

4.8.2

Written Procedure for Distance and Correspondence Education Student's

Privacy

An institution that offers distance or correspondence education has a written procedure for protecting the privacy of students enrolled in distance and correspondence education courses or programs.

Judgment

Compliance Partial Compliance Non-Compliance Not Applicable

Narrative

Tennessee Technological University (TTU) has written procedures, outlined below, for protecting the privacy of students enrolled in distance and correspondence education courses and programs. In addition to upholding regulations set forth in the Family Educational Rights and Privacy Act (FERPA), the University ensures appropriate privacy measures through the TTU Data Security Policy (TTU DSP). Documentation of training in FERPA and other privacy protection policies, as well as data security reviews, is maintained by the University. Contracted through the Tennessee Board of Regents (TBR), all distance and correspondence education courses or programs use the online university course management system Desire to Learn (D2L) for instructional resources, student interaction, and grading. The D2L contract provides for protection of all student records pursuant to FERPA and applicable federal regulations. TTU is committed to protecting the privacy of all students, including those enrolled in distance and correspondence education courses or programs.

Students Rights to Privacy and Confidentiality

The University abides by all guidelines set forth by the Family Educational Rights and Privacy Act (FERPA) [1] and TTU Data Security Policy (TTU DSP) [2]. All courses, including distance and correspondence courses, are subject to all the FERPA and TTU DSP regulations. Because there is no distinction between types of students, all TTU students are protected by the policies and procedures outlined below.

Every fall semester, students are notified by email of their privacy rights [3] as documented in the TTU Student Handbook [4]. One of these rights is to restrict disclosure of student directory information; however, under certain circumstances as described in FERPA (34 CFR § 99.31) [1], TTU may disclose this information without consent to parties or under certain conditions without consent.

TTU's statement of FERPA compliance is followed by a description of the students' rights to inspect and review their academic records, to request amendments to their academic records, and to provide written consent before the University discloses personal information from these records that is not already authorized by FERPA. TTU Policy 265 Confidentiality of Student Records and FERPA Compliance is available on the Policy Central website. This Policy establishes and details Tennessee Tech's policy regarding the confidentiality of Student Education Records and compliance with the Family Education Rights and Privacy Act ("FERPA") [5].

Information Technology Services ensures the data integrity of student academic records as described in the TTU DSP [2]. Several data-handling requirements are defined to appropriately safeguard the information.

- Level I Low Sensitivity: Access to Level I institutional data may be granted to any requester, or

it is published with no restrictions.

- Level II Moderate Sensitivity: Access to Level II institutional data must be requested from and authorized by the department or unit responsible for the data.
- Level III High Sensitivity: Access to Level III institutional data must be controlled from creation to destruction and will be granted only to those persons affiliated with the University who require such access in order to perform their job, or to those individuals permitted by law.

Faculty who teach distance and correspondence education courses or programs use the online University course management system Desire2Learn (D2L) for instructional resources, student interaction, and grading.

The Tennessee Board of Regents (TBR) is the contract holder for the D2L course management system used by TTU and its sister institutions. The contract between TBR and D2L [6] provides that: ". . . all hosting and other services must be performed pursuant to the rules promulgated by the U.S. Family Educational Rights and Privacy Act (FERPA)" (Section A.2.). Furthermore, the last paragraph relating to Hosting Services in Attachment 1 to the contract states: "For so long as D2L is providing hosting services, D2L acknowledges and agrees that it will take all reasonable steps necessary to protect all student records pursuant to the U.S. Family Educational Rights and Privacy Act of 1974 (FERPA), and applicable Federal Regulations set forth at 34 C.F.R. Sec. 99.31. et seq." The contract is held in the Office of the University Counsel for the TBR in Nashville, Tennessee [6].

In addition, TTU provides FERPA training to all faculty and staff through the following venues:

- The Faculty Handbook contains the confidentiality policy [7].
- Faculty are trained in FERPA during the New Tenure-Track Faculty Orientation & Workshop. Attendance records of this workshop are maintained by Academic Affairs.
- The Office of the Registrar publishes information on faculty training online [8].
- The FERPA matrix is a one-sheet reference guide to TTU FERPA policy [9].
- The Confidentiality Agreement [10] must be signed by every TTU employee. Student workers who have access to confidential records are trained by their supervisor and must also sign the Confidentiality Agreement. These documents are subject to internal audit at any time.

Additionally, the TTU Office of Internal Audit maintains a website for data security reviews [11], including links to the TTU DSP [2], TTU Confidentiality Agreement [10], TBR Guideline G-070 Disposal of Records [12], FERPA Regulation [13], Red Flag Identity Theft Program [14], Recycling Program [15], and Confidential Data Shredding [16].

Conclusion

In summary, TTU provides a portfolio of written procedures for protecting the privacy of students enrolled in distance and correspondence education courses or programs to demonstrate compliance with Federal Requirement 4.8.2. TTU fulfills FERPA and other privacy protection requirements with mandatory training for all faculty and staff. The TTU DSP further outlines data handling requirements at three defined levels, and the TTU Office of Internal Audit publishes compliance reviews for Federal and University policies. In addition, students enrolled in distance and correspondence education courses or programs receive additional protection through the privacy policies of the D2L course management system. Provisions for dissemination, instruction, reflection, and assessment of data security and privacy practices by TTU validate that the University is in compliance with Federal Requirement 4.8.2.

Sources

 [01] Family Educational Rights and Privacy Act

-  [02] TTU Data Security Policy
-  [03] Privacy Rights
-  [04] Student Handbook
-  [05] Policy 265 Confidentiality of Student Records and FERPA Compliance
-  [06] Desire2Learn_TBR Contract
-  [07] Faculty Handbook_Confidentiality of Student Records
-  [08] Office of the Registrar Website
-  [09] FERPA Matrix
-  [10] Confidentiality Agreement
-  [11] TTU Office of Internal Audit Data Security Review
-  [12] Tennessee Board of Regents Guidelines_G_070_Disposal of Records
-  [13] Family Educational Rights and Privacy Act Regulation
-  [14] Red Flags Identity Theft Prevention Program
-  [15] Recycling Program
-  [16] Confidential Data Shredding