

Georgia Institute of Technology
FERPA Privacy Checklist for Online Course Hosting

Introduction

The Family Educational Rights and Privacy Act (FERPA) is a federal law that requires colleges and universities to, among other things, (1) give students access to their education records, and (2) keep personally identifiable education records confidential with respect to third parties and disclose internally on a need to know basis. All institutions that receive funds under one of the applicable programs of the U.S. Department of Education must adhere to this federal law.

More information about FERPA at Georgia Tech is found on the Registrar's Office website at <http://www.registrar.gatech.edu/faculty/index.php>.

Instructional faculty who are using websites, wikis, or other online tools to deliver or support their courses should remain mindful of the following. Because an online environment creates a record of student activity, it is subject to FERPA privacy rights, unlike verbal exchanges in a physical classroom. In face-to-face encounters in the classroom, a record is not created until students' work is submitted to the instructor for grading. In the online environment, the record is created immediately and may be subject to FERPA.

In order to determine the extent to which FERPA requirements have been engaged in a particular situation, the following factors should be taken into account by the instructor.

Activities That Trigger FERPA Coverage

1. If students submit information electronically, is the information accessible to anyone other than the student who submits it and Georgia Tech employees who need to know the information to carry out their job duties (typically, the instructor and computer system administrators)? YES_____ NO____

2. Do you send information about a student to anyone other than (1) the student or (2) Georgia Tech employees who need to know the info to carry out their job duties? YES_____ NO_____

Solutions for Fulfilling Responsibilities under FERPA

1. First Option -- Student Consent

If "yes," to either of the two prior questions, then one way to comply with FERPA is to obtain the written, signed, dated consent of each student for the release of his/her information. This consent must be completely voluntary; that is, students who decline to provide the consent must not be denied any academic opportunity

or privilege or suffer any adverse consequences. A generic consent form that should be tailored to the individual class should contain:

- Course subject, number and section, or CRN
- Instructor's name and email address
- Student name (printed), student signature, date
- A brief statement similar to the following: By signing this form, I confirm that I understand and give consent to having personally identifiable information related to this class available on a website that is being used to support instruction. I understand that this means the information is accessible to the instructor, other students in the class, and others who are helping support delivery of the class materials. I understand that I have a right to refuse consent and that I will not be denied any academic opportunities in doing so.

Yes, I consent.

No, I prefer to not consent.

OR

2. Second Option -- Student Comments Only Available to Other Students in the Course

For communications and posting of student work for electronic discussion among students in a class, the express written consent of students is NOT required, provided that

- i. electronic postings of student work do not contain grades or evaluative comments of the professor,
- ii. the students perform the posting rather than the professor,
- iii. students are notified prior to or at the time of enrollment that posting of their work is a course requirement, and
- iv. the posted work is available only to members of the class.

OR

3. Third Option -- Outside Parties under Contract to the University

Where an outside party, such as a vendor, receives student information (e.g., for grading, or access to online supplemental materials provided by a textbook publisher), the third party recipient should be bound by contract to preserve confidentiality. The statement in the contract can be as simple as “_____ agrees to uphold all requirements of the Family Educational Rights and Privacy Act, as amended (FERPA).

Cloud Services Security Checklist

For more information about cloud services security, please see the website at:

<http://security.gatech.edu/cloud-security-checklist>

Special Exception

Do you require students to send a letter to the editor, or post to a non-university blog, or post to a social networking site not affiliated with faculty, or comparable activity?

In such cases, the activity may not be FERPA-protected because it has not been received and therefore is not in the custody of the Institute, at least until the student submission is copied or possibly just reviewed by the faculty member. However, the privacy principle behind FERPA is a concern in this situation. Therefore...

This type of student submission should be assigned only if it can be done without the student being identified as a Georgia Tech student, and without indicating that the submission is part of academic endeavor.

Questions

Please send any questions you may have to comments@registrar.gatech.edu. The Registrar's Office will contact other offices on campus as needed to answer any related questions.