

## Help Sheet: FERPA Reminders

With some exceptions, FERPA prohibits instructors from disclosing academic information about a student contained in “educational records” (either deliberately or inadvertently) without his or her written consent. FERPA also prohibits instructors from gaining access to information about a student unless the instructor has a “legitimate educational interest” in doing so. Best practices include the following:

1. Never post grades in hallways or elsewhere using student names or ID numbers such as SSN or 790 numbers.
2. Never notify a student of their grades via e-mail – even to an official UM student account. Notification of grades via e-mail is an explicit violation of FERPA as there is no guarantee of confidentiality on the Internet.
3. Instructors should not pass a stack of graded papers/tests around in class with the idea that each student will retrieve his or her individual paper/test. This enables students to see academic information relating to other students. Although it is more time-consuming, best practice requires calling out the names of each student individually and handing the paper/test directly to the student.
4. Do not leave stacks of graded papers/tests in hallways or offices with the idea that each student will rifle through them until his or her individual paper/test is located.
5. Don't reply to an email from a student unless it is from an official UM student account. Otherwise you cannot be certain to whom you are replying.
6. Never say anything in an email to a third party (other than another authorized institution) about a student's academic performance that you would not want to share with the student; an email of this kind is an “educational record” and the student has a right to see it unless he or she has waived this right.
7. Don't seek academic information about a student (e.g., student transcript information) without his or her written consent unless you are prepared to demonstrate that you have a “legitimate educational interest” in doing so, e.g., for academic advising purposes.
8. Perhaps surprisingly, you cannot provide academic information to parents, even if the student is listed as a dependent on the parent's tax forms, without the student's signed consent. (Apparently FERPA allows disclosure in the case of dependent students but Montana law does not). A student can provide written consent to disclose information to parents by filling out a form found on the [Registrar's web site](http://www.umt.edu/registrar/Forms.php): (<http://www.umt.edu/registrar/Forms.php>)
9. One should not mention GPAs, even in an awards ceremony, at least without written consent; doing so may invite embarrassing comparisons and be seen as inappropriate disclosure.
10. Of course, you can disclose academic information about a student in letters of recommendation sent to other educational institutions. However, the student has a right to inspect and review the letter you sent to another educational institution after matriculating at that institution unless the student has waived his or her right to see it.
11. FERPA allows students to prohibit disclosure of all personal information including what is typically called “directory information”: enrollment at UM; address, email, phone, birth date, and honors/awards, etc. A form is posted on the Registrar's webpage by which students can request “confidentiality”. It is the faculty member's/department's responsibility to check the Cyberbear rosters to determine whether the word “confidentiality” appears by a student's name and, if so, to release no information without signed consent. [Department's may wish to add a line to scholarship applications saying “student agrees/does not agree to release his/her name if he/she receives an award.”]

**12.** If you have reason to believe that a student may pose a threat of significant harm to self or others, you can and should disclose relevant information to the proper authorities. Unless immediate action is required, submit a referral [form](#) to the Behavioral Intervention Team (BIT). (found at: [www.umt.edu/vpsa/programs/bit.php](http://www.umt.edu/vpsa/programs/bit.php)) For more [FERPA information](#), see (<http://www2.ed.gov/policy/gen/guid/fpco/index.html>).