SCHOOL OFFICIALS’ KNOWLEDGE OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI

Casey Carlton Turnage
University of Southern Mississippi

Follow this and additional works at: https://aquila.usm.edu/dissertations

Part of the Educational Leadership Commons, Higher Education Commons, and the Higher Education Administration Commons

Recommended Citation
https://aquila.usm.edu/dissertations/1329

This Dissertation is brought to you for free and open access by The Aquila Digital Community. It has been accepted for inclusion in Dissertations by an authorized administrator of The Aquila Digital Community. For more information, please contact Joshua.Cromwell@usm.edu.
The University of Southern Mississippi

SCHOOL OFFICIALS' KNOWLEDGE OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI

by

Casey Carlton Turnage

A Dissertation
Submitted to the Graduate Studies Office of The University of Southern Mississippi in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

Approved:

December 2007
The University of Southern Mississippi

SCHOOL OFFICIALS' KNOWLEDGE OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI

by

Casey Carlton Turnage

Abstract of a Dissertation
Submitted to the Graduate Studies Office of The University of Southern Mississippi in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

December 2007
ABSTRACT

SCHOOL OFFICIALS’ KNOWLEDGE OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI

by Casey Carlton Turnage

December 2007

The purposes of this study were to determine (1) FERPA knowledge levels of school officials at The University of Southern Mississippi; (2) whether the FERPA knowledge levels of school officials increase immediately after participating in an online FERPA tutorial; and (3) the staying power of FERPA knowledge levels one month after completing the FERPA tutorial. A FERPA pretest, tutorial, posttest, and one-month delayed posttest were developed using resources from the American Association for Collegiate Registrars and Admissions Officers (AACRAO) and FERPA tutorials from other universities. Although 898 school officials participated in the pretest, tutorial, and posttest, 232 completed the entire process and participated in the delayed posttest for a response rate of 27.5%. The largest percentage of respondents, 48.3%, were employed between zero to five years at the university. More employees without advising status (55.2%) participated than did employees with advising status (44.8%). The majority of the respondents, 65.5%, worked in academic departments, and 55.6% of the respondents were classified as staff. The majority, 72.0% of respondents, were female.
Participants' perception of their familiarity with FERPA increased significantly from slightly less than moderately familiar with FERPA at the pretest to moderately familiar at the delayed posttest. The total percentage of correct answers from pretest was 71.81%, while the percentage correct from posttest was 78.48%, and the percentage correct from delayed posttest was 82.22% showing a significant increase with each test. In this study, academic rank, tenure status, department type, years of teaching experience, and years at current institution did not significantly impact faculty knowledge of FERPA.

The most common complaint with the FERPA tutorial was that the participant could not choose to participate at a later time, so it had to be taken before data could be retrieved from the SIS. This could be improved upon by developing coding so that the user could choose to take the tutorial immediately or set a time to take it in the future with a set length of delay.
ACKNOWLEDGMENTS

I would like to thank, first and foremost, my family, who supported my efforts, celebrated my achievements, and encouraged me every step of the way. To my husband, Doug, thank you for the sacrifices you made along the way to allow me to continue in this endeavor. To my children, Clayton and Audrey, I hope that this achievement will serve as a beacon for your educational aspirations. To my parents, thank you for the educational opportunities you provided me that made all of this possible. To my stepmother and in-laws, thank you for believing in me and supporting me.

To my prestigious committee members who guided me through the dissertation process, Drs. Wanda Maulding, J.T. Johnson, Aubrey Lucas, and Joe Paul, your time, expertise, and encouragement have helped me immeasurably. Special thanks to Dr. Wanda Maulding for her direction as my major advisor and dissertation chair. Sincere appreciation is also extended to Dr. J.T. Johnson for his guidance in the preparation for the dissertation prospectus, research component, and statistical analyses. His inspirational attitude and dissertation “formula” helped me realize the attainability of this degree.

A very special thanks to my colleagues Chuck Knight, Greg Pierce, and Debby Hill for their participation and support.

Final thanks to my mentor and friend, Dr. Jane Boudreaux, who saw potential in me and encouraged me to explore this doctoral program many years ago. Thanks!
TABLE OF CONTENTS

ABSTRACT ................................................................................................................................................... ii

ACKNOWLEDGMENTS ............................................................................................................................... iv

LIST OF TABLES .......................................................................................................................................... vii

CHAPTER

I. PROBLEM ............................................................................................................................................... 1

   Introduction
   Statement of the Problem
   Research Questions
   Definition of Terms
   Delimitations
   Assumptions
   Justification

II. LITERATURE REVIEW .......................................................................................................................... 9

   The Family Educational Rights and Privacy Act of 1974 (FERPA)
      Students' and Parents' Rights
      Education Record
      Personally Identifiable Information
      Directory Information
      Annual Notification
      Legitimate Educational Interest
   Historical Background of FERPA
   Penalty for Violating FERPA
   Significant FERPA Court Cases
   Previous Research on FERPA
   Student Information Systems and FERPA
   Review of FERPA Training Methods
   The University of Southern Mississippi FERPA Resources
   The University of Southern Mississippi Employees with Student Records Access
   Summary
III. METHODOLOGY ................................................................. 27

Overview
Research Design
Participants
Instrumentation
Procedures
Data Analysis
Limitations

IV. RESULTS ................................................................. 34

Introduction
Descriptive
Statistical
Qualitative
Ancillary Findings

V. DISCUSSION ............................................................. 49

Summary
Conclusions and Discussion
Limitations
Recommendations for Policy or Practice
Recommendations for Future Research

APPENDIXES ............................................................. 57

REFERENCES .............................................................. 115
LIST OF TABLES

Table

1. Frequencies and percentages of demographic variables ............................... 36
2. Respondents perceived familiarity with FERPA before pretest and after delayed posttest ........................................................................................... 37
3. Means and standard deviations of pretest, posttest, and delayed posttest questions and percentages ............................................................................. 38
4. Pretest and Delayed Posttest Familiarity with FERPA .................................... 39
5. Pretest Scores of Faculty and Staff Categorized By Years of Experience ........ 40
6. Pretest Scores of Faculty and Staff Categorized By Advisor Status ............. 41
7. Pretest Scores of Faculty and Staff Categorized By Employee Rank ............ 41
8. Pretest Scores of Faculty and Staff Categorized By Department Type ........ 42
9. Percentage of Correct Answers for Each Test ................................................ 43
10. Respondents' Comments or Suggestions about the FERPA Tutorial .......... 44
11. Question 1: The FERPA Rights of a Student Begin When ........................... 46
13. Basic Principles of FERPA ............................................................................ 48
Many employees at institutions of higher learning are given access to students’ records without regard to whether they have received proper training or resources to know how appropriately to manage the information (Fry, 1999). This lack of training may result in violations to students’ privacy such as sharing students’ grades, social security numbers, class schedules, and other personal information that is protected by a federal law titled the Family Educational Rights and Privacy Act or FERPA as it is most commonly called (Maycunich, 2002). Violating FERPA ultimately could result in an institution’s losing federal funding administered by the Department of Education (Hicks, Baker, Hawkey, Myers, & Weese, 2006).

While most institutions do not have mandatory FERPA training for school officials, in 1997, the College and University Systems Exchange (CAUSE) task force, in partnership with the American Association of Collegiate Registrars and Admissions Officers (AACRAO), developed a white paper entitled "Privacy and the Handling of Student Information in the Electronic Networked Environments of Colleges and Universities." One of the recommendations was that institutions "educate faculty, staff, and administrators about the legal, ethical, and policy issues of students' rights to privacy." To date, the United States Department of Education, Family Policy Compliance Office (FPCO), the agency responsible for enforcing FERPA, has not mandated that institutions train employees on proper handling of student data. After amendments made to FERPA in 1996, institutions are no longer required to have a
FERPA policy (Hawks et al., 2006). Instead, they are only required to provide annual notification to students regarding their FERPA rights.

Training faculty, staff, and student workers on the proper handling of educational records will help ensure that an institution does not violate FERPA or a student’s right to privacy (Backes, 2006). One method commonly used to train employees on FERPA is to provide online training immediately prior to granting access to student records data (Backes, 2006). Maycunich (2002) recommends that frequent FERPA reminders and updates be provided to school officials, although she does not define how frequent these reminders and updates should be. Steinberg (2003) suggests that employees should undergo some form of FERPA training at least on an annual basis.

Statement of the Problem

This purposes of this study were to investigate, through the use of a pretest, the FERPA knowledge levels of school officials at The University of Southern Mississippi; and to investigate, through the use of a posttest, whether the FERPA knowledge levels of school officials increase immediately after participating in the online tutorial; and finally to investigate, through the use of a delayed posttest, the staying power of FERPA knowledge levels. Posttest knowledge levels were compared to pretest knowledge levels to determine if FERPA knowledge were retained after using the tutorial. Delayed posttest knowledge levels were compared to pretest knowledge levels and immediate posttest knowledge levels to determine if FERPA knowledge were retained over time. The final product of the study was the creation of a FERPA training tutorial that would
be useful to the Registrar’s Office and other university personnel responsible for protecting students’ records.

Research Questions

The following research questions provided the focus for this study:

1. Did differences exist between the pretest scores of faculty and staff with more years of experience at The University of Southern Mississippi and those with less experience?

2. Did differences exist between pretest scores of faculty and staff who deliver academic advisement and faculty and staff who do not deliver academic advisement?

3. Did differences exist between pretest scores of employees based on employee rank?

4. Did differences exist between pretest scores of employees in academic, non-academic, and student services departments?

5. Were posttest scores higher than pretest scores for faculty and staff?

6. Were delayed posttest scores higher than pretest scores for faculty and staff?

7. Were delayed posttest scores higher than immediate posttest scores for faculty and staff?

Research Hypotheses

For the purposes of this study, the following hypotheses were tested:
H₁: A difference existed between pretest scores of faculty and staff with more years of experience at The University of Southern Mississippi and those with less years of experience.

H₂: A difference existed between pretest scores of faculty and staff who deliver academic advisement and those who do not deliver academic advisement.

H₃: A difference existed between pretest scores of employees based on academic rank.

H₄: A difference existed between pretest scores of employees in academic departments, non-academic departments, and student service departments.

H₅: Posttest scores were higher than pretest scores for faculty and staff.

H₆: Delayed posttest scores were higher than pretest scores for faculty and staff.

H₇: Delayed posttest scores were higher than immediate posttest scores for faculty and staff.

Definitions of Terms

Various terms relevant to this study are defined as follows:

1. **Academic departments** – refers to the faculty and staff who have student records access in the departments, schools, and centers that make up the academic colleges at The University of Southern Mississippi.

2. **Annual notification** – an attempt made by the University to inform students on an annual basis of their basic rights regarding the Family Educational Rights and Privacy Act (FERPA).

3. **CAUSE** - a task force of users of computers for processing administrative data. CAUSE stands for College and University Systems Exchange. The group formed
in 1962 at the annual College and University Machine Records Conference, and their main objective was to share information about the new administrative information systems that were beginning to develop. By the late 1970s, CAUSE had incorporated and membership had grown to 250 institutions. By the late 1980s, CAUSE had formed a strong alliance with AACRAO as well as other higher education associations. In 1998, CAUSE consolidated with Educom to become what is known today as EDUCAUSE.

4. **Directory information** – a student’s personal information contained in an educational record that would not generally be considered harmful if disclosed and therefore may be released by a university without the student’s written consent, unless the student has requested for it to be withheld. At The University of Southern Mississippi, directory information has been classified as student’s name, address, telephone number, email address, major, dates of attendance, classification, degree(s) earned, previous institutions attended, and class rank.

5. **Education record** – all records created and maintained by the University that directly relate to a current or former student.

6. **Eligible student** – any student who attends or has attended the University and is not deceased.

7. **Employee rank** – refers to the levels of employment for faculty and staff at The University of Southern Mississippi. For this study, employees were grouped in the following ranks: professor, associate professor, assistant professor, instructor, graduate assistant, and staff.

8. **FERPA** – the acronym for the Family Educational Rights and Privacy Act of 1974 which is also known as the Buckley Amendment.
9. **FPCO** – the acronym for the Family Policy Compliance Office, which is part of the U.S. Department of Education and is responsible for investigating, processing, reviewing, and judging violations under FERPA (Gorn & Tee, 2003, chap. 10).

10. **Non-academic departments** – refers to the staff who have student records access in the departments that do not provide academic services or student services at The University of Southern Mississippi. Such departments include Alumni Activities, Budget Office, Center for Child Development (childcare center), Controller’s Office, Development Office, Health Services, Human Resources, Institutional Research, iTech (Information Technology), Marketing and Public Relations, Parking Management, Police Department, Post Office, Physical Plant, Recreational Sports, Vice President’s Office for Business and Finance, and Vice President’s Office for Research and Economic Development.

11. **Personally identifiable information** – the information within a student’s educational records that would make the student easily traceable, and therefore, cannot be disclosed without consideration of FERPA requirements.

12. **School Official** – a person deemed to have a legitimate educational interest in accessing a student’s personally identifiable information without written consent. The University of Southern Mississippi has further identified a school official as a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted; student serving on an official committee, such as a disciplinary committee or a person assisting another school official in performing his or her tasks.
13. **Student records access** – refers to an employee (faculty, staff, or student worker) of The University of Southern Mississippi having access to student information in the PeopleSoft student information system. This access is granted by the Registrar’s Office.

14. **Student service departments** – refers to the staff who have student records access in the departments that provide services other than academic services to students at The University of Southern Mississippi. Such departments include Business Services, Career Services, Dean of Students, Financial Aid Office, First Year Experience, Gulf Coast Department of Student Services, International Admissions, Office of Graduate Studies, Registrar’s Office, Residence Life, Student Employment, Student Services for Athletics, Student Support Services Program, Undergraduate Admissions, and Vice President’s Office for Student Affairs.

**Delimitations**

This study was limited to school officials who are employed by The University of Southern Mississippi and have student records access to the University’s computerized student information system called PeopleSoft.

**Assumptions**

Participants taking the pretest, posttest, and delayed posttest in this study were honest and motivated to answer with sincerity. They paid attention to the tutorial prior to taking the posttest.
Justification

The general purposes of this study were to test the current knowledge of school officials who, at the time of the study, had access to student records data via the computerized student information system that is used at The University of Southern Mississippi, provide a pilot training in the form of a computerized tutorial, and administer a posttest to determine if the knowledge level increases for participants. Approximately one month after participants took the pretest, tutorial, and posttest, a delayed posttest was administered to determine if the FERPA knowledge level remained increased from the pretest scores. After the study concluded, this training tutorial, if successful, could be used as a training tool for the Registrar’s Office to provide just-in-time training to all who receive student records access to the computerized student information system in the future. If delayed posttest scores decreased from the posttest scores or are the same as the pretest scores, the need for ongoing FERPA reminders may be justified to keep school officials aware of FERPA.
CHAPTER II
REVIEW OF RELATED LITERATURE

The Family Educational Rights and Privacy Act of 1974

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records, establishes the right of students to inspect their records, and provides guidelines for the correction of inaccurate or misleading data through formal and informal hearings (AACRAO, 2000). This act applies to all educational institutions or agencies that receive federal funding and is enforced by the United States Department of Education, Family Policy Compliance Office (U.S. Dept. of Ed., FERPA). It is important that faculty and staff have a working knowledge of FERPA guidelines before having access to and releasing educational records (Van Dusen, 2004).

This review discusses research literature as it pertains to FERPA specifically at institutions of higher education. The review provides an in-depth explanation of the law, its historical background, and penalties for violation of the law. An overview of significant case law pertaining to FERPA will be presented. Also, the literature will focus on a review of FERPA training methods suggested by the American Association of Collegiate Registrars and Admissions Officers. Finally, FERPA information specific to The University of Southern Mississippi will be presented.

Students’ and Parents’ Rights

The two major reasons for the Act are to assure parents or eligible students... “access to their education records, and to protect such individuals’ rights to privacy by limiting the transferability of their records without their consent” (Gorn & Tee, 2003,
Parents of children who attend or have attended a school that receives federal funding have rights under FERPA. These rights, however, are transferred to their child when the child turns 18 or is attending a post-secondary educational institution (Federal Register, 2004). This literature review will focus primarily on how FERPA applies to post-secondary institutions.

FERPA affords four basic rights to eligible students: (1) the right to inspect and review the education records relating to the student maintained by the schools the student attends or has attended; (2) the right to challenge and require the school to amend any portion of the education records concerning the student that are inaccurate, misleading or otherwise in violation of the student's privacy rights; (3) the right to require the school to obtain written consent prior to the disclosure of personally identifiable information, except in those instances noted in the statute which will be discussed later; and (4) the right to file a complaint with the U.S. Department of Education concerning an allegation that the institution failed to comply with FERPA (Backes, 2006).

Parents of students do not have any FERPA-mandated rights at post-secondary institutions. There are, however, three ways that parents may gain access to their child's records: (1) the student may sign a written consent giving parents access; (2) the parent may obtain a court order or subpoena directing the institution to release their child's records; and (3) the parent may provide a copy of their most recent tax information establishing that the student is their tax dependent (Backes, 2006).

**Education Record**

An education record includes all records created and maintained by an educational institution that directly relate to a current or former student including, but not
limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche (Gorn & Tee, 2003). According to Backes (2006, p. 368), “records are ‘directly related’ to a student if they are either ‘personally identifiable’ or ‘easily traceable’ to the student.” Items not considered part of the education record are sole possession records or private notes of individual staff or faculty that are not shared with others; campus police records if they have not been shared with any other department on campus; employment records that are not related to the employee’s status as a student; medical records including psychological as long as they are not shared outside of those providing the treatment; records such as alumni records created after the student was no longer enrolled; and statistical data compilations that contain no mention of personally identifiable information (Backes, 2006; Van Dusen, 2004).

**Personally Identifiable Information**

Personally identifiable information is information about a student contained in the education records that cannot be disclosed without consideration of FERPA requirements. This information includes, but is not limited to the student’s name, address, social security number or student number, and a list of personal characteristics that would make the student’s identity easily traceable (Gorn & Tee, 2003).

**Directory Information**

Some information is considered public or directory information and can be released without the student’s written permission. However, the student can request that directory information be maintained as confidential. At The University of Southern Mississippi, the following information has been designated as directory information: student’s name, address, telephone number, email address, major, dates of attendance,
classification, degree(s) earned, previous institutions attended, and class rank (Southern Miss, 2006).

Annual Notification

Educational institutions are required to provide annual notification to currently enrolled students regarding their basic rights under FERPA, how to pursue those rights, and what is considered directory information at that institution. Annual notification can be in the form of paper or electronic notice as long as an effort has been made to effectively inform students of their rights (Gorn & Tee, 2003). The most common ways to disseminate the annual notification at institutions are through the student handbook, the catalogue, the student newspaper, and the registration packet. Placing the notification on the institution's web site is acceptable but should not be the sole source unless the institution requires each student to purchase or own a computer (Backes, 2006).

The Family Policy Compliance Office (FPCO) has developed a "Model Notification of Rights under FERPA for Postsecondary Institutions," which is made available on the FPCO website at www.ed.gov/policy/gen/guid/fpco/ferpa/ps-officials.html (Appendix A).

Legitimate Educational Interest

Although students have some control over the disclosure of their records, FERPA does provide several exceptions to the rule. The first is that an educational institution may disclose personally identifiable information without signed and dated written consent if the disclosure is to "school officials" who have been determined by the institution to have "legitimate educational interests." Backes (2006) defines legitimate
educational interest as “necessary for the performance of official duties.” Seattle University’s online FERPA training tutorial further clarifies that legitimate educational interest “does not include simply having a curiosity about the academic record or disciplinary proceedings with regard to a student without some legitimate academic reason. Thus, all records of all students are not open to all faculty or staff at the University.”

In a letter to Strayer University regarding an employee accessing the university’s computerized database to view a student’s education record without having a legitimate educational interest and the need for compliance training, LeRoy Rooker (2005, p. 8), Director of the Family Policy Compliance Office, wrote:

Indeed, given that it is virtually impossible to use physical or technological safeguards to prevent authorized users from using their access to education records for unauthorized purposes, it is important that an educational agency or institution establish and enforce policies and procedures, including appropriate training, to help ensure that school officials do not, in fact, misuse education records for their own purposes.

Historical Background of FERPA

The Family Educational Rights and Privacy Act, also known as the Buckley Amendment, was signed into law by President Ford on August 21, 1974 as part of a bill extending the Elementary and Secondary Education Act (ESEA) of 1965 (U.S. Dept. of Ed., FERPA) (see Appendix B for complete FERPA law). Senator James Buckley introduced a proposed amendment to the ESEA and the portions of his proposal that became what we now know as FERPA were passed in both houses of Congress by
voice vote, without prior study, hearings, or floor debate (Gorn & Tee, 2003). FERPA was at that time enacted as part of the General Education Provisions Act (GEPA).

The law was ambiguous, and consequently the educational community raised concerns about the act's possible implications for colleges and universities (Electronic Privacy Information Center). Of particular concern was what to do with existing records, such as letters of recommendation and parents' financial records. In December 1974, just four months after becoming a law, Senators Buckley and Pell amended FERPA with a "Joint Statement in Explanation of Buckley/Pell Amendment." In the Joint Statement, the senators cleared up some of the ambiguous language, limited the right of post-secondary students to inspect and review records so that parents' financial records and confidential letters of recommendation placed on file before January 1, 1975 could not be viewed, and emphasized the need for parents to have access to information in student education records to protect their children's interests (U.S. Dept. of Ed., Legislative History.) The Joint Statement also strengthened the right of students to a hearing to challenge records they believed were inaccurate or in violation of their rights. Students were also given the right to insert a written explanation regarding the contents of records (Electronic Privacy Information Center).

On August 6, 1979, Congress amended FERPA to clarify that state and local educational officials may have access to student records that might be necessary in connection with the audit or evaluation of federal- or state-supported education programs (U.S. Dept. of Ed., Legislative History).

On November 8, 1990, the Campus Security Act was enacted and FERPA was amended to allow post-secondary institutions to disclose to the alleged victim of any
crime of violence the results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding (U.S. Dept. of Ed., *Campus Security*). The Campus Security Act was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights.

On July 23, 1992, FERPA was amended in response to the Campus Security Act amendment to exempt records created for law enforcement purposes and maintained by law enforcement units of educational institutions from the definition of education records (Electronic Privacy Information Center). As a result, any educational institution receiving federal funding must make police logs available for public inspection during normal business hours.

On October 20, 1994, FERPA was amended in response to the Improving America’s Schools Act. This amendment extended the right to inspect and review education records maintained by state educational agencies that are not otherwise subject to FERPA (U.S. Dept. of Ed., *Legislative History*).

On October 7, 1998, FERPA was further amended in response to the Higher Education Amendments of 1998 to clarify that schools may disclose to the public final results of any disciplinary proceeding in which a student has been found responsible for a crime of violence or nonforcible sex offense. Written consent was still required to disclose the name of any other student. Congress also added an amendment that allowed post-secondary institutions to inform parents when a child has violated a law or school rule governing the use or possession of alcohol or illegal drugs. This applies to students under 21 years of age regardless of whether the student is a financial
dependent. The amendment, however, does not supersede any state laws that may prohibit such disclosure. Photographs and email addresses were added as part of the list of items that could be considered student directory information. Student "dates of attendance" that could be released as directory information were clarified to mean the academic terms during which a student was enrolled, not the student's daily presence at the school (U.S. Dept. of Ed., *Legislative History*).

On October 26, 2001, FERPA was once again amended in response to the Patriot Act to allow the attorney general or a designated representative to request a court order requiring an educational institution to permit the attorney general to collect education records relevant to an authorized investigation or prosecution of an act of domestic or international terrorism (U.S. Dept. of Ed., *Legislative History*).

**Penalty for Violating FERPA**

The Family Policy Compliance Office (FPCO) was created within the Department of Education "to investigate, process, review and adjudicate violations under FERPA," (Gorn & Tee, 2003, chap. 10). If the FPCO finds that an institution is in violation of FERPA, it is authorized to provide assistance to ensure that the offending institutions are brought into compliance with the FERPA statutes and regulations within a reasonable timeline (Hicks, Baker, Hawkey, Myers, & Weese, 2006). While termination of federal education funding is a threat from the Department of Education under 34 CFR 99.67 (a)(3), ultimately, the intended goal is future compliance (Gorn & Tee, 2003). To date, federal funding has never been withheld from any institution for failure to comply with FERPA because all offending institutions have redeemed themselves within the
reasonable timeline provided by the FPCO. However, civil cases have been filed for alleged violations of FERPA (Backes, 2006).

**Significant FERPA Court Cases**

In 2002, the U.S. Supreme Court heard two cases based on alleged FERPA violations (Holub, 2003). In February 2002, the Supreme Court delivered its first decision interpreting the law in Owasso Independent School District v. Falvo (No. 00-1073) when it was unanimously decided that the practice of peer grading and students calling out each other's grades in class does not violate the provisions of FERPA (McCarthy, 2002). In June 2002, the Supreme Court ruled in Gonzaga University v. Doe (No. 01-679) that students and parents may not sue for damages to enforce provisions of FERPA (Backes, 2006; Walsh, 2002).

**Previous Research on FERPA**

Since FERPA's enactment in 1974, there have been a limited number of original research studies dealing with FERPA. The following FERPA studies were conducted by doctoral students: Dominici, 1979; Schuerman, 1980; Calihan, 1983; Dobbins, 1987; Holder, 1990; McCarthy, 1996, Turner-Dickerson, 1997; Fry, 1999; Clay, 2001; Maycunich, 2002; Steinberg, 2003; Jones, 2004, and Sayer, 2005. The primary focus of this study is to determine the knowledge level of school officials at a Carnegie I Research Extensive University in the deep south and furthermore to provide FERPA training to all who have student records access, the researcher was primarily interested in the findings from Dobbins, Turner-Dickerson, Fry, Clay, Maycunich, and Steinberg.
Dobbins (1987) surveyed administrators, undergraduate, and graduate students in the College of Education at Kent State University to investigate their perceptions of the Buckley Amendment. He found that non-academic administrators were more knowledgeable about the Buckley Amendment than were the academic administrators. Both non-academic and academic administrators were more knowledgeable about the Buckley Amendment than were the students.

Turner-Dickerson (1997) surveyed 56 university registrars that comprise the Association of American Universities. The return rate was 75% (42). Of the responding institutions, Turner-Dickerson found that 33% provided FERPA training to their faculty. She concluded that FERPA information should be made available to the whole university community and that FERPA training is important for staff and faculty. Turner-Dickerson also found that faculty were less informed about FERPA than were staff members.

Fry (1999) surveyed 400 university registrars to investigate the reasons faculty need access to students' records, the procedures for granting faculty access, and the disciplinary procedures invoked when FERPA policies and procedures were breached. Half of the surveys were distributed to public institutions and half were distributed to private institutions. Half of the public institutions and half of the private institutions were institutional members of the American Association of Collegiate Registrars and Admissions Officers. The return rate for the surveys was 31% (123). Fry found that public institutions provide faculty unlimited access to student information so that faculty are not limited to seeing only students whom they advise or who are in their academic
Respondents to Fry's study also indicated that the most common form of training faculty (20%) was the use of the faculty handbook, while 18.7% used workshops to train faculty on FERPA. Seventeen percent indicated that no training relative to FERPA was offered. Other training methods reported to be used by responding institutions were the Department of Education FERPA Fact Sheet, information from department chairs or at faculty meetings, reminder memos, and FERPA training videos.

Clay (2001) surveyed 649 students, faculty, and administrators at St. Petersburg College in Florida to determine their level of understanding of FERPA. His return rate was 28.8% (187). Clay found that while students valued privacy most highly, faculty and administrators had greater knowledge of FERPA. Clay suggested that students need a better understanding of FERPA and this can be accomplished through regular student orientation, newsletters, a FERPA web page on the university's website, and possibly a FERPA tutorial. Clay also suggested that faculty and administrators need to be trained via a FERPA tutorial prior to gaining access to student records.

Maycunich (2002) surveyed 2,820 faculty members at three land-grant universities to determine their knowledge level of FERPA. Her return rate was 13.8% (390). She interviewed university registrars, legal counsel, and faculty prior to developing her survey instrument and learned that faculty members are frequent violators of FERPA. Examples of common faculty violations cited by Maycunich include:

- posting of grades with student names and full Social Security numbers;
• sending class lists containing student Social Security numbers around the room for students to indicate attendance;
• leaving graded student work in a public place;
• allowing graded work to be picked up or handed out in a manner that allows others to view grades;
• using listservs and providing students with feedback publicly;
• faculty discussion of students with others.

Maycunich states that her review of the literature “yielded no specific body of research that delved into the study of faculty knowledge of FERPA.” Her findings do indicate that faculty member rank and knowledge of FERPA are not significantly associated. Conversely, she concludes that “more tenured women have slight or moderate understanding of student privacy laws than their male counterparts.” Among her recommendations, Maycunich states that FERPA training should be made mandatory for faculty and administrators; faculty should be provided with frequent reminders of and updates on FERPA; and FERPA training should be evaluated for effectiveness.

Steinberg (2003) surveyed 400 university registrars and had a return rate of 61.8% (247). Her research focused on whether training was conducted for registrar’s office staff. Steinberg found that 96.8% (239) of new employees in the registrar’s office receive FERPA training although only 39.3% (97) receive annual FERPA training.

Student Information Systems and FERPA

Amendments to FERPA in 1994 and 1996 explicitly describe an educational institution’s responsibility to protect all electronically stored information about a student.
whether it is direct, such as a class schedule, or indirect, such as a data log of meals eaten in a dining hall. All of these records, whether created deliberately or not, are considered part of the education record (Gorn & Tee, 2003). This type of information is often used administratively to make decisions and to learn more about the types of students attending institutions. According to Cheung, Clements, and Pechman (1997, p. 2), as a result of the advances in technology, “it has become more complicated but no less essential for school officials to be vigilant about protecting the confidentiality of records.”

Using an electronic student information system at a university allows for decentralization of work, which has advantages and disadvantages. Faculty, administrative staff, research staff, and support staff (including student workers) in academic departments and administrative staff and support staff in non-academic departments have authority and access to view pieces of students’ education records which gives them faster and easier access to information necessary to complete their tasks (CAUSE, 1997). This, however, removes the control that registrars used to have over the release of students’ education records. All employees with access should be considered “information handlers” (CAUSE, 1997), and therefore, should be trained on what information can be released, to whom, and by whom. Also, they should be certain that they have a legitimate educational interest in the information prior to accessing a student’s educational record (U.S. Dept. of Ed., FERPA).

Review of FERPA Training Methods

The Registrar’s office is generally responsible for ensuring that an institution is in compliance with FERPA and that those who have access to student records have
received FERPA training. However, neither the FERPA statute nor its regulations contain a directive that staff instruction about FERPA is necessary (Gorn & Tee, 2003; Hicks et al., 2006).

Backes (2006) identifies several methods most commonly used for FERPA training: training videos, PowerPoint slides, online training, role-playing, quizzes, and FERPA “cheat sheets” placed by phones as reminders of what constitutes directory information at an institution. He also points out that the timing and methods of providing training vary from institution with these being the most common: (1) requiring FERPA training as soon as the person is hired using materials provided by Human Resources but prepared by the Registrar’s Office; (2) requiring employees to go through training in a self-paced, online format; (3) requiring training whether in person or online only immediately prior to the employee receiving access to online student information systems; and (4) providing training customized to respond to issues in a specific department or office, on an as-needed basis.

Training must include the basics of FERPA, but it also must include how the institution has implemented the law, including the institutional definition for directory information and specific university policies and procedures for releasing information (Backes, 2006). Hicks et al. (2006) wrote the AACRAO 2006 FERPA Guide which contains one chapter devoted to FERPA training materials. Although the authors do not specify which training methods work best, they do provide a list of institutional websites for general FERPA information and FERPA tutorials that are all “worth a visit.”

A review of the institutional websites that provide general FERPA information along with previous reviews of institutional websites reveal that most provide the same
information as the AACRAO website (www.aacrao.org/compliance/ferpa/) with stylistic changes and variations in what each institution considers directory information. A review of the institutional websites that provide FERPA tutorials along with previous reviews of institutional websites revealed that, once again, most provide the same information as the AACRAO website.

The University of Southern Mississippi FERPA Resources

The Registrar’s Office at The University of Southern Mississippi is responsible for notifying students and employees about FERPA. Current methods being used are as follows:

- Printed Sources
  - Annual Notification to Students in the Class Schedule Guide (Appendix C)
  - FERPA Reference Guide printed pamphlet (Appendix D)
  - Student Records and FERPA printed pamphlet (Appendix E)
  - FERPA Facts card for university employees to place by phone as a reminder of what constitutes directory information at the university (Appendix F)
  - Confidentiality of Student Records printed pamphlet (Appendix G)

- Audiovisual Sources
  - FERPA Training Videotape available for departments to reserve

- Electronic Sources
  - Southern Miss and FERPA Compliance Policy (http://www.usm.edu/registrar/ferpa/Compliance_policy.dwt) (Appendix H)
Confidentiality of Student Records website with links to the following informational documents

(http://www.usm.edu/registrar/ferpa/index.html)

- Directory Information (Appendix I)
- Protecting Personal Information and Education Records (Appendix J)
- Release of Information to Parents of Students (Appendix K)
- FERPA Training Materials (Appendix L)
- Link to the Family Policy Compliance Office, U.S. Department of Education website

The FERPA information provided on the University of Southern Mississippi’s website is similar to that which is provided by all of the institutional websites mentioned in the AACRAO 2006 FERPA Guide. The FERPA pamphlets, brochures, and handouts are similar to the training methods mentioned by Backes (2006).

The University of Southern Mississippi Employees with Student Records Access

The University of Southern Mississippi has identified the following categories of employees as “school officials:” administrative, supervisory, academic, research, and support staff; a person or company with whom the University has contracted; a student serving on an official committee, such as a disciplinary committee; a person assisting another school official in performing his or her tasks. These school officials are allowed to have student records access provided their supervisor sends approval to the Registrar’s Office, and the individual receives entry-level training for navigating within the student information system.
In 2006, the Registrar’s Office created the “FERPA Facts Card” to raise awareness in departments as to what constitutes directory information at the university. These cards are now distributed in the Human Resources Orientation Packet for new employees and at the time of entry-level training for access to the student information system. Currently, this is the only assurance the Registrar’s Office receives of FERPA training for employees.

At the time of the study, FERPA training was not mandatory for school officials prior to gaining access to student records in the electronic student information system. As a by-product of this research project, a mandatory FERPA pretest, tutorial, and posttest (Appendix M) was created and implemented so that existing users would be trained, and as new users login to the student information system, they will receive FERPA training prior to accessing any student data.

Summary
The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records, the rights of students, and how educational institutions should conform to fair information practices (Hicks et al., 2006). While the responsibility of complying with FERPA has historically been the responsibility of the university registrar and staff within that office, increasing access of school officials to student records via electronic student information systems also increases the need for ensuring that FERPA training occurs outside the registrar’s office with all who have access to student information.

Through its website and numerous publications, AACRAO discusses the importance of training those who have access to student records and even supplies
institutions with training materials; however, the review of literature provided no resources to show whether the training impacted the FERPA knowledge level of trainees. Also, the review of literature revealed that there have been no studies that explored school officials' knowledge of FERPA. Maycunich (2002) presented similar findings related specifically to faculty knowledge of FERPA. Also, Maycunich recommended that FERPA training should be made mandatory for faculty and administrators; faculty should be provided with frequent reminders of and updates on FERPA; and FERPA training should be evaluated for effectiveness.

This study highlighted the importance of FERPA training for all school officials who have student records access through the electronic student information system at The University of Southern Mississippi. For this study, a pretest was administered to measure participants' previous knowledge of FERPA, then a FERPA tutorial was provided, and posttests were administered to evaluate whether the tutorial impacted their FERPA knowledge level. Finally, one month after completing the pretest, tutorial, and posttest, participants will be invited to participate in a delayed posttest survey to determine if FERPA knowledge were retained over time. This understanding will provide a basis for improved FERPA training at The University of Southern Mississippi and will add to the body of knowledge regarding FERPA research.
CHAPTER III
METHODOLOGY

Overview

This chapter describes the data associated with the participants, instrumentation, and procedures of the study. In this correlational, causal comparative study, participants completed a pretest designed to quantify data measuring their initial knowledge level of FERPA. Groups of participants were compared to determine if statistically significant differences exist between initial FERPA knowledge levels. After the pretest, participants completed a computerized tutorial and then completed a posttest designed to quantify data measuring their FERPA knowledge-level change. Approximately one month after completing the pretest, computerized tutorial, and posttest, participants completed a delayed posttest designed to quantify data measuring their knowledge level of FERPA over time. Pretest scores were compared to posttest scores to determine if the tutorial works by increasing participants' FERPA knowledge levels. Delayed posttest scores were compared to pretest scores and immediate posttest scores to determine if FERPA knowledge were retained one month after completing the tutorial.

Research Design

For this study, the following independent variables were used: employee status including faculty, staff; faculty and staff who advise students, faculty and staff who do not advise students; faculty and staff with 0-5 years of experience, faculty and staff with 6-10 years of experience, faculty and staff with 11+ years of experience; instructor,
assistant professor, associate professor, full professor, adjunct instructor; and
department such as academic, administrative, non-academic, or student service. The
dependent variables examined in this study were pretest, posttest scores, and delayed
posttest scores.

Participants

The subjects in this study were school officials employed by The University of
Southern Mississippi with access to student records in the University’s computerized
student information system called PeopleSoft. The pretest, tutorial, and posttest were
placed in PeopleSoft, and upon logging in to the system, all school officials were
required to take the mandatory pretest, tutorial, and posttest. This portion of the study
was created for the Registrar’s Office to own and implement as a mandatory FERPA
training process for University school officials.

Approximately one month after the pretest, tutorial, and posttest were
administered, a delayed posttest was sent to each participant in the format of an
electronic survey. Participation in this survey was voluntary, and those who chose not
to take the delayed posttest survey were eliminated from the study.

Instrumentation

The University of Southern Mississippi uses PeopleSoft as its database for
maintaining student records. When an employee needs student records access, he or
she completes a request to be trained and obtain access. Training is provided by the
Learning Enhancement Center and is primarily inclusive of the navigations and reports
that an employee will use in the system. The Registrar’s Office has worked with the Learning Enhancement Center to ensure that a brief overview of FERPA is provided during the training session. A FERPA Facts card (Appendix F) is given to each person who attends a training session.

The pretest questions, tutorial, posttest questions, and delayed posttest questions (Appendix M) were created using suggested training materials from the AACRAO website (http://www.aacrao.org/compliance/ferpa/). A pilot study was conducted with a small group of faculty and staff with varying self-professed knowledge of FERPA to determine face validity of the instrument.

When the project was moved to the PeopleSoft database, upon logging in to the system, all employees with student records access were prompted to take the pretest, tutorial, and posttest before being able to continue in the system. Each employee’s answers were stored in the database. Approximately one month after the pretest, tutorial, and posttest were completed by the participants, a delayed posttest was sent electronically to all employees who had taken the pretest, tutorial, and posttest. Participation in the delayed posttest was voluntary, and pretest/posttest scores for all employees who chose not to participate were deleted from the data set.

For the purposes of this study, a data file containing the following for each participant was created in PeopleSoft and exported to Excel: university identification number, date of employment, department, employee rank, advisement status, pretest answers, and posttest answers. After the delayed posttest was closed for participation, each participant’s delayed posttest answers were matched to their pretest and posttest answers using Access. Then, to maintain anonymity, the university identification
number was replaced with a unique identifier that could not be traced back to the participant’s name. The data file was analyzed using SPSS.

Procedures

The pretest, tutorial, and posttest were administered through the institution’s student information system (SIS) by the Registrar’s Office. Biographical and demographic data also were collected from the SIS. Request for approval from the Internal Review Board (IRB) at The University of Southern Mississippi was submitted, and approval was obtained (Appendix N). Also, a letter was obtained from the University Registrar granting the researcher permission to use data from the administration of the pretest, and posttest (Appendix O).

Prior to developing the pretest, tutorial, posttest, and delayed posttest, the researcher, in addition to reviewing the literature, reviewed FERPA tutorials and tests from several institutions of higher learning. With the permission of the University Registrar, the researcher submitted a request to the University’s information technology department for the development of the project in the SIS database. The researcher worked with the developer from the information technology department to test the web pages and the data retrieval process.

A pilot study was conducted with a small group of faculty and staff in August 2007. At this time the pretest, tutorial, and posttest were administered. The purpose of the pilot study was to determine whether the questions, answer choices, and tutorial were understandable to the pilot study participants. Each pilot study participant was asked to read each question and the accompanying answer choices, and write down
any concerns they had regarding clarity, spelling, wording, or any other possible issues they found.

Following the pilot, the project was moved to the SIS and became a mandatory process for all faculty, staff, and student workers with access to student records to complete the next time they logged in to the system. For this study, a person was deemed to have student records access if they had a PeopleSoft role granted by the Registrar’s Office (Appendix P). This included all faculty, staff, and student workers who had been granted access to view student data. Faculty and staff have student records access to PeopleSoft 24 hours a day, seven days a week. Student workers, on the other hand, have limited student records access from eight o’clock a.m. to five o’clock p.m. Monday through Friday to help ensure that they are being supervised during work hours while accessing the data.

After the project was moved to the SIS, all system users with student records access were required to answer the pretest questions, advance through the tutorial, and answer the posttest questions before they were able to access student records data. For this reason, the timing of the project moving to PeopleSoft needed to be carefully planned so that participants had adequate time to complete the FERPA training. For example, if participants were required to complete the FERPA training during advisement week, they may not have had adequate time to devote to answering the questions thoughtfully or to reading the tutorial carefully. Additionally, they may have had students waiting to be advised.

The University Registrar sent out three email notifications to the university campus community notifying them that the FERPA Tutorial would be placed in the SIS
and that each employee with student records access would be required to go through it before being able to access anything in the SIS (Appendix Q). The pretest, tutorial, and posttest were implemented on Friday, August 10, 2007 two weeks prior to the start of the fall 2007 semester. The delayed posttest was administered approximately one month later, on September 20, 2007. Student advisement was scheduled for October 8 through October 12, 2007.

Data Analysis

H₁: A difference existed between pretest scores of faculty and staff with more years of experience at The University of Southern Mississippi and those with less years of experience. H₁ was analyzed using one-way ANOVA.

H₂: A difference existed between pretest scores of faculty and staff who deliver academic advisement and those who do not deliver academic advisement. H₂ was analyzed using an independent samples t-test.

H₃: A difference existed between pretest scores of employees based on employee rank. H₃ was analyzed using one-way ANOVA.

H₄: A difference existed between pretest scores of employees in academic departments, non-academic departments, and student service departments. H₄ was analyzed using one-way ANOVA.

H₅: Posttest scores were higher than pretest scores for faculty and staff. H₅ was analyzed using one-way repeated measures ANOVA.

H₆: Delayed posttest scores were higher than pretest scores for faculty and staff. H₆ was analyzed using one-way repeated measures ANOVA.
$H_7$: Delayed posttest scores were higher than immediate posttest scores for faculty and staff. $H_7$ was analyzed using one-way repeated measures ANOVA.

Limitations

The completion of the pretest, tutorial, and posttest were dependent upon participants logging in to the PeopleSoft system. The researcher does not know how often faculty log in when advisement is not occurring or when staff access the system for the faculty. Also, there may be staff and student workers who do not access the system regularly if their jobs only require them to access student data periodically. This may limit the number of participants who complete the process during the time frame of this study.

Participation in the delayed posttest was completely voluntary; therefore, completion of the delayed posttest survey was dependent upon the willingness of faculty and staff to participate in a survey.

Another limitation was that participants may have distractions around them at the time they are trying to complete the pretest, tutorial, posttest, and/or delayed posttest, and this may affect the results of the study.
CHAPTER IV
RESULTS

Introduction

The purposes of this study were to determine (1) FERPA knowledge levels of school officials at The University of Southern Mississippi; (2) whether the FERPA knowledge levels of school officials increase immediately after participating in the online FERPA tutorial; and (3) the staying power of FERPA knowledge levels one month after completing the FERPA tutorial.

One week after the mandatory FERPA pretest, tutorial, and posttest were placed in the SIS at The University of Southern Mississippi, 898 employees had completed the FERPA project. A data file was created with the contact information, pretest answers, and posttest answers for each of these employees; however, the pretest and posttest answers were not reviewed by the researcher. The only information used from the data file at this point were the email addresses of the employees.

The delayed posttest was created as a survey on an electronic survey system. One month and one week after the FERPA project was placed in the SIS, a message was sent to the electronic addresses of the employees who had completed the project during the first week. Of the 898 employees who had completed the FERPA project, 10 did not have email addresses and an additional 44 messages bounced back; therefore, 844 employees received an invitation to participate in the delayed posttest FERPA survey. After a two-week period of collecting survey responses, a total of 232 delayed posttest surveys were completed for a response rate of 27.5%. The pretest scores, posttest scores from the original data file, and participants' demographic and employee
information were combined with the delayed posttest scores. Two of the participants were identified as student workers and one participant's employee status was not coded by the researcher; therefore, these participants were removed and data were analyzed for the remaining 229 participants.

Participants could not skip questions in the pretest or posttest; however, the delayed posttest survey allowed participants to skip questions. Questions 3 through 11 in the delayed posttest were missing five to seven responses each.

Descriptive

The participants in this study were categorized in 4 ways: years employed, advisor status, employee rank, and gender. The largest percentage of respondents, 48.3%, have been employed between zero to five years at the university ($M = 8.02, SD = 7.21$). More employees without advising status (55.2%) participated than did employees with advising status (44.8%). The majority of the respondents, 65.5%, worked in academic departments, and 55.6% of the respondents were classified as staff. The majority, 72.0% of respondents, were female. Table 1 contains frequencies and percentages for all of the aforementioned categories.
Table 1

Frequencies and percentages of demographic variables

<table>
<thead>
<tr>
<th>Variable</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Years Employed</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 – 5</td>
<td>112</td>
<td>48.3%</td>
</tr>
<tr>
<td>6-10</td>
<td>56</td>
<td>24.1%</td>
</tr>
<tr>
<td>11+</td>
<td>64</td>
<td>27.6%</td>
</tr>
<tr>
<td><strong>Advisor Status</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>104</td>
<td>44.8%</td>
</tr>
<tr>
<td>No</td>
<td>128</td>
<td>55.2%</td>
</tr>
<tr>
<td><strong>Department</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic</td>
<td>152</td>
<td>65.5%</td>
</tr>
<tr>
<td>Non-Academic</td>
<td>35</td>
<td>15.1%</td>
</tr>
<tr>
<td>Student Services</td>
<td>45</td>
<td>19.4%</td>
</tr>
<tr>
<td><strong>Rank</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professor</td>
<td>14</td>
<td>6.0%</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>25</td>
<td>10.8%</td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>31</td>
<td>13.4%</td>
</tr>
<tr>
<td>Instructor</td>
<td>17</td>
<td>7.3%</td>
</tr>
<tr>
<td>Graduate Assistant</td>
<td>13</td>
<td>5.6%</td>
</tr>
<tr>
<td>Staff</td>
<td>129</td>
<td>55.6%</td>
</tr>
<tr>
<td>Missing Response</td>
<td>3</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
When asked to rate their familiarity with FERPA before taking the pretest, 47.4% indicated that they were moderately familiar with FERPA as shown in Table 2. After completing the pretest, tutorial, posttest, and delayed posttest, the participants were asked to rate their familiarity with FERPA once again. This time, 59.7% indicated that they were moderately familiar with FERPA.

### Table 2

**Respondents perceived familiarity with FERPA before pretest and after delayed posttest**

<table>
<thead>
<tr>
<th>Familiarity</th>
<th>Pretest Count</th>
<th>Pretest %</th>
<th>Delayed Posttest Count</th>
<th>Delayed Posttest %</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Not Very Familiar</td>
<td>41</td>
<td>17.7</td>
<td>5</td>
<td>2.2</td>
</tr>
<tr>
<td>(2) Slightly Familiar</td>
<td>49</td>
<td>21.1</td>
<td>35</td>
<td>15.5</td>
</tr>
<tr>
<td>(3) Moderately Familiar</td>
<td>110</td>
<td>47.4</td>
<td>135</td>
<td>59.7</td>
</tr>
<tr>
<td>(4) Very Familiar</td>
<td>23</td>
<td>9.9</td>
<td>47</td>
<td>20.8</td>
</tr>
<tr>
<td>(5) Extremely Familiar</td>
<td>9</td>
<td>3.9</td>
<td>3</td>
<td>1.3</td>
</tr>
<tr>
<td>Missing Response</td>
<td>0</td>
<td>0.0</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>232</td>
<td>100.0</td>
<td>226</td>
<td>100.0</td>
</tr>
</tbody>
</table>
The pretest contained 10 questions, whereas the posttest and delayed posttest contained 11 questions each; therefore, the percentages correct versus number correct needed to be determined since the use of numbers would mean that a respondent would never be able to get as many correct in the pretest as in the posttest or delayed posttest. The percentage of correct answers increased with each test. As is shown in Table 3, 71.81% of the pretest questions, 78.48% of posttest questions, and 82.22% of the delayed posttest questions were answered correctly by the respondents.

Table 3
Means and standard deviations of pretest, posttest, and delayed posttest questions and percentages

<table>
<thead>
<tr>
<th>Test</th>
<th>M</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretest</td>
<td>7.18</td>
<td>1.36</td>
</tr>
<tr>
<td>Pretest Percentage</td>
<td>71.81</td>
<td>13.56</td>
</tr>
<tr>
<td>Posttest</td>
<td>8.63</td>
<td>1.50</td>
</tr>
<tr>
<td>Posttest Percentage</td>
<td>78.48</td>
<td>13.67</td>
</tr>
<tr>
<td>Delayed Posttest</td>
<td>9.04</td>
<td>1.34</td>
</tr>
<tr>
<td>Delayed Posttest Percentage</td>
<td>82.22</td>
<td>12.21</td>
</tr>
</tbody>
</table>

A paired samples *t*-test was performed between respondents’ perceived familiarity with FERPA before the pretest and after the delayed posttest. The test revealed that there was a statistically significant difference between pretest and delayed posttest familiarity, *t* (224) = 6.29, *p* < .001. The mean rating for delayed posttest familiarity (*M* = 3.04, *SD* = .71) was higher than the mean rating for pretest familiarity (*M* = 2.61, *SD* = 1.02) indicating that the respondents felt moderately familiar with FERPA.
after the delayed posttest whereas they felt less than moderately familiar prior to the pretest.

Table 4

<table>
<thead>
<tr>
<th>Familiarity</th>
<th>M</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretest</td>
<td>2.61</td>
<td>1.02</td>
</tr>
<tr>
<td>Delayed Posttest</td>
<td>3.04</td>
<td>.71</td>
</tr>
</tbody>
</table>

A cross tabulation between pretest familiarity and delayed posttest familiarity with FERPA was conducted. Chi square revealed a statistically significant increase in familiarity. Ninety-nine respondents indicated a higher level of familiarity with FERPA on the delayed posttest than they indicated on the pretest while 34 respondents indicated a lower level of familiarity with FERPA on the delayed posttest than they indicated on the pretest.

Statistical

Seven hypotheses were tested in this study. Hypotheses 1 through 4 investigated whether differences existed in the pretest scores of respondents based on the following four categories: years employed, advisor status, employee rank, and department type. Hypotheses 5 through 7 investigated whether an increase in FERPA knowledge levels occurred between the pretest and posttest, pretest and delayed posttest, and posttest and delayed posttest.

Hypothesis 1

A difference will exist between pretest scores of faculty and staff with more years of experience at The University of Southern Mississippi and those with less years of
experience. A one-way ANOVA was conducted to produce the results of this study. The statistical test was evaluated at the significance level of .05 and resulted in no statistically significant relationship with an \( F (2, 223) = .57, p = .568 \). The summary of results can be found in Table 5.

Table 5

<table>
<thead>
<tr>
<th>Year Categories</th>
<th>( M )</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>71.82</td>
<td>13.49</td>
</tr>
<tr>
<td>6-10</td>
<td>70.37</td>
<td>14.92</td>
</tr>
<tr>
<td>11+</td>
<td>73.06</td>
<td>12.49</td>
</tr>
</tbody>
</table>

Hypothesis 2

A difference will exist between pretest scores of faculty and staff who deliver academic advisement and those who do not deliver academic advisement. An independent samples \( t \)-test was conducted to produce the results of this study. The statistical test was evaluated at the significance level of .05 and resulted in no statistically significant relationship with a \( t (224) = 1.45, p = .150 \). The summary of results can be found in Table 6.
Table 6
Pretest Scores of Faculty and Staff Categorized By Advisor Status

<table>
<thead>
<tr>
<th>Advisor Status</th>
<th>M</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>83.51</td>
<td>11.42</td>
</tr>
<tr>
<td>No</td>
<td>81.16</td>
<td>12.76</td>
</tr>
</tbody>
</table>

Hypothesis 3

A difference will exist between pretest scores of employees based on employee rank. A one-way ANOVA was conducted to produce the results of this study. The statistical test was evaluated at the significance level of .05 and resulted in no statistically significant relationship with an $F(5, 217) = .482, p = .790$. The summary of results can be found in Table 7.

Table 7
Pretest Scores of Faculty and Staff Categorized By Employee Rank

<table>
<thead>
<tr>
<th>Employee Rank</th>
<th>M</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professor</td>
<td>72.31</td>
<td>13.01</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>74.00</td>
<td>11.90</td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>70.32</td>
<td>13.29</td>
</tr>
<tr>
<td>Instructor</td>
<td>72.94</td>
<td>14.04</td>
</tr>
<tr>
<td>Graduate Assistant</td>
<td>75.83</td>
<td>13.79</td>
</tr>
<tr>
<td>Staff</td>
<td>71.20</td>
<td>14.18</td>
</tr>
</tbody>
</table>

Hypothesis 4

A difference will exist between pretest scores of employees in academic departments, non-academic departments, and student service departments. A one-way
ANOVA was conducted to produce the results of this study. The statistical test was evaluated at the significance level of .05 and resulted in no statistically significant relationship with an $F(2, 223) = 1.20, p = .303$. The summary of results can be found in Table 8.

Table 8

Pretest Scores of Faculty and Staff Categorized By Department Type

<table>
<thead>
<tr>
<th>Department Type</th>
<th>$M$</th>
<th>$SD$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic</td>
<td>148</td>
<td>12.55</td>
</tr>
<tr>
<td>Non-Academic</td>
<td>35</td>
<td>13.92</td>
</tr>
<tr>
<td>Student Services</td>
<td>43</td>
<td>16.30</td>
</tr>
</tbody>
</table>

**Hypothesis 5**

Hypotheses 5, 6, and 7 investigated whether FERPA knowledge increased with each test. A one-way repeated measures ANOVA was conducted to produce the results of this study. The dependent measures were percentages of correct answers on pretest scores, posttest scores, and delayed posttest scores. The statistical tests were evaluated at the significance level of .05. There was a statistically significant relationship with an $F(2, 224) = 42.77, p < .001$ indicating a difference does exist. The summary of results can be found in Table 9. LSD post-hoc comparisons were conducted to determine where the differences existed. The results are presented with the corresponding hypotheses.
Table 9
Percentage of Correct Answers for Each Test

<table>
<thead>
<tr>
<th>Test</th>
<th>M</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretest</td>
<td>71.81</td>
<td>13.56</td>
</tr>
<tr>
<td>Posttest</td>
<td>78.48</td>
<td>13.67</td>
</tr>
<tr>
<td>Delayed Posttest</td>
<td>82.22</td>
<td>12.21</td>
</tr>
</tbody>
</table>

Hypothesis 5 stated that posttest scores will be higher than pretest scores for faculty and staff. LSD post-hoc comparisons showed that respondents’ posttest scores ($M = 78.48, SD = 13.67$) were statistically significantly higher than pretest scores ($M = 71.81, SD = 13.56$) ($p < .001$).

Hypothesis 6

Delayed posttest scores will be higher than pretest scores for faculty and staff. LSD post-hoc comparisons showed that respondents’ delayed posttest scores ($M = 82.22, SD = 12.21$) were statistically significantly higher than pretest scores ($M = 71.81, SD = 13.56$) ($p < .001$).

Hypothesis 7

Delayed posttest scores will be higher than immediate posttest scores for faculty and staff. LSD post-hoc comparisons showed that respondents’ delayed posttest scores ($M = 82.22, SD = 12.21$) were statistically significantly higher than immediate posttest scores ($M = 78.48, SD = 13.67$) ($p < .001$).

Qualitative

At the end of the delayed posttest survey, the researcher provided the respondents with an opportunity to provide comments or suggestions about the FERPA
tutorial. Twenty-four of the 232 respondents provided feedback in this section. Their responses have been categorized in Table 10. Since respondents could provide more than one comment or suggestion, a respondent may be counted more than once in the table.

Table 10

Respondents’ Comments or Suggestions about the FERPA Tutorial

<table>
<thead>
<tr>
<th>Comments</th>
<th>Number of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad timing</td>
<td>2</td>
</tr>
<tr>
<td>Didn’t like the format</td>
<td>1</td>
</tr>
<tr>
<td>Didn’t like the wording</td>
<td>1</td>
</tr>
<tr>
<td>Didn’t retain much</td>
<td>1</td>
</tr>
<tr>
<td>Effective and efficient</td>
<td>3</td>
</tr>
<tr>
<td>Excellent</td>
<td>1</td>
</tr>
<tr>
<td>Needs to be more interesting</td>
<td>1</td>
</tr>
<tr>
<td>Please offer FERPA updates</td>
<td>2</td>
</tr>
<tr>
<td>Prefer other training method</td>
<td>4</td>
</tr>
<tr>
<td>Thought provoking</td>
<td>2</td>
</tr>
<tr>
<td>Would like my score and a printout of results</td>
<td>5</td>
</tr>
</tbody>
</table>

Some university employees sent emails directly to the researcher to provide feedback without participating in the delayed posttest. A few employees indicated that the FERPA project was placed in the SIS at a very busy time; therefore, they rushed through the project in an effort to complete it and regain the ability to access student records. A couple employees were displeased that it had to be completed right then as
opposed to being able to take it at a later time. One professor complained that there was not an introductory page informing employees of the reason for the mandatory training.

One associate professor responded, “Thanks! I thought the tutorial was very professional! I liked the pre-test, followed by instruction, and ending on a different post-test with answers discussed. GOOD TEACHING!” In a follow-up email, she requested that students in some of her classes be able to complete the FERPA Tutorial. This request was forwarded to the University Registrar.

Less than two weeks after the FERPA Tutorial was placed in the SIS and made mandatory for all employees with student records access, the Provost ordered that it be removed from the system because employees were complaining that they did not have time to complete the tutorial.

Ancillary Findings

Question 1 for each of the tests was identical and asked the respondents to identify at which point the FERPA rights of a student begin. The correct answer is “when the student registers and attends his/her first class;” however, for the pretest, posttest, and delayed posttest, the majority of the respondents selected the answer “when the application for admission is received” (see Table 11).
Table 11

**Question 1: The FERPA Rights of a Student Begin When**

<table>
<thead>
<tr>
<th>Answers</th>
<th>Pretest</th>
<th></th>
<th></th>
<th>Posttest</th>
<th></th>
<th></th>
<th>Delayed Posttest</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>When the application is received</td>
<td>177</td>
<td>76.3</td>
<td>87</td>
<td>37.5</td>
<td>100</td>
<td>43.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When the student registers and attends his/her first class</td>
<td>25</td>
<td>10.8</td>
<td>77</td>
<td>33.2</td>
<td>68</td>
<td>29.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Question 6 on the pretest was “An institution must release to anyone, upon request, any information identified as directory information by the institution.” The correct answer was false; however, the 53.9% answered true as shown in Table 12. Unfortunately, this question was not asked again in the posttest or delayed posttest and there were no comparable questions in the posttest or delayed posttest; therefore, knowledge increase can not be measured for this aspect of FERPA.

Table 12

**Question 6: An Institution Must Release Directory Information Upon Request**

<table>
<thead>
<tr>
<th>Answers</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>True</td>
<td>125</td>
<td>53.9</td>
</tr>
<tr>
<td>False</td>
<td>107</td>
<td>46.1</td>
</tr>
</tbody>
</table>

All of the following questions covered the basic principles of FERPA. Question 2 for each of the tests asked participants to identify which items are or are not education records. Question 3 on the pretest and Question 4 on the posttest and delayed posttest...
asked participants about the rights of students' parents. Question 3 on the posttest and delayed posttest asked participants to identify the major legal protections afforded to students through FERPA. Question 5 on the pretest and Questions 7 on the posttest and delayed posttest asked participants about the acceptability of releasing GPA without a student's permission. Question 8 on the pretest and Questions 9 on the posttest and delayed posttest asked participants about being a student and an employee and whether it is acceptable to view other students' records. Question 6 on the posttest and delayed posttest asked whether it is acceptable for a professor to post grades in a public place using only the last four digits of students' social security numbers. Question 11 on the posttest and delayed posttest asked how an employee should handle a student whose record has a FERPA hold. The majority of the respondents got these answers right each time as illustrated in Table 13 indicating that the respondents were aware of the basic principles of FERPA.
Table 13

**Basic Principles of FERPA**

<table>
<thead>
<tr>
<th></th>
<th>Pretest</th>
<th></th>
<th>Posttest</th>
<th></th>
<th>Delayed Posttest</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>%</td>
<td>Frequency</td>
<td>%</td>
<td>Frequency</td>
<td>%</td>
</tr>
<tr>
<td>What is an Education Record?</td>
<td>157</td>
<td>67.7</td>
<td>150</td>
<td>64.7</td>
<td>177</td>
<td>76.3</td>
</tr>
<tr>
<td>What are parents' rights?</td>
<td>201</td>
<td>86.6</td>
<td>209</td>
<td>90.1</td>
<td>216</td>
<td>93.5</td>
</tr>
<tr>
<td>What are students' rights?</td>
<td>--</td>
<td>--</td>
<td>198</td>
<td>85.3</td>
<td>178</td>
<td>76.7</td>
</tr>
<tr>
<td>GPA can not be released without student's written permission</td>
<td>165</td>
<td>71.1</td>
<td>193</td>
<td>83.2</td>
<td>194</td>
<td>83.6</td>
</tr>
<tr>
<td>Employees who are students must abide by FERPA</td>
<td>229</td>
<td>98.7</td>
<td>223</td>
<td>96.1</td>
<td>220</td>
<td>94.8</td>
</tr>
<tr>
<td>Posting grades using last 4-digits SSN</td>
<td>--</td>
<td>--</td>
<td>168</td>
<td>72.4</td>
<td>201</td>
<td>86.6</td>
</tr>
<tr>
<td>FERPA hold on student's record</td>
<td>--</td>
<td>--</td>
<td>161</td>
<td>69.4</td>
<td>177</td>
<td>76.3</td>
</tr>
</tbody>
</table>
CHAPTER V
DISCUSSION

Summary

This study was conducted among school officials or employees who have access to student records in the SIS at The University of Southern Mississippi to determine their initial knowledge levels of FERPA and to determine if a FERPA tutorial would increase their FERPA knowledge levels immediately and over time. A FERPA pretest, FERPA tutorial, and FERPA posttest were administered through the SIS. Approximately one month later an invitation to participate in a FERPA delayed posttest survey was sent via email. A response rate of 27.5% was obtained, and the following results were yielded.

Conclusions and Discussion

The analyses of the data were presented in Chapter IV. A summary of the results is presented here. The first four hypotheses investigated whether differences existed in FERPA pretest scores between employees when grouped in a variety of categories. Maycunich (2002) found that academic rank, tenure status, years of teaching experience, and years at current institution did not significantly impact faculty knowledge of FERPA. No literature, however, could be found regarding staff knowledge of FERPA and impact of demographic variables.

Hypothesis 1 investigated whether differences existed based on years of employment. When tested with one-way ANOVA, no statistically significant difference existed in pretest scores of school officials based on years of employment at The University of Southern Mississippi. While those employees who had been employed for
11+ years had slightly higher scores than the employees in the 0-5 and 6-10 categories, the difference was not statistically significant.

Hypothesis 2 investigated whether differences existed in FERPA pretest scores based on whether an employee had academic advising responsibilities. An independent samples t-test revealed that no statistically significant differences existed between FERPA pretest scores for employees who had academic advising responsibilities and those who did not.

Hypothesis 3 investigated whether differences existed in FERPA pretest scores based on employee rank such as professor, associate professor, assistant professor, instructor, graduate assistant, and staff. A one-way ANOVA revealed that no statistically significant differences existed between FERPA pretest scores for employees based on rank; therefore, in this study, faculty were just as knowledgeable as staff regarding FERPA. The findings from Hypotheses 1 through 3 support Maycunich’s (2002) conclusion that academic rank, tenure status, years of teaching experience, and years at current institution do not significantly impact faculty knowledge of FERPA.

Turner-Dickerson (1997) found that faculty were less knowledgeable about FERPA than were staff. Maycunich (2002) concluded that nearly half of all faculty were not familiar with FERPA, about a quarter possessed a slight or minimal understanding, and approximately 15% were moderately to very familiar with FERPA.

At the beginning of the pretest and again at the end of the delayed posttest, participants were asked to rate their perceived familiarity with FERPA. Almost half of the pretest ratings were slightly less than moderately familiar. After the delayed posttest, more than half at the ratings were moderately familiar. The total percentage of
correct answers from pretest, posttest, and delayed posttest increased with each test; however, the pretest total percentage of correct answers was 71.81% which concurs with the respondents' perception of being moderately familiar with FERPA and conflicts with the findings of Turner-Dickerson (1997) and Maycunich (2002).

Hypothesis 4 investigated whether differences existed in FERPA pretest scores based on type of department in which an employee worked. Departments were categorized into three types: academic, non-academic, and student services. Dobbins (1987) found that non-academic administrators were more knowledgeable about the Buckley Amendment than academic administrators. A one-way ANOVA revealed that no statistically significant differences existed between FERPA pretest scores for employees based on department type; therefore, in this study, employees in academic departments were just as knowledgeable as employees in non-academic departments or student service departments regarding FERPA.

An interesting finding, although not statistically significant, was that respondents in student service departments scored slightly less than respondents in academic and non-academic departments.

Hypotheses 5, 6, and 7 investigated whether employees' posttest scores were higher than pretest scores and whether delayed posttest scores were higher than posttest scores and pretest scores. One-way repeated measures ANOVA followed by LSD post-hoc comparisons revealed that posttest scores were statistically significantly higher than pretest scores and delayed posttest scores were statistically significantly higher than posttest scores and pretest scores. The fact that the delayed posttest scores were higher than the immediate posttest scores was a surprise to the researcher since one
month's time had lapsed between the two tests. The researcher speculates from this finding, along with a couple conversations with employees after they took the FERPA tutorial, that this FERPA intervention may have sparked interest among the participants which could have caused them to investigate FERPA further, thereby inspiring learning and increased knowledge of FERPA.

A cross tabulation between pretest familiarity and delayed posttest familiarity was conducted to determine how many respondents felt they had a change in familiarity level from pretest to delayed posttest. Ninety-nine respondents indicated a higher level of familiarity with FERPA on the delayed posttest than they indicated on the pretest. One finding of interest, though, was that 34 respondents indicated a lower level of familiarity with FERPA on the delayed posttest than they indicated on the pretest. The researcher speculated that the FERPA Tutorial may have made these respondents feel there were more components to FERPA than they originally thought, thus making them feel like they knew less about FERPA than they originally did.

One question was consistently answered incorrectly by respondents, that being “at which point do FERPA rights begin?” On each test, the largest percentage of respondents chose as their answer “when the application for admission is received” as opposed to the correct answer “when the student registers and attends his/her first class.” On the positive side, the respondents were at least erring on the side of caution.

At The University of Southern Mississippi, the Registrar’s Office created FERPA Facts cards (Appendix F) for campus distribution. The bold-faced statement at the bottom of the card comes to mind here, “When in doubt, don’t give it out!”
The qualitative feedback received by respondents can and should be used to improve the FERPA Tutorial process. The most common complaint was that the participant could not choose when to take the FERPA Tutorial and it had to be taken before data could be retrieved from the SIS. Several respondents also complained about feeling rushed to take the tutorial so they could resume their work activities. This could be improved upon by developing coding so that the user could choose to take the tutorial immediately or set a time to take it in the future. Then, the user would be able to access data in the SIS and would receive a reminder at the appropriate time indicating the need to complete the FERPA Tutorial.

Although the University Registrar sent three email notifications about the mandatory FERPA training, the messages were not read by all. To improve upon this process, the content of the message could be placed on the first page of the FERPA Tutorial and in so doing would inform the user of the reason for the training.

Another possible improvement to the process would be to make the FERPA Tutorial mandatory only for new employees or new student records accounts in the SIS. Upon being hired or receiving new access, employees would be informed of the mandatory FERPA training prior to accessing student records. Since employees in this study were found to have moderate familiarity with FERPA, instead of being required to go through the FERPA Tutorial, existing employees could be given sent FERPA email reminders or printed materials or even have pop-up messages appear in the SIS.

Five respondents indicated they would prefer a different training format. The researcher agrees that in-person training would be a good idea to suit some learning styles. This would be a particularly good idea if the FERPA Tutorial were made
mandatory only for new employees since the in-person training could be offered as a refresher to anyone interested.

A final improvement to the process would be to provide the participant with an electronic report at the end showing the questions, the participant's answers, the correct answers, and the participant's score.

In summary, the first four hypotheses were not supported, thereby indicating that years of employment, employee rank, advising status, and department type did not impact the level of FERPA knowledge of employee. The last three hypotheses were supported thereby indicating that the FERPA Tutorial did increase the level of FERPA knowledge both immediately and over time. Improvements can and should be made to the FERPA Tutorial process, but it was generally useful in increasing the FERPA knowledge levels of school officials at The University of Southern Mississippi.

Limitations

This study was conducted at only one institution, The University of Southern Mississippi. The Registrar's Office at this institution had created and distributed several materials to the campus community in addition to having FERPA information on its website. This may not be the case at every institution.

Recommendations for Policy or Practice

The following recommendations have been developed as a result of this study:

1. The FERPA Tutorial should be reinstated at The University of Southern Mississippi with the following modifications:
a. Add a front page to inform the users of why the FERPA Tutorial is mandatory.

b. Either make it mandatory only for new employees and/or SIS users with newly created student records’ accounts to take upon first login to the SIS or provide an option for users to take the FERPA Tutorial at a later time.

c. Periodically review the answers chosen by FERPA Tutorial completers to determine the most common incorrect answers. Use this information to develop FERPA reminders.

d. Send FERPA reminders to all employees periodically using either email or by creating pop-up messages in the SIS.

e. Create an electronic report that would be generated at the end of the FERPA Tutorial. This report would contain the questions, the participant’s answers, the correct answers, and the participant’s score.

2. Offer in-person FERPA training sessions at least once a semester to serve as a refresher for some and to meet the needs of those who don’t like online training.

3. If another institution chooses to implement a similar FERPA Tutorial embedded within the SIS, the researcher recommends communicating about the mandatory training to the campus community well in advance of the implementation date.
Recommendations for Future Research

The first purpose of this study was to determine FERPA knowledge levels of school officials. The second purpose of this study was to determine if a FERPA Tutorial could increase the immediate FERPA knowledge levels of school officials. The third purpose was to determine if a FERPA Tutorial could increase FERPA knowledge levels over one month. Future research could replicate a pretest, tutorial, posttest, and delayed posttest with the delayed posttest occurring after a longer period of time to determine if the FERPA knowledge stays with the participants for a longer period of time.

One area of FERPA that was not explored in this study or discussed in the FERPA Tutorial is that of school officials knowing when it is appropriate to share student's work as opposed to keeping it confidential. The week in which this FERPA Tutorial was implemented in the SIS at The University of Southern Mississippi also saw tragedy strike at Virginia Tech as a troubled student killed 32 people and injured an additional 24 people before taking his own life. Faculty, health service employees, and campus police all were aware through separate interactions, including his submission of violent, disturbing writings in class, that the student posed a threat to others. Virginia Tech and all other institutions of higher learning immediately started evaluating policies and procedures to determine if anything could have been done to prevent this tragedy and how to prevent similar tragedies from occurring again. Future research could focus on the development of guidelines for school officials to know when they should report suspicious students.
The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

[Optional] Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

[NOTE TO UNIVERSITY: FERPA requires an institution to make a reasonable attempt...
to notify each student of these disclosures unless the institution states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

[NOTE: In addition, an institution may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]
Family Educational Rights and Privacy Act Regulations

34 CFR Part 99

Subpart A—General

Section
99.1 To which educational agencies or institutions do these regulations apply?
99.2 What is the purpose of these regulations?
99.3 What definitions apply to these regulations?
99.4 What are the rights of parents?
99.5 What are the rights of students?
99.7 What must an educational agency or institution include in its annual notification?
99.8 What provisions apply to records of a law enforcement unit?

Subpart B—What Are the Rights of Inspection and Review of Education Records?

Section
99.10 What rights exist for a parent or eligible student to inspect and review education records?
99.11 May an educational agency or institution charge a fee for copies of education records?
99.12 What limitations exist on the right to inspect and review records?

Subpart C—What Are the Procedures for Amending Education Records?

Section
99.20 How can a parent or eligible student request amendment of the student's education records?
99.21 Under what conditions does a parent or eligible student have the right to a hearing?
99.22 What minimum requirements exist for the conduct of a hearing?

Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

Section
99.30 Under what conditions is prior consent required to disclose information?
99.31 Under what conditions is prior consent not required to disclose information?
99.32 What recordkeeping requirements exist concerning requests and disclosures?
99.33 What limitations apply to the redisclosure of information?
99.34 What conditions apply to disclosure of information to other educational agencies or institutions?
99.35 What conditions apply to disclosure of information for Federal or State program purposes?

99.36 What conditions apply to disclosure of information in health and safety emergencies?

99.37 What conditions apply to disclosing directory information?

99.38 What conditions apply to disclosing information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

Subpart E—What Are the Enforcement Procedures?

Section

99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?

99.62 What information must an educational agency or institution submit to the Office?

99.63 Where are complaints filed?

99.64 What is the complaint procedure?

99.65 What is the content of the notice of complaint issued by the Office?

99.66 What are the responsibilities of the Office in the enforcement process?

99.67 How does the Secretary enforce decisions?

Subpart A—General

§ 99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in § 99.10, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary, if—

1. The educational institution provides educational services or instruction, or both, to students;

2. The educational agency provides administrative control of or direction of, or performs service functions for, public elementary or secondary schools or postsecondary institutions.

(b) This part does not apply to an educational agency or institution solely because students attending that agency or institution receive non-mandatory benefits under a program referenced in paragraph (a) of this section, if no funds under that program are made available to the agency or institution.

(c) The Secretary considers funds to be made available to an educational agency or institution if funds under one or more of the programs referenced in paragraph (a) of this section—

1. Are provided to the agency or institution by grant, cooperative agreement, contract, subgrant, or subcontract; or

2. Are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (Titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(d) If an educational agency or institution receives funds under one or more of the programs covered by this section, the regulations in this part apply to the recipient as a whole, including each of its components (such as a department within a university).

(Authority: 20 U.S.C. 1232g)

§ 99.2 What is the purpose of these regulations?

The purpose of this part is to set out requirements for the protection of privacy of parents and students under section 444 of the General Education Provisions Act, as amended.

(Authority: 20 U.S.C. 1232g)
NOTE: 34 CFR 300.560-300.576 contain requirements regarding confidentiality of information relating to handicapped children who receive benefits under the Education of the Handicapped Act.

§ 99.3 What definitions apply to these regulations?
The following definitions apply to this part:


(Authority: 20 U.S.C. 1232g)

"Attendance" includes, but is not limited to:

(a) Attendance in person or by correspondence and

(b) The period during which a person is working under a work-study program.

(Authority: 20 U.S.C. 1232g)

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(Authority: 20 U.S.C. 1232g(a)(6)(A))

"Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

(Authority: 20 U.S.C. 1232g(b)(1))

"Educational agency or institution" means any public or private agency or institution to which this part applies under § 99.1(a).

(Authority: 20 U.S.C. 1232g(a)(3))

"Education records" (a) The term means those records that are:

(1) Directly related to a student; and

(2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

(1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to these persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record:

(2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of § 99.5.

(5)(i) Records relating to an individual who is employed by an educational agency or institution, that

(A) Are made and maintained in the normal course of business:

(B) Relate exclusively to the individual in that individual's capacity as an employee: and

(C) Are not available for use for any other purpose.

(ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(5)(i) of this definition.

(4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

(i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and

(5) Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

(Authority: 20 U.S.C. 1232g(a)(4))

"Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education.

(Authority: 20 U.S.C. 1232g(d))

"Institution of postsecondary education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(Authority: 20 U.S.C. 1232g(d))

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

(Authority: 20 U.S.C. 1232g)

"Party" means an individual, agency, institution, or organization.

(Authority: 20 U.S.C. 1232g(b)(4)(A))

"Personally identifiable information" includes, but is not limited to

(a) The student's name;

(b) The name of the student's parent or other family member;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number or student number;

(e) A list of personal characteristics that would make the student's identity easily traceable; or

(f) Other information that would make the student's identity easily traceable.

(Authority: 20 U.S.C. 1232g)

"Record" means any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

(Authority: 20 U.S.C. 1232g)

"Secretary" means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

(Authority: 20 U.S.C. 1232g)

"Student," except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

(Authority: 20 U.S.C. 1232g(a)(6))

§ 99.4 What are the rights of parents?

An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

(Authority: 20 U.S.C. 1232g)

§ 99.5 What are the rights of students?

(a) When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

(b) The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
§ 99.7 What must an educational agency or institution include in its annual notification?

(a)(1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

(b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

§ 99.8 What provisions apply to records of a law enforcement unit?

(a)(1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by that agency or institution to—

(i) Enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or Federal law against any individual or organization other than the agency or institution itself; or

(ii) Maintain the physical security and safety of the agency or institution.

(b)(1) Records of law enforcement unit means those records, files, documents, and other materials that are—
(i) Created by a law enforcement unit;
(ii) Created for a law enforcement purpose; and
(iii) Maintained by the law enforcement unit.
(2) Records of law enforcement unit does not mean—
(i) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or
(ii) Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.
(c) (1) Nothing in the Act prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, State, or Federal law.
(2) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of §99.30, while in possession of the law enforcement unit.
(d) The Act neither requires nor prohibits the disclosure by any educational agency or institution of its law enforcement unit records.
(Authority: 20 U.S.C. 1232g(a) (4) (B) (ii))

Subpart B—What Are the Rights of Inspection and Review of Education Records?

§ 99.10 What rights exist for a parent or eligible student to inspect and review education records?

(a) Except as limited under §99.12, a parent or eligible student must be given the opportunity to inspect and review the student’s education records.

This provision applies to—
(1) Any educational agency or institution; and
(2) Any State educational agency (SEA) and its components.

(i) For the purposes of subpart B of this part, an SEA and its components constitute an educational agency or institution.

(ii) An SEA and its components are subject to subpart B of this part if the SEA maintains education records on students who are or have been in attendance at any school of an educational agency or institution subject to the Act and this part.

(b) The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.

(c) The educational agency or institution, or SEA or its component, shall respond to reasonable requests for explanations and interpretations of the records.

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student’s education records, the educational agency or institution, or SEA or its component, shall—

(1) Provide the parent or eligible student with a copy of the records requested; or

(2) Make other arrangements for the parent or eligible student to inspect and review the requested records.

(e) The educational agency or institution, or SEA or its component, shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(f) While an education agency or institution is not required to give an eligible student access to treatment records under paragraph (b)(4) of the definition of “Education records” in §99.3, the student may have those records reviewed by a physician or other appropriate professional of the student’s choice.

(Authority: 20 U.S.C. 1232g(a)(1)(A) and (B))
§ 99.11 May an educational agency or institution charge a fee for copies of education records?

(a) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

(Authority: 20 U.S.C. 1232g(a)(1))

§ 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

(1) Financial records, including any information those records contain, of his or her parents;

(2) Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and

(3) Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if

(i) The student has waived his or her right to inspect and review those letters and statements; and

(ii) Those letters and statements are related to the student's:

(A) Admission to an educational institution;

(B) Application for employment; or

(C) Receipt of an honor or honorary recognition.

(c)(1) A waiver under paragraph (b)(3)(i) of this section is valid only if:

(i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

(ii) The waiver is made in writing and signed by the student, regardless of age.

(2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:

(i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

(ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

(5)(i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.

(ii) A revocation under paragraph (c)(3)(i) of this section must be in writing.

(Authority: 20 U.S.C. 1232g(a)(1)(A), (B), (C), and (D))

Subpart C—What Are the Procedures for Amending Education Records?

§ 99.20 How can a parent or eligible student request amendment of the student's education records?

(a) If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.
(b) The educational agency or institution shall de­

cide whether to amend the record as requested

within a reasonable time after the agency or institu­
tion receives the request.

(c) If the educational agency or institution decides

not to amend the record as requested, it shall inform
the parent or eligible student of its decision and of
his or her right to a hearing under § 99.21.

(Authority: 20 U.S.C. 1232g(a)(2))

§ 99.21 Under what conditions does a

parent or eligible student have the right to

a hearing?

(a) An educational agency or institution shall give a

parent or eligible student, on request, an opportu­
nity for a hearing to challenge the content of the

student’s education records on the grounds that the

information contained in the education records is

inaccurate, misleading, or in violation of the privacy

rights of the student.

(b)(1) If, as a result of the hearing, the educational

agency or institution decides that the information is

inaccurate, misleading, or otherwise in violation of

the privacy rights of the student, it shall:

(i) Amend the record accordingly; and

(ii) Inform the parent or eligible student of the

amendment in writing.

(2) If, as a result of the hearing, the educational

agency or institution decides that the information in
the education record is not inaccurate, misleading,
or otherwise in violation of the privacy rights of the
student, it shall inform the parent or eligible student
of the right to place a statement in the record com­
menting on the contested information in the record
or stating why he or she disagrees with the decision
of the agency or institution, or both.

(c) If an educational agency or institution places a

statement in the education records of a student un­
der paragraph (b)(2) of this section, the agency or
institution shall:

(1) Maintain the statement with the contested part
of the record for as long as the record is maintained;

and

(2) Disclose the statement whenever it discloses the
portion of the record to which the statement relates.

(Authority: 20 U.S.C. 1232g(a)(2))

§ 99.22 What minimum requirements
exist for the conduct of a hearing?

The hearing required by § 99.21 must meet, at a

minimum, the following requirements:

(a) The educational agency or institution shall hold
the hearing within a reasonable time after it has
received the request for the hearing from the parent
or eligible student.

(b) The educational agency or institution shall give
the parent or eligible student notice of the date, time,
and place, reasonably in advance of the hearing.

(c) The hearing may be conducted by any indi­
vidual, including an official of the educational
agency or institution, who does not have a direct
interest in the outcome of the hearing.

(d) The educational agency or institution shall give
the parent or eligible student a full and fair opportu­
nity to present evidence relevant to the issues raised
under § 99.21. The parent or eligible student may, at
their own expense, be assisted or represented by one
or more individuals of his or her own choice, includ­
ing an attorney.

(e) The educational agency or institution shall make
its decision in writing within a reasonable period of
time after the hearing.

(f) The decision must be based solely on the evi­
dence presented at the hearing, and must include a
summary of the evidence and the reasons for the
decision.

(Authority: 20 U.S.C. 1232g(a)(2))
Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

§ 99.30 Under what conditions is prior consent required to disclose information?

(a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in §99.31.

(b) The written consent must:

(1) Specify the records that may be disclosed;
(2) State the purpose of the disclosure; and
(3) Identify the party or class of parties to whom the disclosure may be made.

(c) When a disclosure is made under paragraph (a) of this section:

(1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and
(2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(2)(A))

§ 99.31 Under what conditions is prior consent not required to disclose information?

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:

(1) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

(2) The disclosure is subject to the requirements of §99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(3) The disclosure is subject to the requirements of §99.35, to authorized representatives of:

(i) The Comptroller General of the United States;
(ii) The Secretary; or
(iii) State and local educational authorities.

(4)(i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(A) Determine eligibility for the aid;
(B) Determine the amount of the aid;
(C) Determine the conditions for the aid; or
(D) Enforce the terms and conditions of the aid.

(ii) As used in paragraph (a)(4)(i) of this section, "financial aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

(Authority: 20 U.S.C. 1232g(b)(1)(D))

(5)(i) The disclosure is to State and local officials or authorities to whom this information is specifically—

(A) Allowed to be reported or disclosed pursuant to a State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
(B) Allowed to be reported or disclosed pursuant to a State statute adopted after November 19, 1974, subject to the requirements of § 99.39.

(ii) Paragraph (a)(E)(1) of this section does not prevent a State from further limiting the number or type of State or local officials to whom disclosures may be made under that paragraph.

(6) (i) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(ii) The agency or institution may disclose information under paragraph (a)(E)(1) of this section only if:

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(iii) If this Office determines that a third party outside the educational agency or institution to whom information is disclosed under this paragraph (a)(E)(1) violates paragraph (a)(E)(1) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(iv) For the purposes of paragraph (a)(E)(1) of this section, the term "organization" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

(7) The disclosure is to accrediting organizations to carry out their accrediting functions.

(8) The disclosure is to parents of a dependent student, as defined in section 162 of the Internal Revenue Code of 1954.

[Note: The above section should read "the Internal Revenue Code of 1986." ]

(9) (i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(iii) If the educational agency or institution initiates legal action against a parent or student and has complied with paragraph (a)(9)(ii) of this section, it may disclose the student's education records that are relevant to the action to the court without a court order or subpoena.

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in § 99.36.

(11) The disclosure is information the educational agency or institution has designated as "directory information," under the conditions described in § 99.37.

(12) The disclosure is to the parent of a student who is not an eligible student or to the student.

(13) The disclosure is to an alleged victim of any crime of violence, as that term is defined in Section 16 of title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime with respect to that crime.
(b) This section does not forbid an educational agency or institution to disclose, nor does it require an educational agency or institution to disclose, personally identifiable information from the education records of a student to any parties under paragraphs (a)(1) through (11) and (15) of this section.

(Authority: 20 U.S.C. 1232g(a)(6)(A), (b)(1), (b)(2)(B), and (b)(6))

§ 99.32 What recordkeeping requirements exist concerning requests and disclosures?
(a)(1) An educational agency or institution shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:
(i) The parties who have requested or received personally identifiable information from the education records; and
(ii) The legitimate interests the parties had in requesting or obtaining the information.

(b) If an educational agency or institution discloses personally identifiable information from an education record with the understanding authorized under § 99.33(b), the record of the disclosure required under this section must include:

(1) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and

(2) The legitimate interests under § 99.31 which each of the additional parties has in requesting or obtaining the information.

(c) The following parties may inspect the record relating to each student:

(1) The parent or eligible student.

(2) The school official or his or her assistants who are responsible for the custody of the records.

(3) Those parties authorized in § 99.31(a)(1) and (5) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

(d) Paragraph (a) of this section does not apply if the request was from, or the disclosure was to:

(1) The parent or eligible student;

(2) A school official under § 99.31(a)(1);

(3) A party with written consent from the parent or eligible student;

(4) A party seeking directory information; or

(5) A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(Approved by the Office of Management and Budget under control number 1880-0038)

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A))

§ 99.33 What limitations apply to the redisclosure of information?
(a)(1) An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

(2) The officers, employees, and agents of a party that receives information under paragraph (a)(1) of this section may use the information, but only for the purposes for which the disclosure was made.

(b) Paragraph (a) of this section does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:
(1) The disclosures meet the requirements of § 99.31; and

(2) The educational agency or institution has complied with the requirements of § 99.32(b).

(c) Paragraph (a) of this section does not apply to disclosures made pursuant to court orders or to lawfully issued subpoenas under § 99.31(a)(9), to disclosures of directory information under § 99.31(a)(11), or to disclosures to a parent or student under § 99.31(a)(12).

(d) Except for disclosures under § 99.31(a)(9), (11) and (12), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

(e) If this Office determines that a third party improperly rediscloses personally identifiable information from education records in violation of § 99.33(a) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(Authority: 20 U.S.C. 1232g(b)(1), (2))

§ 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?

(a) An educational agency or institution that discloses an education record under § 99.31(a)(2) shall:

(1) Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

(i) The disclosure is initiated by the parent or eligible student; or

(ii) The annual notification of the agency or institution under § 99.7 includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

(2) Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

(3) Give the parent or eligible student, upon request, an opportunity for a hearing under Subpart C.

(b) An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:

(1) The student is enrolled in or receives services from the other agency or institution; and

(2) The disclosure meets the requirements of paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(b)(1), (2))

§ 99.35 What conditions apply to disclosure of information for Federal or State program purposes?

(a) The officials listed in § 99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.

(b) Information that is collected under paragraph (a) of this section must:

(1) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in paragraph (a) of this section; and

(2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section.

(c) Paragraph (b) of this section does not apply if:

(1) The parent or eligible student has given written consent for the disclosure under § 99.30; or

(2) The collection of personally identifiable information is specifically authorized by Federal law.

(Authority: 20 U.S.C. 1232g(b)(3))
§ 99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) Nothing in the Act or this part shall prevent an educational agency or institution from—

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) Paragraphs (a) and (b) of this section will be strictly construed.

(Authority: 20 U.S.C. 1232g(b)(1)(A) and (B))

§ 99.37 What conditions apply to disclosing directory information?

(a) An educational agency or institution may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the agency or institution of

(1) The types of personally identifiable information that the agency or institution has designated as directory information;

(2) A parent's or eligible student's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and

(3) The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(b) An educational agency or institution may disclose directory information about former students without meeting the conditions in paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(a)(5)(A) and (B))

§ 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

(a) If reporting or disclosure allowed by State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under § 99.31(a)(5)(B).

(b) The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

(Authority: 20 U.S.C. 1232g(b)(1)(J))

Subpart E—What Are the Enforcement Procedures?

§ 99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?
(a) For the purposes of this subpart, "Office" means the Family Policy Compliance Office, U.S. Department of Education.

(b) The Secretary designates the Office to:

(1) Investigate, process, and review complaints and violations under the Act and this part; and

(2) Provide technical assistance to ensure compliance with the Act and this part.

(c) The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term "applicable program" is defined in section 400 of the General Education Provisions Act.

(Authority: 20 U.S.C. 1232g(f) and (g), 1254)

§ 99.61 What responsibility does an educational agency or institution have concerning conflict with State or local law?

If an educational agency or institution determines that it cannot comply with the Act or this part due to a conflict with State or local law, it shall notify the Office within 45 days, giving the text and citation of the conflicting law.

(Authority: 20 U.S.C. 1232g(f))

§ 99.62 What information must an educational agency or institution submit to the Office?

The Office may require an educational agency or institution to submit reports containing information necessary to resolve complaints under the Act and the regulations in this part.

(Authority: 20 U.S.C. 1232g(f) and (g))

§ 99.63 Where are complaints filed?

A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office's address is: Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605.

(Authority: 20 U.S.C. 1232g(g))

§ 99.64 What is the complaint procedure?

(a) A complaint filed under § 99.63 must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act or this part has occurred.

(b) The Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of the Act or this part.

(c) A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

(d) The Office extends the time limit in this section if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Office.

(Authority: 20 U.S.C. 1232g(f))

§ 99.65 What is the content of the notice of complaint issued by the Office?

(a) The Office notifies the complainant and the educational agency or institution in writing if it initiates an investigation of a complaint under § 99.64(b). The notice to the educational agency or institution—

(1) Includes the substance of the alleged violation; and

(2) Asks the agency or institution to submit a written response to the complaint.

(b) The Office notifies the complainant if it does not initiate an investigation of a complaint because the complaint fails to meet the requirements of § 99.64.

(Authority: 20 U.S.C. 1232g(g))
§ 99.66 What are the responsibilities of the Office in the enforcement process?

(a) The Office reviews the complaint and response and may permit the parties to submit further written or oral arguments or information.

(b) Following its investigation, the Office provides to the complainant and the educational agency or institution written notice of its findings and the basis for its findings.

(c) If the Office finds that the educational agency or institution has not complied with the Act or this part, the notice under paragraph (b) of this section:

(1) Includes a statement of the specific steps that the agency or institution must take to comply; and

(2) Provides a reasonable period of time, given all of the circumstances of the case, during which the agency or institution may comply voluntarily.

(Authority: 20 U.S.C. 1232g(f))

§ 99.67 How does the Secretary enforce decisions?

(a) If the educational agency or institution does not comply during the period of time set under §99.66(c), the Secretary may, in accordance with part E of the General Education Provisions Act —

(1) Withhold further payments under any applicable program;

(2) Issue a complaint to compel compliance through a cease-and-desist order; or

(3) Terminate eligibility to receive funding under any applicable program.

(b) If, after an investigation under § 99.66, the Secretary finds that an educational agency or institution has complied voluntarily with the Act or this part, the Secretary provides the complainant and the agency or institution written notice of the decision and the basis for the decision.

(Note: 3d CFR Part 78 contains the regulations of the Education Appeal Board.)

[Please note that Part 78 has been removed from the CFR and has been replaced with 3d CFR Part 81.]

(Authority: 20 U.S.C. 1232g(f); 20 U.S.C. 1234)

[These regulations are codified in 3d CFR Part 99 as amended on November 21, 1996 (61 FR 59292).]
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

University students have the right to inspect and review and to request the correction of any information in their education records that is not accurate, misleading, or otherwise inappropriate under the Family Educational Rights and Privacy Act of 1974. Students should contact the University's Office of the Registrar for assistance. In the event the university fails to take appropriate corrective action, the student may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, N.W., Washington, D.C. 20202.
The following items are not considered Education Records subject to a student’s request for review:

- Law Enforcement Records
- Employment Records; however, the records of those employed as a result of their status as students (e.g., work study, student workers) are considered Education Records
- Medical Treatment Records
- Alumni Records
- Sole-Source/sole-Possession Documents — records or private notes (not Grade or GPA related) held by school officials. If these records or private notes are shared with another person, they are no longer sole source documents; they become part of the student’s Education Records and are subject to FERPA. Grade books are not considered sole-source documents under FERPA and must be made available to student’s written requests for record disclosure. All notations pertaining to other students would be removed from the copy provided for review.

RECOMMENDATIONS TO FACULTY

- Do not leave exams, papers, or other documents containing a student’s Personally Identifiable Information or Education Records outside office doors or in any open-access areas.
- Do not record attendance by passing around the official class roster, which contains the student’s EmplID.
- Do not provide grades or other Personally Identifiable Information/Education Records to students via telephone or e-mail.

“IF IN DOUBT, DON’T GIVE IT OUT!”

FOR MORE INFORMATION:
See the Office of the University Registrar FERPA Web site:
http://www.usm.edu/registrar/ferpa
Send FERPA questions to the University Registrar:.person@usm.edu

Office of the University Registrar
The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, protects the privacy of student education records. It gives students the right to review their educational records, the right to request amendment to records they believe to be inaccurate, and the right to limit disclosure from those records. An institution's failure to comply with FERPA could result in the withdrawal of federal funds by the U.S. Department of Education.

University personnel need to know the difference between Directory Information and Personally Identifiable Information or Education Records.

**DIRECTORY INFORMATION**

- May be disclosed unless the student initiates a privacy request. This request is indicated by the PeopleSoft service indicator of a blue window shade.
  - Student's Name
  - Address
  - Telephone Number
  - E-mail Address
  - Major
  - Dates of Attendance
  - Classification
  - Degree(s) Earned
  - Previous Institutions Attended
  - Class Rank

**PERSONALLY IDENTIFIABLE INFORMATION** (any data other than Directory Information), including but not limited to:

- Social Security Number
- EmpID (PeopleSoft)
- Residency Status
- Gender
- Religious Preference
- Race/Ethnicity

**EDUCATION RECORDS**, including but not limited to:

- Student's Class Schedule
- Grade/GPA
- Test Scores
- Academic Standing
- Academic Transcript

University personnel with a Legitimate Educational Interest may have access to Personally Identifiable Information. However, Personally Identifiable Information or Education Records may not be released to anyone but the student and only then with proper identification.

FERPA rights transfer to the student at age 18 or at the time of attendance at a post-secondary institution, regardless of age. The University must receive the student's written and signed consent before releasing Personally Identifiable Information or Education Records to parents and spouses. If the student is considered "financially dependent," parents or legal guardians may obtain Personally Identifiable Information at the discretion of the institution by providing to the Office of the University Registrar a copy of the most recently filed federal tax return.

Requests for Personally Identifiable Information or Education Records should be referred to the Office of the University Registrar.
1. What is F.E.R.P.A.?


a. the right to inspect and review information relating to the student maintained by the colleges the student attends
b. the right to challenge and require the college to amend any portion of the educational records concerning the student that is inaccurate, misleading or in violation of the student's privacy rights
c. the right to require the college to obtain written consent prior to the disclosure of personally identifiable information

2. As a parent, if I pay tuition, does this give me the right to see my child's grades?

No. Parents lose their F.E.R.P.A. rights when the child turns 18 or starts attending a postsecondary institution. If you are the parent of a traditional-age college student, this may be a little hard to understand, but the law is clear.

3. How do I review my child's educational records?

With written consent of the student or with documentation showing the student is your dependent, the university can release educational records.

4. How do students receive their grades?

All students are issued a password and ID granting them access to SOAR (Southern's Online Accessible Records). Through this Internet-based account, students may review several items including their grades.

5. What information can the university release without consent?

The university may release information it deems as directory information. At Southern Miss, directory information is defined as follows:

- student's name, address, telephone number, date and place of birth, race, date of entrance to the institution, gender, degree earned, graduate educational institutions attended, class rank, and e-mail address.

6. Can the student withhold directory information?

Yes. The student should complete a privacy request form in the Office of the University Registrar, Room 110, Kemmard-Washington Hall. Completion of this form removes a student from all published directory information, including phone numbers.

7. Can a student/parent obtain personally identifiable information over the phone?

No. The university is unable to verify with certainty the request is authentic.

8. As a parent, how can I obtain my child's grades?

a. The student can give the parent his/her login and password to the student's SOAR account.
b. Provide documentation to the Office of the University Registrar that the student is your dependent.

Additional information on F.E.R.P.A. can be obtained through the Office of the University Registrar

110 Kemmard-Washington Hall.
APPENDIX F
FERPA FACTS

THE UNIVERSITY OF SOUTHERN MISSISSIPPI
FERPA FACTS

The University of Southern Mississippi has designated the following items as directory information, subject to public disclosure in accordance with the Family Educational Rights and Privacy Act of 1974:

- Student's Name
- Address
- Telephone Number
- E-mail Address
- Major
- Dates of Attendance
- Classification
- Degree(s) Earned
- Previous Institutions Attended
- Class Rank

If a student has a FERPA service indicator, ^ , in PeopleSoft, then (s)he has requested that no directory information be released. The appropriate response when receiving a phone call regarding a student with a FERPA hold is, "I can neither confirm nor deny information regarding this person. You will need to come in person to request this information."

When in doubt, don't give it out!

Please keep this card by your phone so that you will know what student information can be released as directory information.

If you have questions regarding FERPA and the University's policy regarding FERPA, please contact the Registrar's Office.

The Registrar's Office offers several training materials and resources:

- FERPA training video
- FERPA reference guide for faculty and staff
- Comprehensive FERPA exam
- FERPA quiz (PowerPoint presentation)

Detailed information on the confidentiality of student records may be found on the Web at http://www.usm.edu/registrar/ferpa/index.html.

Questions?
Call the Registrar's Office at 601.266.5006
APPENDIX G

CONFIDENTIALITY OF STUDENT RECORDS

appear in any official university publication distributed to the public, such as a commencement program, and no information concerning your accomplishments will be provided to the media, including academic recognition (President’s List or Dean’s List).

Can a student/parent obtain personally identifiable information over the phone? No. The University is unable to verify with certainty that the request is authentic.

As a parent, how can I obtain my child’s grades?
- The student can give the parent their SOAR account login and password.
- Provide documentation to the Office of the University Registrar that the student is your dependent.

FOR MORE INFORMATION:
- See the Office of the University Registrar FERPA Website: http://www.usm.edu/registrar/ferpa
- Visit the Office of the University Registrar, Kennard-Washington Hall, Room 110

FERPA

THE UNIVERSITY OF SOUTHERN MISSISSIPPI

CONFIDENTIALITY OF STUDENT RECORDS
The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, protects the privacy of student education records. It gives students the right to review their educational records, the right to request amendment to records they believe to be inaccurate, and the right to limit disclosure from those records. An institution's failure to comply with FERPA could result in the withdrawal of federal funds by the U.S. Department of Education.

Frequently Asked Questions

As a parent, if I pay tuition, does this give me the right to see my child's grades?

No. Parents lose their FERPA rights when the child turns 18 or starts attending a postsecondary institution. If you are the parent of a traditional-age college student, this may be a little hard to understand, but that is the law.

How do I review my child's education records?

With written consent of the student or with documentation showing the student is your dependent, the University can release educational records.

How do students receive their grades?

All students are issued a password and ID granting them access to SOAR (Southern's Online Accessible Records). Through this Internet-based account, students may review several items, including their grades.

What information can the University release without consent?

No. Parents lose their FERPA rights when the child turns 18 or starts attending a postsecondary institution. If you are the parent of a traditional-age college student, this may be a little hard to understand, but that is the law.

Can the student withhold Directory Information?

Yes. The student should complete a privacy request form in the Office of the University Registrar, Kenndall Washington Hall, Room 110. Completion of this form removes a student from all published Directory Information, including phone numbers. Students should carefully consider the consequences of any decision to withhold Directory Information, as potential employers, colleges, universities, or medical insurance companies may not be able to verify your existence as a student in any form. Your enrollment cannot be verified to any outside source, such as potential employers, colleges, universities, or medical insurance companies, as well as government agencies.
APPENDIX H

SOUTHERN MISS AND FERPA COMPLIANCE POLICY

The University of Southern Mississippi, consistent with the regulations of the Family Education Rights and Privacy Act as amended in 1974, insures students the right to inspect and review their educational records within 45 days from the time of the request.

In addition, the law prohibits the release of personally identifiable information without the student’s permission, with the following exceptions:

- To University of Southern Mississippi school officials who have a legitimate educational interest as determined by the University.
- To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs.
- To a parent of dependent students for income tax purposes as defined by section 152 of the IRS code of 1954. A 1040 form may be appropriate.
- In a health or safety emergency.
- To comply with a judicial order or subpoena.
- In connection with Financial Aid including Veteran benefits.
- To the alleged victim of any crime or violence, as described in section 16 of title 18, United States Code.
- To organizations in person or company with whom the University has contracted; individuals serving on the Institution of Higher Learning Board; students serving on an official committee; a person assisting another school official in performing his/her task.
- When an individual with an education record is deceased.
- Designated officials as defined by the Patriot Act of 2001.
- Information deemed by the University as directory information.
- The University of Southern Mississippi has designated the following items as directory information:
  1. Student’s Name
  2. Address
  3. Telephone Number
  4. E-mail Address
  5. Major
  6. Dates of Attendance
  7. Classification
  8. Degree(s) Earned
  9. Previous Institutions Attended
  10. Class Rank
- A student must request the University not to release directory information; however, you should consider the consequences of that action before making the decision to do so. If you choose to have directory information withheld, you
should complete a written request provided by the Office of the Registrar located in Kennard-Washington Hall, Room 110.

- The University reserves the right to deny copies of records, including transcripts, not required to be made available if student has an unpaid balance to the University.

The right to inspect and review all materials in your file(s) except items not considered an educational records as follows:

- Sole possession records or private notes held by school officials.
- Law enforcement or campus police security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit.
- Confidential letters and recommendations placed in students' files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which specifically collected.
- Confidential letters and statements of recommendation, placed in students' records after January 1, 1975, to which the student has waived his/her right to inspect and that are related to the students' admission, application for employment or job placement, or receipt of honors. Education records containing information about more than one student; however, in such cases the institution must permit access to that part of the record which pertains only to the inquiring student.
- Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professionals or paraprofessionals and disclosed only to individuals providing treatment(s).

F.E.R.P.A. afford individuals the opportunity to challenge or amend his/her education record if inaccurate, misleading, or in violation of privacy or other rights of the student. The student may submit a written request that the record be amended. The form is available in the Office of the University Registrar, located in Kennard-Washington Hall, Room 110.

Within 60 days of receipt of the written request, the University will inform the student as to whether the record will be amended. The request should include justification for the challenge. A grade may be challenged on the grounds that it was inaccurately recorded.

If the decision is negative, the student may submit a written request for a hearing in order to challenge the content of the record(s). The hearing committee will inform the student of the date, place, and time of the hearing.

Challenges and requests for a hearing must be in writing and should be directed to the Office of the University Registrar.

School officials' responsibility regarding privacy of students' records.
A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted; student serving on an official committee, such as a disciplinary committee or a person assisting another school official in performing his or her tasks.

It is the responsibility of each school official to understand his or her legal responsibilities under F.E.R.P.A. These include maintaining the privacy of students' grades for any course or for any activity which is part of a course.

This policy is violated if a student's grade is (1) openly mentioned in class; (2) publically posted in a personally identifiable manner such as social security number or student identification number; (3) paper, test, or projects in public view (4) released over the telephone or electronically to any person other than the student or his/her designee with written consent.

Disclosure of a students' grades by a faculty member may be made only in a manner that makes the grades identifiable only to the faculty member and the student.

Upon completion of training, school officials will be provided documentation he/she realizes disclosure of non-directory information violates F.E.R.P.A. and places the University at risk of losing Federal funding.

Individuals have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of F.E.R.P.A. The name and address of the office that administers F.E.R.P.A. is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Questions about the policies and procedures about the University's "Policy on Student Records" or about the Family Educational Rights and Privacy Act of 1974, should be directed to:

Attn: Greg Pierce, University Registrar
The University of Southern Mississippi
118 College Drive #5006
Hattiesburg, MS 39406-0001
Telephone number: 601-266-5006

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
APPENDIX I

DIRECTORY INFORMATION

The University of Southern Mississippi has designated the following items as Directory Information, subject to public disclosure in accordance with the Family Educational Rights and Privacy Act of 1974:

- Student's Name
- Address
- Telephone Number
- E-mail Address
- Major
- Dates of Attendance
- Classification
- Degree(s) Earned
- Previous Institutions Attended
- Class Rank

Directory Information pertaining to students of The University of Southern Mississippi is never knowingly provided to any requester for commercial purposes. Students must request the University not to release Directory Information; however, the consequences of that action should be considered before making the decision to do so.

- The enrollment of students who request to withhold Directory Information cannot be verified to any outside source such as potential employers, colleges, universities, or medical insurance companies.
- The names of students who request to withhold Directory Information will not appear in any official university publication distributed to the public, such as a commencement program.
- The names of students who request to withhold Directory Information will not be provided to the media when releasing academic recognition announcements (President's List or Dean's List).

Students who choose to have Directory Information withheld should complete a written request provided by the Office of the University Registrar, located in Kennard-Washington Hall, Room 110.
APPENDIX J

PROTECTING PERSONAL INFORMATION AND EDUCATION RECORDS

University personnel with a legitimate educational interest may have access to Personally Identifiable Information and Education Records.

Personally Identifiable Information (any data other than Directory Information) includes

- Social Security Number
- EmplID (PeopleSoft)
- Residency Status
- Gender
- Religious Preference
- Race/Ethnicity

Education Records includes

- Student's Class Schedule
- Grades/GPA
- Test Scores
- Academic Standing
- Academic Transcripts

University personnel with a Legitimate Educational Interest may have access to Personally Identifiable Information. However, Personally Identifiable Information or Education Records may not be released to anyone but the student and only with proper identification.
APPENDIX K

RELEASE OF INFORMATION TO PARENTS OF STUDENTS

FERPA rights transfer to the student at age 18 or at the time of attendance at a post-secondary institution, regardless of age. The University must receive the student's written and signed consent before releasing Personally Identifiable Information or Education Records to parents or spouses.

If the student is considered "financially dependent," parents or legal guardians may obtain Personally Identifiable Information at the discretion of the institution by providing to the Office of the University Registrar a copy of the most recently filed federal tax return.

Requests for Personally Identifiable Information or Education Records should be referred to the Office of the University Registrar.
APPENDIX L

FERPA TRAINING MATERIALS

True or False

Faculty and staff have a right to inspect the education records of any student attending Southern Miss without giving a reason. The fact that they are considered a university official gives them this right.

The answer is False.

While they are considered to be a university official, faculty and staff must have a legitimate educational interest, i.e., "a need to know," to review any student's record in order to fulfill their professional responsibility.

True or False

To make life easier for students, Professor B posts grades by Social Security Number on her door. This would not be a problem with FERPA.

The answer is False.

This is a violation of FERPA because the Social Security Numbers are personally identifiable information and should not be released.

Posting Grades

Grades should not be posted in association with names, SSNs, or other personally identifiable information. Use only a coding method agreed upon mutually by the entire class which contains a method of identification known only by the student and the professor.

Posting Grades

The list should be randomly generated, i.e., displayed in such a way that it not appear in alphabetical order by student name.

True or False

An angry parent calls your office and demands to know the grades for his daughter. He informs you that he pays her tuition and is therefore entitled to her grades.
**True or False**

- As a matter of fact, he demands to know his daughter's schedule so he can talk to both her and her professor about a class in which she is experiencing difficulty. FERPA allows you to release this information to concerned parents.

**The answer is False.**

- A parent has no inherent rights afforded to them by FERPA. Once a student reaches the age of 18 or attends college, the rights are afforded to the student. However, there are several ways permissible under FERPA for parents to obtain information.

**Parents and Dependent Students**

- Parents can ask the student to provide them with his or her SOAR login and password.
- Parents can submit the first page of their most recent federal income tax return indicating the student's dependent status.
- Students can file a written consent form with the Office of the University Registrar allowing parental access to their record.

**True or False**

- An institution may not provide confidential information from a student's financial aid record to the student's spouse without the student's prior written consent.

**The answer is True.**

- High school students enroll in courses at Southern Miss to obtain high school credit. They are considered "eligible students" under FERPA, but because they are in high school, their consent is not required to release their grades and other records held by Southern Miss to their parents.

**The answer is False.**

- FERPA rights are afforded to students regardless of their age. Parents must obtain either written consent from their children or provide tax documentation that proves they claimed their children as a dependent for tax purposes.

**True or False**

- An institution that designates certain types of information as "Directory Information" must offer students the opportunity to decline to have this type of information released.
Nondisclosure is a right afforded to students under the FERPA regulations.

An advisor does not have to allow a student to inspect and review his personal notes about the student that are held in a file in the desk of the advisor's office.

Records that are in the "sole possession of the maker" are an exception to the definition of "education records." As long as that connection is maintained, the student does not have access to the personal notes.

The institution does not need to provide access to the educational record of a student to the noncustodial parent if the custodial parent submits a notarized statement saying that she does not consent to the disclosure.

If the student is financially dependent (IRS definition) upon EITHER parent, then both have the right to request access to the educational record of the student.

A college newspaper has the right of access to detailed information about disciplinary hearings for students at the institution.

The U.S. DISTRICT COURT, Southern District of Ohio, has held that disciplinary records are part of the "education record" for a student. However, there are provisions for release of aggregate disciplinary information, certain information about crimes of violence, as well as release to alleged victims the results of campus disciplinary information about crimes of violence, as well as release to alleged victims the results of campus disciplinary proceedings.

We should provide data to a firm that asks for a list of all students who are in the top 10 percent of the senior class.
Grades and GPAs can never be released to the public without first obtaining the students' written consent.

Grades and GPAs can never be released to the public without first obtaining the students' written consent.

These actions would be a violation of FERPA because the grades and SSNs are not considered Directory Information.

The Office of the University Registrar has a contract with a commercial website that responds to inquiries about whether a student has earned a specific degree at Southern Miss. This is not a violation of FERPA.

The Office of the University Registrar receives a call from a parent who wants to place a FERPA hold on any online information for her daughter, an applicant to Southern Miss. This is permissible.

First of all, the parent does not have the right to place such a hold on their child's record, as this right belongs to the student. Second, an applicant to the university is not covered under FERPA's definition of "student."

To facilitate communication among students in a course, an instructor can create a publicly accessible Web site with information, such as student names, addresses, e-mail addresses and telephone numbers.
The answer is False.

Directory Information can only be publicly released about students who have not specifically requested such information not be released. Students who have placed "FERPA holds" on their records cannot be included on such communication lists.

Questions?
The University of Southern Mississippi
Office of the University Registrar
http://www.usm.edu/registrar/ferpa

Remember...
"If In Doubt, Don't Give It Out!"
APPENDIX M

PRE-TEST, TUTORIAL, POST-TEST, DELAYED POST-TEST

Pre-Test

Welcome to the online Family Educational Rights and Privacy Act (FERPA) Training

The University of Southern Mississippi is using advances in information technology to enhance teaching and learning, improve business processes, and improve student records. There is a delicate balance between the responsibility for maintaining student privacy rights and the responsibility for providing effective and efficient service to students. To preserve that balance, it is essential that all members of the campus community who gather, store, access, or use student data understand the legal, ethical, and policy issues related to privacy and the handling of student information.

This process should start with the legal implications of the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law and is the touchstone of student information privacy practices at The University of Southern Mississippi and other institutions of higher education. This process is designed to prepare authorized members of the campus community to fully understand the responsibilities of handling student record information under FERPA and the University's student records policy.

Begin FERPA Training

Before the instructional segment of this tutorial begins, answer these questions to evaluate your current knowledge of FERPA.

Please indicate your level of familiarity with the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment:

1. Not very familiar
2. Slightly familiar
3. Moderately familiar
4. Very familiar
5. Extremely familiar

Answer: 

Next Page
1. The FERPA rights of a student begin
   a. when the application for admission is received.
   b. when the student is formally admitted.
   c. when the student makes his/her first payment.
   d. when the student registers and attends his/her first class.

   Answer: ____________

2. Under FERPA, which of the following is NOT an "educational record"
   a. a student's class schedule.
   b. the grade from a student's class assignment.
   c. the football team's roster showing height and weight.
   d. a work-study student's work record.

   Answer: ____________

3. At the college level, FERPA states that parents:
   a. have the same rights of access and review as their child.
   b. can only see their child's records after receiving permission from the University Registrar.
   c. can meet with an advisor to discuss their child's academic progress without the child's approval.
   d. none of the above.

   Answer: ____________
4. The University of Southern Mississippi must notify students on an annual basis of their rights under FERPA:

a. True
b. False

Answer: 

Next Page

5. You receive a phone call asking to verify that a currently enrolled student: (1) attends Southern Miss, (2) what his address was at the time of attendance, (3) his classification, and (4) his GPA. According to FERPA, you can verify all of these except the student's

a. attendance at the institution
b. address during the time of attendance
c. classification
d. GPA

Answer: 

Next Page

6. An institution must release to anyone, upon request, any information identified as directory information by the institution:

a. True
b. False

Answer: 

Next Page

7. You receive a phone call from an excited parent claiming that there is a family emergency, and they need to get in touch with their daughter immediately. Can you tell the parents the day, time, and location of their daughter's class?

a. Yes
b. No

Answer: 

Next Page
8. The student workers in your office are students and therefore not responsible for abiding by FERPA.
   a. True
   b. False
   Answer: [ ]

9. If a student has a FERPA flag on his record in PeopleSoft this means that his directory information should not be made public.
   a. True
   b. False
   Answer: [ ]

10. A person comes to your office with a letter containing a signature that gives consent to release a student’s transcript. Do you give the transcript to the person?
    a. Yes
    b. No
    Answer: [ ]

---

Tutorial

The University of Southern Mississippi

FERPA Tutorial

What is FERPA?

FERPA is an acronym for the Family Educational Rights and Privacy Act (20 U.S.C. 1232g, 34 CFR § 99). Congress enacted FERPA, also referred to as the "Buckley Amendment", in 1974. FERPA conditions federal educational funding on providing student access to, and maintaining the privacy of, education records. Faculty, staff, student workers, administrators, and other university officials are required by FERPA to treat education records in a legally specified manner.
Where do I find the FERPA policy for Southern Miss?
The University's policy in response to FERPA is located on the Registrar's website. 
(http://www.usm.edu/registrar/ferpa/compliance_policy.htm)
The summary information in this tutorial cannot be a substitute for reading the Southern Miss and FERPA Compliance Policy.

Who is protected under FERPA?
The rights under FERPA apply to eligible students. An eligible student is an individual who is, or has been, in attendance at The University of Southern Mississippi.

What are a student's rights under FERPA?
There are primarily seven rights under FERPA. These are the right:

- to be informed about educational records;
- to inspect them;
- to request an amendment to the records;
- to challenge the accuracy of the records;
- to prevent unauthorized disclosure of the records;
- to file a complaint with the U.S. Department of Education about a violation of FERPA; and
- to waive these rights in writing.
The University of Southern Mississippi

FERPA Tutorial

Do parents have any rights?

When a student is in attendance at Southern Miss, the student exercises the rights under FERPA. In elementary and secondary schools, those rights are exercised by the parent.

FERPA does allow the University to disclose education records to parents of dependent children just as they would to the student. Dependent means a dependent pursuant to the definition under IRS Code. The Office of the University Registrar maintains a record of those students whose parents have provided required documentation that the student is a dependent under the federal tax laws.

Faculty and staff need to be careful when a parent calls and asks for information about a student. If there is no written waiver by the student or the student is not a dependent, disclosure even to a parent can be unlawful. In these situations, faculty and staff should obtain assistance first from the Office of the University Registrar.

FERPA Tutorial

What is an education record?

The definition of education record under FERPA is broad. It essentially refers to any record that is directly related to a student and that is kept by the University or someone acting on behalf of the University. A record includes information that is recorded in any way, including by computer media. When in doubt, assume that the item, if it relates to a student, is an education record and seek further assistance.

The terms "student record" and "education record" are often used interchangeably. They are, however, distinguishable under FERPA. For example, as discussed below, some student records are not considered education records and are not subject to FERPA protection.

Written permission must be obtained from a student before releasing an education record, unless the request fits certain narrow exceptions. The Southern Miss and FERPA Compliance Policy [http://www.usm.edu/registrar/ferpa/Compliance_policy.htm] summarizes these exceptions.

FERPA Tutorial

What is not an education record?

FERPA has a number of key exceptions to the definition of education records. Those include:

- Records of the University Police Department;
- Employment records where employment is not connected to student status;
- Medical and mental health records used only for the treatment of the student;
- Alumni records that do not relate to the person as a student; and
- Records made by instructional, administrative, and educational personnel not shared with others.

While some records, like medical treatment records, may not be an educational record under FERPA, they are confidential under other provisions of law and professional ethics requirements. Also, if records of the University Police Department are shared with others on campus, such as the Dean of Students for disciplinary reasons, they become educational records.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
What is directory information?

FERPA permits institutions to specifically define some education record information as directory information not confidential under FERPA. This is information that is generally not considered harmful or an invasion of privacy if disclosed.

Southern Miss has defined "directory information" as:

- Student’s name
- Address
- Phone number
- E-mail address
- Major field of study
- Dates of attendance
- Classification
- Degree(s) earned
- Previous institutions attended
- Class rank

Can a student refuse to allow directory information to be released?

Yes. Under FERPA, the University must allow a student to opt out of the release of directory information. Students must complete a form to request that the Office of the University Registrar keep directory information from release. Directory information in a restricted record may not be released without written permission from the student, unless the request for release fits certain exceptions. Therefore, faculty and staff need to be careful about assuming that because an item is directory information it can be freely disclosed. If a student has requested to withhold directory information, a blue "window shade", will appear on the student’s record in PeopleSoft.

How does a student give specific consent for release of educational records?

The student can provide a written release giving specific consent to the disclosure of the student’s educational records. The release needs to be dated and signed and must describe the records, the purpose for the release, list to whom the records can be given, and a time for how long the release is effective.

A faculty member should have a student sign a release before providing a job reference or a reference for the student for certain academic purposes, such as scholarships or awards.

The Registrar is the University official responsible for keeping all official academic education records. Only the Office of the University Registrar may release an official transcript. All requests for education record information originating from outside the University should be directed to the Office of the University Registrar.
The University of Southern Mississippi

FERPA Tutorial

When is written consent not necessary?

FERPA provides many specific exceptions when the University can disclose education records without specific student consent. Many of these exceptions are provided in the regulations to allow for the reasonable and practical working of an educational institution.

Student's written consent is not necessary for the following:

- Disclosure to other school officials within the University whom the University has determined to have legitimate educational interests;
- Disclosure in connection with financial aid for which the student has applied;
- Disclosure to accrediting organizations to carry out their accrediting function;
- Disclosure to parents of a dependent student, as defined by the IRS Code;
- Disclosure to comply with a judicial order or lawfully issued subpoena;
- Disclosure in connection with a health or safety emergency;
- Disclosure to military recruiters.

FERPA Tutorial

Who is a school official?

A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position; a trustee or outside contractor such as an attorney or auditor acting as an agent for the University; students or others serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

FERPA Tutorial

What is a "legitimate educational interest"?

A school official has a legitimate educational interest in the protected education records if the official is:

- Performing a task that is specified in the official's position description or contract agreement, related to a student's education; or related to the discipline of a student;
- Providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, or financial aid;
- Maintaining the safety and security of the campus.

Legitimate educational interest does not include simply having a curiosity about the academic record or disciplinary proceedings with regard to a student without some legitimate academic reason. Thus, all records of all students are not open to all faculty or staff at the University.

FERPA Tutorial

What are the sanctions or liability risks for a FERPA violation?

FERPA provides for a complaint procedure to the United States Department of Education with an ultimate sanction of withholding of federal funding. While there is generally no private cause of action directly under FERPA, students may seek to hold the University or individuals liable under common law tort theories such as invasion of privacy. Faculty, staff, administration, or student workers who violate the University’s FERPA policy will be subject to corrective or disciplinary action, depending on the individual circumstances.
Now that you have completed the FERPA tutorial, please answer the following questions to demonstrate your understanding of FERPA.

1. The FERPA rights of a student begin
   a. when the application for admission is received.
   b. when the student is formally admitted.
   c. when the student makes his/her first payment.
   d. when the student registers and attends his/her first class.

   Answer: d

   The FERPA rights of a student begins when the student registers and attends his or her first class.

   A student at the University of Southern Mississippi is identified as any individual who is or has been in "attendance" at the University and regarding whom the University maintains educational records.

2. Which of these items are considered "education records"
   a. financial aid records
   b. a computer generated list of library books checked out by a student.
   c. a printout of what a student has purchased in the university bookstore with his/her student card.
   d. a list of names of students in a class.
   e. all of the above.

   Answer: e

   Next Page
The term "educational records" is defined as "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution."

Examples of an "education record" include a student's:
- Class Schedule
- Grades/GPA
- Test Scores
- Academic Standing
- Academic Transcripts

The storage media in which you find this information does not matter. Student education records may be:
- A document in the Registrar's Office.
- A computer printout in your office.
- A class roster on your desk.
- A computer screen display.
- Notes you have taken during an advising session.

3. Which answer best identifies the major legal protections given to a student's "education records" under FERPA?

a. even with access to view all students' records, faculty and staff generally should not view a student's education records without first identifying a legitimate educational interest or one of the other exceptions under which records may be viewed.
b. the student has a right to access and review his/her records.
c. all education records are confidential (except directory information in most cases) and may not be disclosed unless the student consents or the request fits one of the exceptions.
d. all of the above.

Answer: d

The major legal protections given to a student's "education records" under FERPA are:

Examples of an "education record" include a student's:
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- A student has the right to inspect and review his/her education record within 45 days of the day the university receives a request to access.
- A student has the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

4. You receive a phone call from the father of a student who states that his son just received a letter from the university stating that he is on academic suspension, and the father has some questions. Can you answer his questions?

a. Yes
b. No

Answer: a
At the postsecondary level, parents have no inherent rights to access or inspect their child's education record. This right is solely limited to the student. At Southern Miss, records may be released to a parent with written permission of the student. If the student is considered "financially dependent", parents or legal guardians may obtain Personally Identifiable Information at the discretion of the institution by providing to the Office of the University Registrar a copy of the most recently filed federal tax return.

5. Which of the following is required from students by FERPA before releasing information about them?
   a. verbal consent to release the information.
   b. written permission, unless the release is covered by any exception listed in FERPA.
   c. verbal consent from the student's advisor.
   d. written consent from the parents of a dependent student.

   Answer: b

FERPA prohibits the release of personally identifiable information without the student’s written permission, with the following exceptions:
- To University of Southern Mississippi school officials who have a legitimate educational interest as determined by the University.
- To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs.
- To a parent of dependent students for income tax purposes as defined in section 152 of the IRS code of 1954. A 1040 form may be appropriate.
- In a health or safety emergency.
- To comply with a judicial order or subpoena.
- In connection with Financial Aid including Veteran benefits.
- To the alleged victim of any crime or violence, as described in section 16 of title 18, United States Code.
- To organizations in person or company with whom the University has contracted; individuals serving on the Institution of Higher Learning Board; students serving on an official committee; a person assisting another school official in performing his/her task.
- When an individual with an education record is deceased.
- Designated officials as defined by the Patriot Act of 2001.
- Information deemed by the University as directory information.

The University of Southern Mississippi has designated the following items as directory information:
- Student's Name
- Address
- Telephone Number
- E-mail Address
- Major
- Dates of Attendance
- Classification
- Degree(s) Earned
- Previous Institutions Attended
- Class Rank

6. It is permissible for a professor to post student grades on an office door if only the last four digits of a student's social security number are used.
   a. True
   b. False

   Answer: b
FERPA is violated if:

- A student's grade is openly mentioned in class.
- A student's grade is publically posted in a personally identifiable manner such as social security number or student identification number (emplid).
- A student's paper, test, or project is left in public view.
- A student's grade is released over the telephone or electronically to any person other than the student or his/her designee with written consent.

Disclosure of a student's grades by a faculty member may be made only in a manner that makes the grades identifiable only to the faculty member and the student.

7. It is permissible for a faculty member to include a student's grades and GPA in a letter of recommendation without obtaining the student's written permission since the student requested the faculty member to write the recommendation and provided a copy of her resume with the requested information to the faculty member.

   a. True
   b. False

   Answer: True

Written permission of the student is required for a letter of recommendation if any information included in the recommendation is part of the "education record" such as grades, GPA, and any other non-directory information.

8. "Legitimate educational interest" refers to:

   a. A school official's need to review a student's educational records.
   b. A student's right to review his educational records.
   c. The need to provide educational records in child custody cases.
   d. The delegation of authority to the trustees to determine educational records policy for the institution.

   Answer: A school official's need to review a student's educational records.

A school official is a person employed by Southern Miss in an administrative, supervisory, academic or research, or support staff person; a person or company with whom the University has contracted; student serving on an official committee, such as a disciplinary committee or a person assisting another school official in performing his or her tasks.

"Legitimate educational interest" refers to a school official's need to review student education record information to fulfill a responsibility as part of her contract.

9. Being a Southern Miss employee with approved access to student records and also being enrolled in classes at Southern Miss, it is acceptable for me to view the grades of other students in my class.

   a. True
   b. False

   Answer: False

"Legitimate educational interest" refers to a school official's need to review student education record information to fulfill a responsibility as part of her contract.

If viewing other students' grades is not fulfilling a responsibility in your contract with the University, then you are in direct violation of FERPA.
10. Which of the following would not be an acceptable release of student information without the student's written permission?

a. To the student's advisor  
b. To the student  
c. To potential employers attempting to verify grades, class rank, and degree received  
d. To the state controller's office in relation to an audit of a state-funded program  

Answer:  

---

Do not give out a student’s grades to anyone without prior written consent of the student. In this case, the request should be forwarded to the Registrar's Office. ALL outside requests for any student information must be referred to the Registrar's Office.  

---

11. A student calls your office about a grade in the class she just took, you look up the student in PeopleSoft and determine that this student has a FERPA flag, how do you respond:  

a. I can neither confirm nor deny information regarding this person.  
b. You made an A!  
c. Sure, what is your empid?  
d. You've got a FERPA flag, so I can't discuss your record.  

Answer:  

---

If a student has a FERPA flag on his/her record, the correct response for phone inquiries regarding this student is "I can neither confirm nor deny information regarding this person." However, student grades should never be released over the phone because you can't verify that the person with whom you are speaking is actually the student himself.  

---

The University of Southern Mississippi  
FERPA Tutorial  
With whom can I talk if I have further questions about FERPA?  
The Office of the University Registrar is the first stop for any questions about FERPA or the University's policy.  
(601) 266-5006  
Registrar@usm.edu  
Click on Home on the top line to continue or Sign Out to exit SOAR.
Now that you have completed the FERPA tutorial, please answer the following questions to demonstrate your understanding of FERPA.

1. The FERPA rights of a student begin
   a. when the application for admission is received.
   b. when the student is formally admitted.
   c. when the student makes his/her first payment.
   d. when the student registers and attends his/her first class.

   Answer: [ ]

The FERPA rights of a student begins when the student registers and attends his or her first class.

A student at the University of Southern Mississippi is identified as any individual who is or has been in "attendance" at the University and regarding whom the University maintains educational records.

2. Which of these items are considered "education records"
   a. financial aid records
   b. a computer generated list of library books checked out by a student.
   c. a printout of what a student has purchased in the university bookstore with his/her student card.
   d. a list of names of students in a class.
   e. all of the above.

   Answer: [ ]
The term "educational records" is defined as "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution."

Examples of an "education record" include a student's:
- Class Schedule
- Grades/GPA
- Test Scores
- Academic Standing
- Academic Transcripts

The storage media in which you find this information does not matter. Student education records may be:
- A document in the Registrar's Office.
- A computer printout in your office.
- A class roster on your desk.
- A computer screen display.
- Notes you have taken during an advising session.

3. Which answer best identifies the major legal protections given to a student's "education records" under FERPA?
   a. even with access to view all students' records, faculty and staff generally should not view a student's education records without first identifying a legitimate educational interest or one of the other exceptions under which records may be viewed.
   b. the student has a right to access and review his/her records.
   c. all education records are confidential (except directory information in most cases) and may not be disclosed unless the student consents or the request fits one of the exceptions.
   d. all of the above.

Answer: d

The major legal protections given to a student's "education records" under FERPA are:

Examples of an "education record" include a student's:
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- A student has the right to inspect and review his/her education record within 45 days of the day the university receives a request to access.
- A student has the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

4. You receive a phone call from the father of a student who states that his son just received a letter from the university stating that he is on academic suspension, and the father has some questions. Can you answer his questions?
   a. Yes
   b. No

Answer: a
At the postsecondary level, parents have no inherent rights to access or inspect their child’s education record. This right is solely limited to the student. At Southern Miss, records may be released to a parent with written permission of the student. If the student is considered “financially dependent”, parents or legal guardians may obtain Personally Identifiable Information at the discretion of the institution by providing to the Office of the University Registrar a copy of the most recently filed federal tax return.

5. Which of the following is required from students by FERPA before releasing information about them?

a. verbal consent to release the information.
b. written permission, unless the release is covered by any exception listed in FERPA.
c. verbal consent from the student’s advisor.
d. written consent from the parents of a dependent student.

Answer: b

FERPA prohibits the release of personally identifiable information without the student’s written permission, with the following exceptions:

- To University of Southern Mississippi school officials who have a legitimate educational interest as determined by the University.
- To federal, state, and local authorities involving an audit or evaluation of compliance with educational programs.
- To a parent of dependent students for income tax purposes as defined in section 152 of the IRS code of 1954. A 1040 form may be appropriate.
- In a health or safety emergency.
- To comply with a judicial order or subpoena.
- In connection with Financial Aid including Veteran benefits.
- To the alleged victim of any crime or violence, as described in section 16 of title 18, United States Code.
- To organizations in person or company with whom the University has contracted: individuals serving on the Institution of Higher Learning Board; students serving on an official committee; a person assisting another school official in performing his/her task.
- When an individual with an education record is deceased.
- Designated officials as defined by the Patriot Act of 2001.
- Information deemed by the University as directory information.

The University of Southern Mississippi has designated the following items as directory information:

- Student’s Name
- Address
- Telephone Number
- E-mail Address
- Major
- Dates of Attendance
- Classification
- Degree(s) Earned
- Previous Institutions Attended
- Class Rank

6. It is permissible for a professor to post student grades on an office door if only the last four digits of a student’s social security number are used.

a. True
b. False

Answer: b
FERPA is violated if:

- A student's grade is openly mentioned in class.
- A student's grade is publically posted in a personally identifiable manner such as social security number or student identification number (emplid).
- A student's paper, test, or project is left in public view.
- A student's grade is released over the telephone or electronically to any person other than the student or his/her designee with written consent.

Disclosure of a student's grades by a faculty member may be made only in a manner that makes the grades identifiable only to the faculty member and the student.

7. It is permissible for a faculty member to include a student's grades and GPA in a letter of recommendation without obtaining the student's written permission since the student requested the faculty member to write the recommendation and provided a copy of her resume with the requested information to the faculty member.

a. True
b. False

Answer: [ ]

Written permission of the student is required for a letter of recommendation if any information included in the recommendation is part of the "education record" such as grades, GPA, and any other non-directory information.

8. "Legitimate educational interest" refers to:

a. A school official's need to review a student's educational records.
b. A student's right to review his educational records.
c. The need to provide educational records in child custody cases.
d. The delegation of authority to the trustees to determine educational records policy for the institution.

Answer: [ ]

A school official is a person employed by Southern Miss in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted; student serving on an official committee, such as a disciplinary committee or a person assisting another school official in performing his or her tasks.

"Legitimate educational interest" refers to a school official's need to review student education record information to fulfill a responsibility as part of her contract.

9. Being a Southern Miss employee with approved access to student records and also being enrolled in classes at Southern Miss, it is acceptable for me to view the grades of other students in my class.

a. True
b. False

Answer: [ ]

"Legitimate educational interest" refers to a school official's need to review student education record information to fulfill a responsibility as part of her contract.

If viewing other students' grades is not fulfilling a responsibility in your contract with the university, then you are in direct violation of FERPA.
10. Which of the following would not be an acceptable release of student information without the student’s written permission?

a. To the student’s advisor
b. To the student
c. To potential employers attempting to verify grades, class rank, and degree received
d. To the state controller’s office in relation to an audit of a state-funded program

Answer: d

Do not give out a student’s grades to anyone without prior written consent of the student. In this case, the request should be forwarded to the Registrar’s Office. ALL outside requests for any student information must be referred to the Registrar’s Office.

11. A student calls your office about a grade in the class she just took, you look up the student in PeopleSoft and determine that this student has a FERPA flag, how do you respond:

a. I can neither confirm nor deny information regarding this person.
b. You made an A!
c. Sure, what is your empid?
d. You’ve got a FERPA flag, so I can’t discuss your record.

Answer: a

If a student has a FERPA flag on his/her record, the correct response for phone inquiries regarding this student is “I can neither confirm nor deny information regarding this person.” However, student grades should never be released over the phone because you can’t verify that the person with whom you are speaking is actually the student himself.
The project has been reviewed by The University of Southern Mississippi Human Subjects Protection Review Committee in accordance with Federal Drug Administration regulations (21 CFR 26.111), Department of Health and Human Services (45 CFR Part 46), and university guidelines to ensure adherence to the following criteria:

- The risks to subjects are minimized.
- The risks to subjects are reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered regarding risks to subjects must be reported immediately, but not later than 10 days following the event. This should be reported to the IRB Office via the “Adverse Effect Report Form”.
- If approved, the maximum period of approval is limited to twelve months. Projects that exceed this period must submit an application for renewal or continuation.

**PROTOCOL NUMBER: 27080602**
**PROJECT TITLE: FERPA Knowledge of School Officials at The University of Southern Mississippi**
**PROPOSED PROJECT DATES: 07/31/07 to 12/31/07**
**PROJECT TYPE: Dissertation or Thesis**
**PRINCIPAL INVESTIGATORS: Casey Turnage**
**COLLEGE/DIVISION: College of Education & Psychology**
**DEPARTMENT: Educational Leadership & Research**
**FUNDING AGENCY: N/A**
**HSPRC COMMITTEE ACTION: Expedited Review Approval**
**PERIOD OF APPROVAL: 08/06/07 to 08/05/08**

Lawrence A. Hosman, Ph.D.
HSPRC Chair

Date

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
HUMAN SUBJECTS REVIEW FORM
UNIVERSITY OF SOUTHERN MISSISSIPPI
(SUBMIT THIS FORM IN DUPLICATE)

Protocol # 2708602

Name: Casey Turnage
Phone: 270-9335

E-Mail Address: Case\textunderscore Turnage\textunderscore usm\textunderscore edu or dcturnage\textunderscore bellsouth\textunderscore net

Mailing Address: 118 College Drive #5023
(address to receive information regarding this application)

College/Division: Education and Psychology
Dept: Educational Leadership & Research

Department Box #
Phone: 266-6662

Proposed Project Dates: From July 2007 To December 2007
(specific month, day and year of the beginning and ending dates of full project, not just data collection)

Title: FERPA Knowledge of School Officials at The University of Southern Mississippi

Funding Agencies or Research Sponsors:

Grant Number (when applicable):

___ New Project
___ Dissertation or Thesis
___ Renewal or Continuation: Protocol #
___ Change in Previously Approved Project: Protocol #

Principal Investigator: Casey Turnage
Date: 7/13/07

Advisor: ______________________________________
Date: 7/13/07

Department Chair: ________________________________
Date: 7-13-07

RECOMMENDATION OF HSPRC MEMBER

___ Category I, Exempt under Subpart A, Section 46.101 (b)(4), 45CFR46.
___ Category II, Expedited Review, Subpart A, Section 46.110 and Subparagraph ( ).
___ Category III, Full Committee Review.

HSPRC Chair/Division Member: ____________________________
Date: ____________________________

HSPRC Chair: ____________________________
Date: ____________________________
APPENDIX O

APPROVAL FROM UNIVERSITY REGISTRAR

THE UNIVERSITY OF SOUTHERN MISSISSIPPI

The Registrar's Office will be requesting mandatory training for all university employees granted access to student records' roles in PeopleSoft. This training will educate the employee of their obligation to comply with the Family Educational Rights and Privacy Act (F.E.R.P.A.) of 1974 as amended.

I grant Casey Turnage, graduate student, permission to use the data from the test results for dissertation study. Her analysis of these data will assist me in determining the effectiveness of the training module. It is the position of the Registrar's Office this will be an excellent tool to educate the campus community of their responsibilities under F.E.R.P.A.

Sincerely,

Greg Pierce
University Registrar
## APPENDIX P

**PEOPLESOFT ROLES GRANTED BY THE REGISTRAR’S OFFICE**

<table>
<thead>
<tr>
<th>Role Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR - USM Faculty Self Service</td>
<td>SA Faculty Self Serve Access</td>
</tr>
<tr>
<td>SR - USM Staff Self Service</td>
<td>SA Staff Self Service</td>
</tr>
<tr>
<td>SR - USM Staff Self Service SW</td>
<td>SW85 SR - Staff Self Service</td>
</tr>
<tr>
<td>SR - USM Student Self Service</td>
<td>SA Self Serve for Students</td>
</tr>
<tr>
<td>SR Batch Transcripts</td>
<td>SR Reg, Generate, Print Xscripts</td>
</tr>
<tr>
<td>SR ADO APP</td>
<td>Admissions Application Entry</td>
</tr>
<tr>
<td>SR ADO FYE STAFF</td>
<td>Freshmn Year Exp Staff S21-S30</td>
</tr>
<tr>
<td>SR ADO PREVIEW</td>
<td>Preview Class for Admissions</td>
</tr>
<tr>
<td>SR ADO STAFF STUORP</td>
<td>Admission Staff STUORP update</td>
</tr>
<tr>
<td>SR ATHLETICS</td>
<td>STR access for Athletics</td>
</tr>
<tr>
<td>SR BIO UPDATE HR CEO</td>
<td>SR Access for Human Resources</td>
</tr>
<tr>
<td>SR CBED WALL ST JRNL</td>
<td>SR Wall Street Journal Press</td>
</tr>
<tr>
<td>SR CLINIC</td>
<td>STR USM Clinic Access</td>
</tr>
<tr>
<td>SR COLLEGE ALC</td>
<td>STR COLLEGE ALC</td>
</tr>
<tr>
<td>SR COLLEGES REGISTER</td>
<td>Deans, Directors, &amp;Reg Staff</td>
</tr>
<tr>
<td>SR COLLEGES STAFF NOREQ</td>
<td>Other College Faculty &amp; Staff</td>
</tr>
<tr>
<td>SR COLLEGES STUDENT WORKERS</td>
<td>SW85 Student Workers - Register</td>
</tr>
<tr>
<td>SR COLLEGE SCHEDULE ACCESS</td>
<td>Cllg Staff Schedule Entry Access</td>
</tr>
<tr>
<td>SR CONTINUING EDUCATION</td>
<td>Continuing Education</td>
</tr>
<tr>
<td>SR ELLI STAFF</td>
<td>STR English Language Institute</td>
</tr>
<tr>
<td>SR FINANCIALS STAFF</td>
<td>STR Financials Staff</td>
</tr>
<tr>
<td>SR GREEKLIFE STAFF</td>
<td>STR Greek Life</td>
</tr>
<tr>
<td>SR HISTORY INQUIRE</td>
<td>View Only Access to STR History</td>
</tr>
<tr>
<td>SR HISTORY INQUIRE STNT</td>
<td>SW85 - View Access to STR History</td>
</tr>
<tr>
<td>SR INTERNATIONAL ADO STAFF</td>
<td>International Admissions Staff</td>
</tr>
<tr>
<td>SR PAYNE CENTER</td>
<td>SR - Payne Center Interface</td>
</tr>
<tr>
<td>SR Quick Admit End</td>
<td>SR Quick Admit/Enroll</td>
</tr>
<tr>
<td>SR REG BIO UPDATE</td>
<td>Registrar's Bio/Demo Update</td>
</tr>
<tr>
<td>SR REG CALC FEES</td>
<td>SR class &amp; course fees</td>
</tr>
<tr>
<td>SR REG DEGREE AUDITORS</td>
<td>SR_REG_DEGREE_AUDITORS</td>
</tr>
<tr>
<td>SR REG HXFILE UPDATE</td>
<td>SR_REG_HXFILE_UPDATE</td>
</tr>
<tr>
<td>SR REG REGSTAFF TEMP</td>
<td>Temp Reg Staff for Registrar</td>
</tr>
<tr>
<td>SR REG STNT WORKER</td>
<td>SW85 SR Student Workers</td>
</tr>
<tr>
<td>SR REG VA STNT WORKER</td>
<td>SW85 SR VA Student Worker</td>
</tr>
<tr>
<td>SR Student Data Report</td>
<td>SR - Student Data Report</td>
</tr>
<tr>
<td>SR TERM ACTIVATION</td>
<td>S - Term activation pages only</td>
</tr>
<tr>
<td>SR TRANSPORTATION DEPT</td>
<td>STR Transportation Dept. Access</td>
</tr>
<tr>
<td>SR USMGC SCHEDULER</td>
<td>SR - Gulf Coast Scheduler</td>
</tr>
<tr>
<td>SR VIEW ONLY ACCESS</td>
<td>View Only Access to STR</td>
</tr>
</tbody>
</table>
NOTIFICATION FROM REGISTRAR TO UNIVERSITY EMPLOYEES ABOUT FERPA TUTORIAL

First Notification

To: Campus Community

From: Greg Pierce, University Registrar

Re: Family Educational Rights and Privacy Act

In an effort to increase campus awareness of the institution's obligations under the Family Educational Rights and Privacy Act (FERPA), the Registrar's Office will implement a FERPA tutorial. The tutorial will be administered to all employees with security access to student records in the student information system (PeopleSoft). Beginning on the afternoon of Friday, August 10, 2007 all employees with student records access that login into PeopleSoft will be instructed to complete the FERPA tutorial. The tutorial will take approximately 15-20 minutes to complete and each employee will only be required to complete the tutorial once.

It is through these efforts we hope to increase the campus community's understanding of FERPA, along with enhancing the University's compliance with the federal regulation.

Second and Third Notifications

To: Campus Community

From: Greg Pierce, University Registrar

Re: Family Educational Rights and Privacy Act Tutorial

The Registrar's Office wishes to remind the campus community beginning at 4:00 pm on Friday, August 10, 2007 all employees with student records access will be requested to complete a FERPA tutorial upon login to the student information system (PeopleSoft). This tutorial will take approximately 15-20 minutes to complete and will only be required of each employee once. Through this tutorial we hope to inform employees of their FERPA obligations, and minimize the institution's risk of a FERPA violation.

Greg Pierce
The University of Southern Mississippi
University Registrar
Hattiesburg, Mississippi
www.usm.edu
Greg.Pierce@usm.edu
601.266.5006
REFERENCES


Maycunich, A. M. (2002). FERPA: An investigation of faculty knowledge levels and organization practices at three land-grant universities. (Doctoral dissertation,


Southern Miss and FERPA compliance. Retrieved April 17, 2006, from http://www.usm.edu/registrar/ferpa/Compliance_policy.dwt


