FERPA & Letters of Recommendation

What you don’t know (or what you would rather ignore) will hurt you eventually.
Almost all professors are asked by a student for a letter of recommendation at some time in their career.

Like it or not, there are real FERPA implications in those letters, and they could come back to haunt you.

So, first, FERPA experts recommend some basic training to get a general feel for FERPA. UF’s FERPA Basics or FERPA for Faculty are good choices.
Two Types of Letters

- Letters that include Personal observations or assessments –
  - Subjective things such as “stellar student,” “takes part in class discussions” or “mediocre performance.”
- Letters that include information from the student’s education record –
  - Recorded data, personally identifiable to the student, and maintained by the institution.
  - Specific things, such as test scores, GPA, or grades received in a subject.
No permission is needed:

- For the first type: personal observations of the student’s activities and performance.
- These are subjective evaluations of the student’s abilities, motivations, and potential, written out of the writer’s personal knowledge of the student.
  - Example: “The student displays a natural ability to conduct research independently and reaches conclusions that exhibit substantial depth of understanding.”
- Notice that nothing identifiable is given away in this example, not even the student’s gender.
Permission is required

- For the second type: personally identifiable non-directory information that is maintained by the institution.

- GPA and grades will never be classified as "Directory Information;" sharing them without permission violates FERPA.
The Letter

O The writer should be made aware of whether the student has formally waived the right to subsequently review the letter or not. This knowledge may influence what the writer includes in the letter.

O Once written, the letter itself becomes an education record, because it will (or should) be maintained by the institution. This includes paper as well as electronic copies.
Take the Initiative

- Students have both rights and responsibilities:
  - The right to review personal education records
  - The responsibility to provide a written request for every letter of recommendation.

- Writers also have both:
  - The right to insist on a written request for every letter of recommendation – put that responsibility on the student, not on yourself.
  - The responsibility to protect yourself and UF.
Questions?

- The Privacy Office: 352-273-1212

- The Office of the University Registrar
  - Records and Registration 352-392-1374

- Release form for Letter of Recommendation