

Office of the Registrar

FERPA

Family Educational Rights and Privacy Act

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Scenario #1

- Professor Generys is in the process of gaining IRB approval to perform some research on an educational tool to be used as a supplement in an organic chemistry course. For the study, Prof. Generys is collecting students' survey responses and class assessment data (overall course performance, performance on specific exams, performance on specific questions within exams). Prof. Generys is also interested in correlating student performance in Organic Chemistry II (the course that the study will be looked at) as compared to prior performance in Organic Chemistry I (the prerequisite course).
- All of this data will only be seen by faculty that have undergone FERPA training and have normal access to student data of this type (Prof. Generys and the instructor for one of the courses). The graduate student on the project will only have access to anonymized data with no personally identifying elements.
- Prof. Generys is wondering:
 - if the course performance and survey data that they are requesting is considered FERPA data; and
 - if prior scores in Organic Chemistry I is considered FERPA data.

FERPA 101

What is FERPA?

- Buckley Amendment, 1974
- All schools receiving Department of Education funds
 - Includes federally funded financial aid
- Limits disclosure of education records
- Allows student access to records

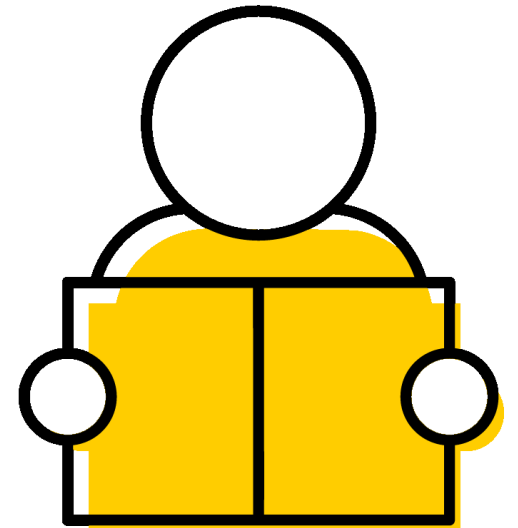


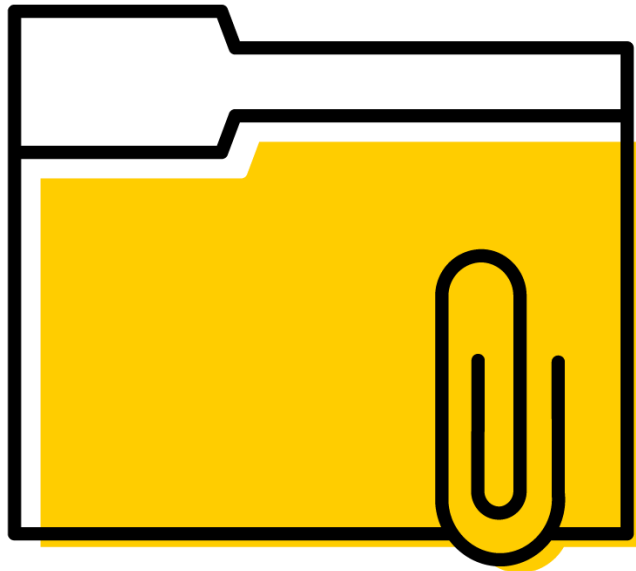
Why Worry About FERPA?

- Loss of Federal Funding
- Fines
- Dismissal
- Negative Publicity
- **Student Service – It's the RIGHT thing to do!**

Eligible Student Defined

- 18 years of age or enrolled in higher education (or previously enrolled)
- Applies only to that segment of the institution in which the student is enrolled
- Institutionally specific





Education Record

- Education Records ≠ All Educational Info
- Education Record broadly defined
 - Directly related to student- Personally Identifiable
 - Maintained by institution
 - Extends to info derived from Education Record

Does not cover info from personal observation or information learned from others

UI Directory Information

- Name
- Local Address
- Phone
- UI Email Alias
- Permanent/Hometown Address
- Full or Part time Enrollment
- Hawk ID
- College enrolled in
- Class or Year
- Hawk ID
- College enrolled in
- Class or Year
- Hawk ID
- College enrolled in
- Class or Year
- Study Abroad Participation (No Location)
- University Sponsored Activities/Sports Participation
- Athlete Height & Weight
- Photographs/video recordings of students in public and non-classroom settings
- Job title/department/work phone number/work address when employed in a position that requires student status
- Previously attended educational agencies or institutions

Records NOT FERPA Protected

Sole Possession Records



Kept in sole possession of originator



Exclusively used as a memory aid



Not shared with anyone

Other Records



Law Enforcement Records*



Student Health Records*

*Becomes an Educational Record once sent to educational institution

The Spirit of FERPA

Student Rights

Review

- Personal Records
- 45 day to provide access
- Not entitled to copy unless direct review is not feasible

Amend

- Correct erroneous records

Block (Restrict)

- Any or all directory information

UI Student Records Policy:
<https://dos.uiowa.edu/policies/student-records-policy/>

UI Directory Information

MyUI >> Student Information >> Restrict or Unrestrict Student Information

MyUI [HOME](#) [COURSES / REGISTRATION](#) [STUDENT INFORMATION](#) [FINANCIAL AID & BILLING](#) [ADMISSIONS](#) [SUPPORT](#) [ICON](#)

Student Information > Student Data Restriction

Please consider carefully the consequences of your decision to withhold directory information. For example, requests from a prospective employer to verify dates of attendance and/or degrees received may be denied. This restriction will remain in effect until rescinded by you via this secure web site or by contacting the UI Service Center at registrar@uiowa.edu or (319) 384 - 4300 (17 CALH)

Note
This will not stop SPAM, click [here](#) to see best practices for dealing with SPAM electronic mail.
If you have a current HR appointment (student employee, faculty/staff, RA/TA, etc.) you may NOT remove your name or campus address information. You may restrict residing address and/or residing phone.

Restriction Options

Do you want to remove your name and address information from the online phonebook and the printed University phonebook?

☐ Yes ☒ No

What residing address information would you like restricted from public release?

☐ No Restriction ☒ Address and Phone ☐ Address Only ☐ Phone Only

Mary Smith
1234 Holiday Rd.
Iowa City, IA 52242
541-6789

restricted

restricted

Do you want to prohibit public release of academic information (major, college, class, degrees received, dates of attendance, and full/part-time status)?

☒ Yes ☐ No

Save

Cancel

IOWA

Office of the Registrar

Legitimate Educational Interest

You have a 'need to know' if...

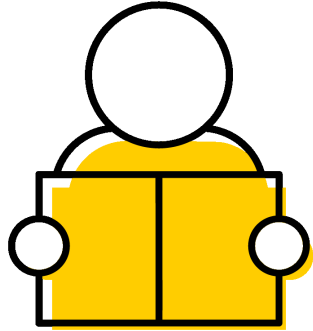
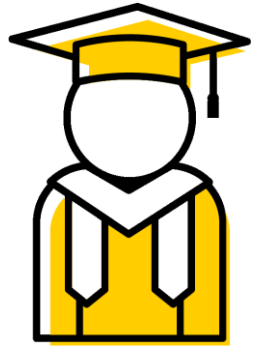
you are performing assigned institutional research, educational, or administrative function.



Ask yourself...

- Do you need that information to do your job?
- Would your colleagues agree?

We love your title, but it does not entitle you! Legitimate educational interest is tied to function performed, not title of the individual.



School Officials

Definition:

Members of an institution who act in the student's educational interest within the limitations of their 'need to know.'

*Faculty, Staff, Student Staff, Affiliates, or Contractors/Volunteers

You can share if...

- Sharing serves a legitimate educational purpose
- Outside officials require FERPA compliance agreement

Disclosure Exceptions

- Disciplinary results of violent crime committed by student
- Parental notification of substance violation by student under 21
- Information given to victims of violence or non-forcible sex offenses
- Other institutions for purposes relating to enrollment or transfer

Emergency Disclosures (Exceptions)

→ Emergency

- Must be imminent risk to health and safety
- COVID-19- General consent rule limited to the period of emergency and does not allow blanket release of personally identifiable information.

→ Emergency

- Must be shared only with a person who can assist the student
- Mandatory reporter
- Worry about violations should never outweigh student safety

Application of FERPA for Instruction

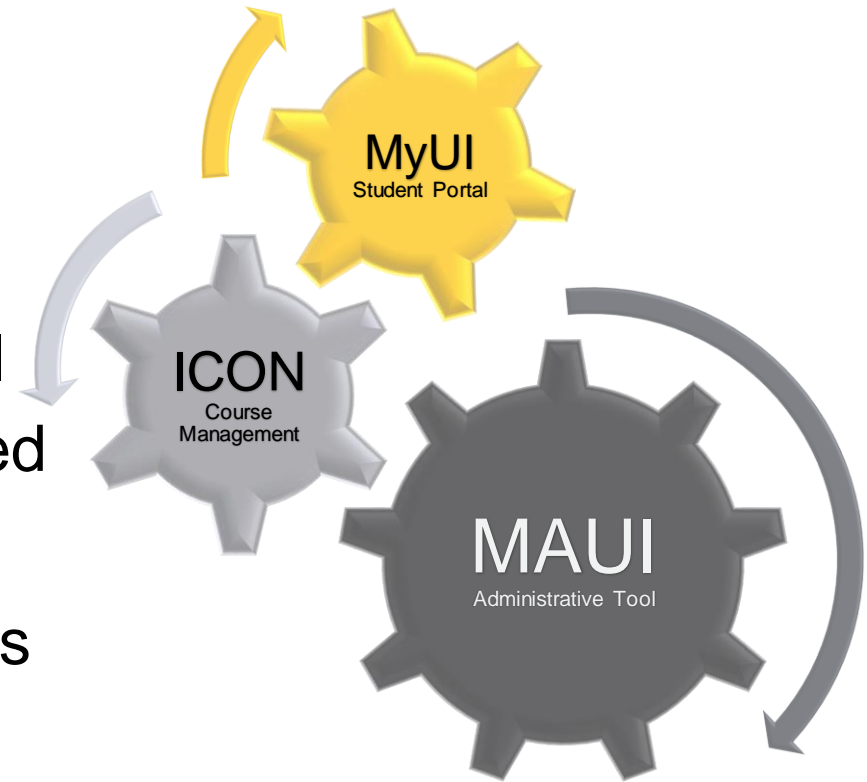
Student Considerations

- **Always obtain written consent before publishing or displaying student work publicly.**
- Reference Permissions
 - Giving- Consent
 - Receiving- Waiver
- TAs, Assistants, Graders, and Peer Mentors
 - Officially assigned to class
 - FERPA training pertaining to position required



MAUI and ICON Course Management

- Instructor access assigned through MAUI
 - After assignment, ICON course created
- FERPA training required for all ICON roles
 - Instructor, TA, Designer, Observer



* MAUI and ICON access are granted on a preliminary basis. Users who do not complete FERPA training within two weeks of the assignment will have access removed.

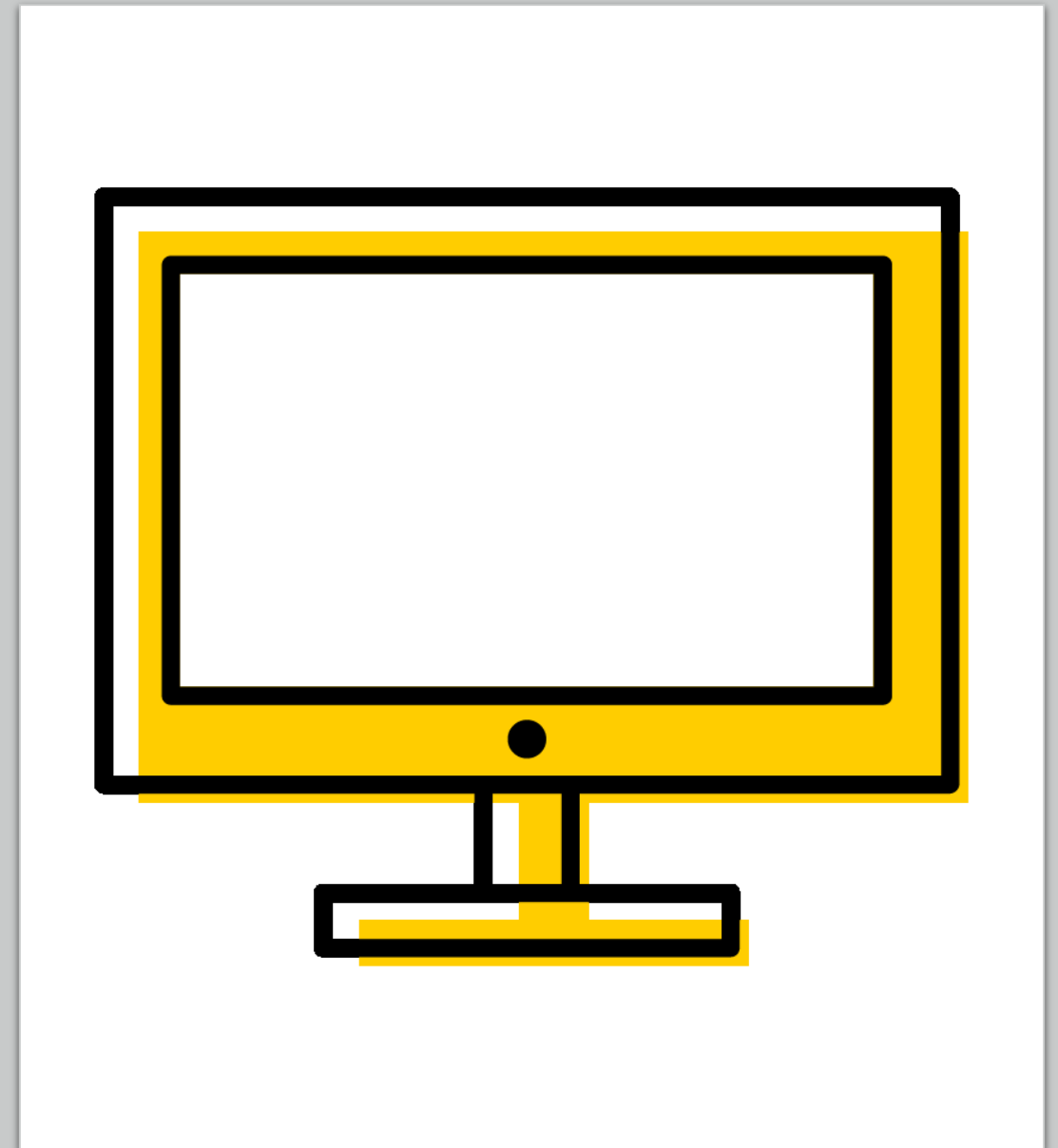
Virtual Learning Updates

- **Emailing students-** Limit content shared. Specifically, personally identifiable information.
- **Posting Grades-** Inappropriate to post grades in public online forum. Use ICON or post in a manner only the instructor and individual student can identify.
- Use Web-based tools (ICON) to support classes. Built-in security.
- **Students cannot remain anonymous in a classroom setting.** Including students with no release of directory information.
- **Lecture Capture Videos-** Go for it! Obtain written consent if sharing with others outside students enrolled in the course.
- We see you! You have a digital footprint. Cover yourself!

Verifying Identity

Birthdate, Last Four SSN Digits, and Mother's Maiden Name are no longer viable validation data points!

Find data points only the student would know!



Third-Party Considerations

Third Parties, including parents, are not permitted to access non-directory student education records without written consent.

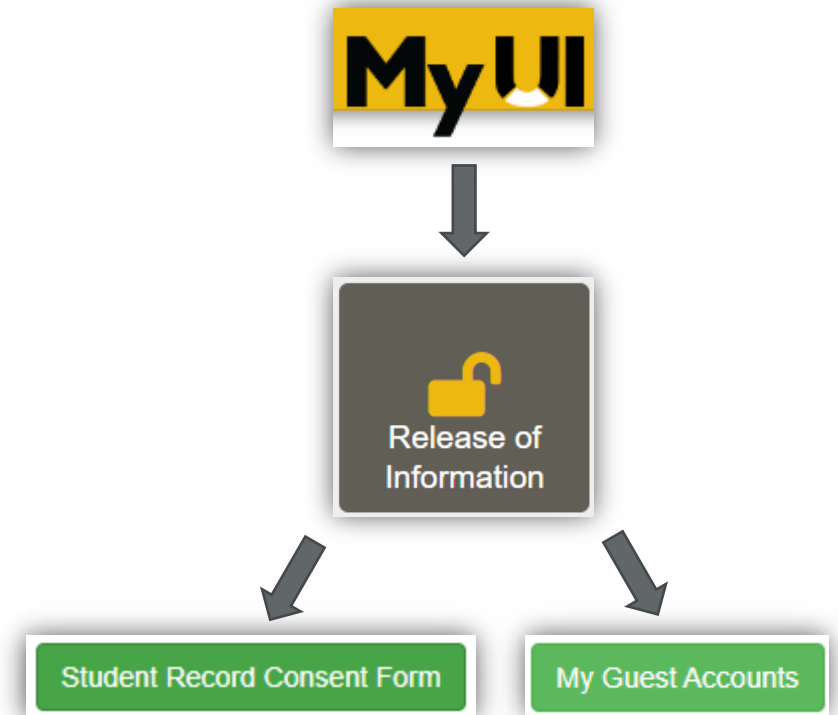
MAY release \neq **MUST** release

STUDENT RECORD CONSENT

Completing the Student Record Consent form allows school officials to release or discuss information that you select (e.g., grades or financial aid) in either **oral** or **written form**, with the individuals you specify.

GUEST ACCOUNTS

Guest Accounts allow individuals you select to have viewing privileges in MyUI. For Billing, the Guest User can view and discuss U-Bill related information and schedule payments to the student U-Bill with a secure login.



Application of FERPA in Research

IRB and FERPA

- Teaching a course does **not** give an educator the privilege to use student records (tests, written assignments, daily work, drawings, grades in the course, etc.) for research.
- To use any student data or educational record information for research purposes, FERPA applies, and consent is required, unless the data includes only directory information.
- The use of any student data or educational record information should receive approval from the Office of the Registrar. If appropriate, a letter of agreement will be provided to the researcher to submit with an IRB application

IRB and FERPA

→ Student consent must:

- Specify the records to be disclosed;
- State the purpose of the disclosure;
- Identify the party to whom the disclosure is to be made;
- Include a dated student signature
- If data will be requested from the Office of the Registrar, a unique identifier must also be included (hawkid or University ID)

→ Aggregate information can sometimes be provided without student consent

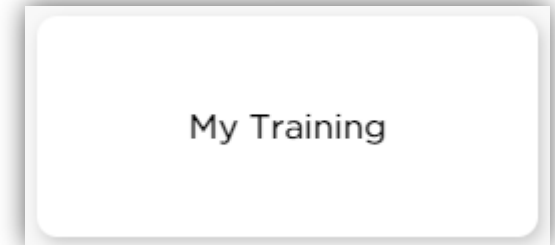
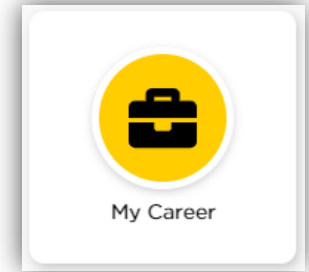
→ Requests for IRB approval letters can be sent to

reg-data-requests@uiowa.edu or kathryn-stoltenberg@uiowa.edu

How to complete FERPA training through Employee Self-Service

FERPA Training Module

- Log-in through Employee Self-Service - <https://hris.uiowa.edu/>
- Click ***My Career***
- Select ***My Training***
- Locate and click the tab ***Enroll in Courses***
- Find a Course
 - Course #: WFERPA
 - Course Title: FERPA Training

A screenshot of a web application interface. At the top, there is a navigation bar with a logo on the left and several tabs: "My Compliances", "Actions & Reports", "My Training" (which is highlighted with a yellow underline), and "Settings". On the far right of the navigation bar are links for "Self-Service" and "Contact". Below the navigation bar, there is a sub-navigation bar with three tabs: "Enroll in Courses" (highlighted with a yellow background), "My Courses", and "For Instructors". The main content area has a yellow header bar with the text "Self Enroll in a Course". Below this, there are two tabs: "Courses" and "Series", with "Series" being the active tab. Under the "Series" tab, there is a section titled "Find a Course". Below this title, there is a label "Course Number" followed by a text input field containing the value "WFERPA".

Additional Scenarios

Scenario #2- Disclosing Academic Info

At the end of the season Women's Gymnastics banquet, the coach presents the Academic MVP award to Sally Smith. When presenting the award to Sally, the coach mentions that Sally's CUM GPA at Iowa is a 3.98. Present at the banquet are other student-athletes, families of student athletes, athletic administrators, and a few members of the public/donors.

- Is this a FERPA violation/issue by mentioning Sally's CUM GPA?
- Is there a way to present an Academic MVP award and be compliant with FERPA?
- What if this was just a "team meeting" with only coaches and student-athletes present – does that change the analysis?

Scenario #3- Breach

Admission files were inadvertently posted to a server where students could access the file. Directory information along with the students' admissions evaluation could be retrieved. Some of those listed students are currently enrolled and are aware that this file got out.

I believe that any student currently enrolled should be notified of the breach and the school's actions to ensure the information is no longer accessible.

Scenario #4

A faculty member in Computer Science would like to partner with an external entity in a project. The project involves providing students majoring in computer science and informatics with a link to an anonymous survey. The external staff running the project would provide our department with the link, which would then be forwarded to students. In other words, the people running the survey would not get the emails or names of our students.

- Is the project FERPA compliant?
- What other policies need to be considered?

Scenario #5- Deceased Student Record

The wife of a deceased former student who graduated many years ago (1966) would like a copy of the academic records of her husband. The stated reason for the request is an embassy requirement for their daughter, who resides in the Philippines.

What would be the correct manner to handle the possible release of academic records to the family? My initial next step would be to request more information, including identification and documentation of the former student and the requester before we can consider.

Office of the Registrar

Thank you

When in doubt...reach out!!!

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