

January 6 , 2006

*** * * Please distribute to all employees in your department. * * ***

MEMORANDUM

To: UH Mānoa Employees with Access to Student Education Records
From: Janice Heu
Interim Director
Subject: FERPA and Confidentiality of Student Records

Who has access to confidential student records?

Faculty assigned to a class section has access to student information via **MyUH Portal**. They can view their **Class Lists** that display student information such as program and degree objective, and contain the students' addresses, email addresses and phone numbers. Faculty assigned as the **primary instructor** also have update capability to enter **Override Codes** for restricted and closed classes. At the end of the semester, they will enter **Final Grades** for their classes. All faculty may also view their **Teaching Schedule**. The **login button to MyUH Portal** and tutorial for faculty are found on the UH Mānoa Registration Homepage (www.hawaii.edu/myuh/manoa). Faculty are urged to review their rosters to identify discrepancies.

College and departmental staff have view-only direct access into the **Banner** database for students' academic records. They may also access course information, class lists, and enrollment figures. Depending on their security clearance, they may also have update capability to enter **Holds** and **Override Codes** for restricted and closed classes for students.

College deans and department chairs decide which employees require direct access to the Banner database. Please send your written requests to **Stuart Lau, University Registrar**, at the Queen Lili'uokalani Center for Student Services, room 010 (or via email to stuartl@hawaii.edu). You must also notify us when Banner access needs to be deleted or updated for employees who are no longer employed or whose duties have changed.

As a faculty or staff member with access to confidential student records, you have a legal responsibility to protect the confidentiality of student educational records. These records are strictly confidential and protected under federal law known as the Family Educational Rights and Privacy Act (FERPA). In order to access a student's education record, you must have a legitimate educational interest. A legitimate educational interest exists if the staff member needs to view the education record to fulfill his or her professional responsibility. Neither curiosity nor personal interest is a legitimate educational "need to know."

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended (also known as the Buckley Amendment), affords students certain rights with respect to their education records. Specifically, it affords students the right to:

1. Inspect and review their education records;
2. Request the amendment of inaccurate or misleading records;
3. Consent to disclosure of personally identifiable information contained in their education record; and
4. File a complaint with the U.S. Department of Education concerning alleged failures of the institution to comply with this law.

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Institutional policy and procedures are published as Administrative Procedure A7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students. The University of Hawai'i strives to fully comply with this law by protecting the privacy of student records and judiciously evaluating requests for release of information from these records. FERPA authorizes the release of "Directory Information" without the student's prior written consent under certain conditions set forth in the Act.

What is "Directory Information"?

Directory Information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may only be released to third parties if such action is clearly identified as within an employee's official duties. Any other release or use of directory information is a violation and is not permissible. Following guidelines provided by the FERPA Compliance Office, UH defines the following as Directory Information:

- Name of student
- Local address and zip code
- Local telephone number
- Email address
- Major field of study
- Educational level (i.e., freshman, sophomore, etc.)
- Dates of attendance
- Enrollment status (full-time or part-time)
- Degrees and awards received
- Most recent educational institution attended
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams

Emergency Situations

In the case of an emergency requiring contact information, inquiries may be directed to either the Office of Admissions and Records (956-8010) or the Office of the Vice Chancellor for Students (956-3290).

UH Numbers to replace Social Security Numbers.

All students are identified by a UH Number (eight digits) and a UH Username. All class rosters will only include the UH Number as the primary identifier. Use of Social Security Numbers, or any portion, thereof, to identify students is to be discontinued.

How does FERPA apply to faculty, TAs, and staff?

The law requires faculty and staff to treat students' education records in a legally specified manner.

- **Grades:** Students' scores or grades should not be displayed publicly. Even with names obscured, UH Numbers are considered personally identifiable information and must not be used. If scores or grades are posted, use some code known only to the faculty member and the individual student. **Partial UH Numbers CANNOT be used without the student's uncoerced written permission.*** In no case should the list be posted in alphabetical sequence by student name. Grades or other academic information distributed for purposes of advisement should not be placed in plain view in open mailboxes located in public places.

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- **Papers:** Graded papers or tests should not be left unattended on a desk in plain view in a public area nor should students sort through them in order to retrieve their own work.
- **Addresses, email addresses and phone numbers:** Students' addresses, email addresses and phone numbers are provided on faculty MyUH class lists. Student email address information is not to be shared with others, including students who may be receiving the same email message. Individual emails must contain only the recipient's address.
- **Class lists/grade sheets:** These and other reports should be handled in a confidential manner and the information contained on them should not be redisclosed to third parties. Copies of class lists containing students' UH Numbers should not be routed in the classroom for attendance taking or any other purpose.
- **Parents:** Parents, spouses and other relations do not have a right to information contained in a student's education record.
- **Employers:** Employers do not have a right to educational information pertaining to a student.
- **Access:** Access to the student information system is not tantamount to authorization to view the data. Faculty members are deemed to be "school officials" and can access data in MyUH only if they have a legitimate educational interest. UH staff members may obtain access in Banner if they have a legitimate educational need to know.
- **Letters of recommendation:** Do not include information about students' grades or grade point averages in letters of recommendation without the written permission of the student.
- **Students' schedules:** Do not provide anyone with a student's schedule; do not assist anyone other than a university employee in finding a student on campus. Refer such inquiries to the Office of the Dean of Students (956-3290).
- **Lists of students:** Do not provide anyone with lists of students enrolled in your classes for any commercial purpose. Requests of this nature should be referred to the University Registrar in the Records Office.
- **When in doubt, please** contact the University Registrar, UHM Records Office (956-8010).

* IMPORTANT NOTE: You may NOT use UH Numbers, or portions thereof, for posting grades without the student's uncoerced written permission. The U.S. Department of Education, Family Policy Compliance Office, which oversees FERPA, has recently advised educational institutions that they must not use any portion of the Social Security Number, student ID numbers, or names to post grades. Nothing in FERPA would preclude a school from assigning individual numbers to students for the purpose of posting grades as long as those numbers are known only to the student and the school officials who assigned them. If seeking written permission to post grades by partial UH Number, student's who decline to have their grades posted must be provided with a reasonable means for receiving his/her grade. To obtain the consent of the student, you may consider asking the question as part of an examination or assignment.