for students to collect. If you comply with the following guidelines, you may post grades without compromising a student's privacy rights or violating the law:

1. Do **not** display student scores or grades publicly in association with names, Social Security Numbers, University ID Numbers (UINs), or other personal identifiers.
2. Do ask each student to give you a unique number known only to you and that student. Use that number when posting grades.
3. Do sort your list in numerical order.
4. Do **not** post a copy of your class roster even with the names removed. These lists are in alphabetical order, and displaying them allows viewers of the list to infer students' identities.
5. Do **not** put papers or lab reports containing student names and grades in publicly accessible places. In particular, do not put papers into a common box where students must go through everyone else's papers to find their own. Do not pass back papers by circulating an entire set for individuals to pull out their own. No one should have access to the scores or grades of others in the class.