

Strategies for Faculty: Understanding and Reacting to Student Behavior

FERPA Scenarios

1. In your Spanish class you administer a quiz to students every Friday. When the students complete the quiz, you ask each student to give his or her quiz answers to a classmate. Then, as a group, the students grade one another's work and you provide the correct answer to each question on the quiz. You feel this practice of peer grading is a valuable teaching technique.

A student in your class objects to this practice. He feels that no other student should be able to know how he performed on a quiz and contends that his FERPA rights have been violated.

Does your peer grading practice violate FERPA?

No.

The answers each student provided in response to your quiz were indeed directly related to a student. As the quiz answers are being graded, however - and before they are ultimately delivered to you - they are not being maintained by the institution, or a party acting for the institution. Consequently, they are not education records, and not being disclosed wrongfully to the students in your class. The peer grading practice that you follow, then, does not violate FERPA.

Grades and other indicators of student progress will typically constitute information directly related to a student as maintained by an institution. Accordingly, the grades an instructor maintains about students will nearly always be deemed education records under FERPA, and the institution generally may not disclose grades to anyone other than the student without the student's prior consent.

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2. In response to a request from a local newspaper reporter (who is writing a feature story on the surging popularity of backgammon), the faculty advisor to the UAB Backgammon Club was only too happy to provide to the reporter a student membership roster. One member--Dexter--does not want it known that he belongs to the backgammon club and is furious at the faculty advisor. When the student enrolled at UAB, he requested that no directory information about him be released to a third party. UAB's policies hold that student membership in college-sponsored organizations is directory information.

Does the faculty advisor's disclosure of the club roster comply with FERPA?

Yes.

The student clearly notified UAB that he did not want directory information about him released to any third party. Accordingly, the faculty advisor's inclusion of the student's name on the list he gave to the reporter violated the student's FERPA rights. If the other club members, however, did not previously object to UAB's release of directory information about them, FERPA authorizes the faculty advisor's disclosure of their names to the reporter.

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3. A colleague in your department tells you that one of his current students has requested accommodations on the final exam due to a learning disability. The colleague wants to know what, if any, accommodations were granted to that student in your class last semester.

Under FERPA, would it be appropriate for you to check your files and get back to your colleague with the requested information?

No.

You refer the colleague to Disability Support Services. The information you may have about a student's accommodation is protected information under both student records law and the Americans with Disabilities Act. In addition, it may not be relevant to the question at hand, and the colleague may not have a legitimate need to know about past accommodations the student has received.

Finally, at UAB, decisions about reasonable accommodations are made by Disability Support Services.

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4. You teach a seminar which has 8 students enrolled. The first name on the class roll is Adams and the last name is Zoolander. You have assigned each student a personal identifier (PID) known only to you and the student, and you plan to use the PID to post final grades on your web page by replacing the students' names with their PID.

Under FERPA, is this an appropriate method of posting grades?

No. Reread question

While it is appropriate to assign PIDs to students for the purpose of posting grades, you should not post them in alphabetical order as they appear on the class roll since the individual identity of one or more students may be recognized. If you plan to use PIDs, post them in a random order.

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5. You are faculty in the School of Nursing. Your neighbor's daughter Mary, a history major, is a UAB student. The day after grades are posted, your neighbor calls and asks you to check to see if Mary is now off probation, so you look up her academic record on STARS.

Under FERPA, is this an appropriate use of your access to the student information system?

No.

While you may have been given access to view student grades, it is assumed that you access only those records in which you have a "legitimate educational interest" in your role as Nursing faculty.

6. The Dean's office receives a call from an alumnus who has a successful business and who is a strong supporter of the school. The alum asks if he can get a list of the names, addresses, and phone numbers of the top 5% of your graduating class because he wants to contact them about possible employment. This appears to be a great opportunity for your graduates.

Under FERPA, can you provide the requested information?

No.

Unless you have obtained prior permission from a student, you may not release even name, address and phone number when it is delimited by GPA/class rank. In general, information about grades (including GPA and rank) is not considered directory information. However, degrees and awards received are considered directory information. Therefore, you may disclose name, address and phone number of a student who has won an award, provided the student has not made a formal request in the Registrar's Office that the institution withhold his/her directory information. The provision of information about an award may be considered public since broad recognition is often associated with receiving it.

7. You have a 13-year old math prodigy in your Differential Equations class. Her mom calls you one day to confirm her daughter's report that she has a 97 average after taking the midterm. The student actually failed the midterm, and in fact is frequently absent.

Are you in violation of FERPA if you tell the mom about the student's performance and attendance problems?

Yes.

Regardless of a student's age, once he/she is enrolled in a postsecondary institution, FERPA rights transfer from the parent to the student. Parents do not have access to the educational records of their children unless the student has signed a parental release form or the parent has provided proof of dependency based on a review of the most recent tax return. This verification should be done in the Office of Registration and Academic Records.

8. You are a departmental secretary and you receive a call a few days into the semester from an adjunct instructor who has misplaced his class roll. He needs a copy of this roll to create a gradebook and wants to make sure that he has included all officially enrolled students. He asks you to fax a copy of the roll to his wife's office, where her very efficient secretary will be on the look-out and make sure his wife receives it.

If you do as the instructor requests, are you violating FERPA rules?

Yes.

Class rolls carry personally identifiable information, including student numbers (which, in most cases are currently social security numbers). Faxing a class roll to

someone who does not have a legitimate educational interest in this information is a violation of FERPA.