

From: Tara Fitzgerald-Jenkins  
Sent: Tuesday, February 14, 2012 2:58 PM  
To: QCCFAMILY  
Subject: A TIME TO BE SILENT

A TIME TO BE SILENT...

It has happened to all of us, telephone callers or persons at your office door claiming to be parents/spouses/friends of one of your students. They ask questions or demand information-

"How is Mary doing in class? Is she there on time every day?" Or they need to find the student - "I have an urgent message for Jake. Where is his classroom located?" A few are desperate - "John hasn't been home for a week. Is he still enrolled at the college? Where can I find him?"

As harsh as it sounds, only one of the above questions can legally be answered without the student's consent. The Family Educational Rights and Privacy Act of 1974 (FERPA) mandates the confidentiality of all college students' records and protects their privacy on campus from intrusion by anyone, including family members.

The list that FERPA says *we can divulge without the student's consent* (defined directory information) is rather short-

*name, address, major, dates of attendance, degrees and awards received, full or part time status, and participation in college activities or sports.*

*The list of what we may NOT release without the student's consent is easy to remember-it includes everything else!*

The privacy of social security numbers and grades, for instance, is what put an end to posting grades in alphabetical or SSN order outside your door. So, if you're still posting grades this way, it's time to cease and desist. Academic standing (probation, dismissal, etc.) and GPA are similarly protected, as are test scores and class attendance records.

And it makes no difference whether a breach of student's privacy rights occurs through careless handling of test papers or through sloppy protection of computer data when court cases arise. Unauthorized access is unauthorized access, period.

Are there exceptions? Of course, particularly within the college community where "need to know" is more broadly interpreted in an academic context. And parents can gain information about a student's performance or whereabouts only by proving the student's legal dependency on them. Typically, last year's tax return showing the student listed as a dependent will suffice. (The fact that they paid the student's tuition here does not.)

Subpoenas are compelling, obviously, but FERPA dictates that the college give the student notice of its intent to comply with the subpoena in sufficient time to allow the student's attorney to block the subpoena if he or she wishes to do so. Given the legal delicacy of responding to a subpoena, it is suggested that you not deal with one yourself but rather turn it over to your dean's office and let college authorities respond through appropriate channels.

**What do we suggest you do in response to all of this?** Respond to what you feel comfortable answering, given this legal primer. Then direct persistent inquirers about a student's academic performance to the Registrar's Office 854-4257. The Registrar's Office deals frequently with such inquires and has systems in place to assure compliance with the law while assisting the caller if at all possible. But every one of us needs to follow the same basic rule.

**When in doubt, be silent.**

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