EDUCATIONAL TECHONOLOGY COMMITTEE
Dec. 3, 2014 Meeting Minutes
2-3:30 pm

In attendance: Jay Rozgonyi, Christine Siegel, Tom Pellegrino, Russ Battista, Bob Russo, Paige Francis, Tommy Xie, Joan Overfield, Amalia Rusu, Ron Salafia, Silvia Marsans-Sakly, Nancy Manister, Vishnu Vinekar, and Erica Hartwell.

1. Call to order. Amalia began the meeting by asking for correction and changes to the November minutes and called a motion to approve the minutes. All approved with one abstention.

2. PRESENTATION on FERPA Dr. Thomas C. Pellegrino, Vice President for Student Affairs gave a slide presentation entitled “FERPA Basics and Beyond,” explaining the practices that are in place right now and how they relate to the faculty.

FERPA stands for the “Family Educational Rights and Privacy Act” (1974) otherwise known as The Buckley Amendment. Under FERPA a person has the right to control disclosure of educational records; access and amend educational records and complain against alleged violations.

This represents a “passing of rights” from parents to their adult children. From grades K-12, rights are vested in the parents. In college, those rights revert to the student regardless of whether the student is 18 or not. Many parents find this transition challenging.

For our purposes at Fairfield, our default position is to vest the students with rights in their records. Our actions should therefore err on the side of preserving, not infringing, on that right – and/or at least setting the student up with the ability to consent. A litmus test is to ask: How would the student feel about me having this information?

Educational records include virtually all records maintained by an educational institution, in any format, that are “directly related” to a student.

“Records” includes any way in which we record information about a student, including written, electronic, video, photos, and email. Grades, disciplinary matters, financial aid are common examples.

Personal observations, notes, sole possession notes, law enforcement unit records, employment records, alumni records, peer-graded papers, and medical treatment records (covered under HIPPA) are not considered as “personal records” under FERPA.
Consent is not required for the following: directory information; school officials with a “legitimate educational interest”; parents of a federal tax dependent; parents of student who is under 21 and found responsible for violating alcohol or drug policy; documents obtained in response to a court order or lawfully issued subpoena; student transfer records, especially if enrolled elsewhere; final results of disciplinary proceedings for violent crimes or sex offenses (disclosure goes to the alleged victim); litigation documents with students; and educational audits/reviews.

Generally, exceptions to FERPA would include information that, if made public, would not generally be considered harmful or private. More extensive explanations of this policy is contained under Fairfield’s FERPA disclosure policy in the student handbook. We can take items off the list, but cannot add things (e.g., grades, SS# would never be directory information). The school needs to provide an opt out for students.

Who are school officials with a “Legitimate Educational Interest”? Institutions have the ability to define the parameters of “interest.” Basically, one must ask: does the official need the information in order to do his or her job? Interest can include students; the interest does not have to be “educational” and it does not have to be the students’; it can be the school’s interest. The school’s interest should focus on what is really needed in order to do the job (e.g., disability accommodation in the classroom).

The university may release personally identifiable information if there is an “articulable and significant threat” to the health or safety of a student or others. Following the Virginia Tech shooting, the FPCO (Family Policy Compliance Office) made clear that it would not substitute its judgment for that of school officials as long as it meets minimal requirements.

An “articulable and significant threat “ means that you think there is a threat (certainty not required). It has to be significant (e.g. “can’t call a parent for a hangnail”). Examples of a threat in decreasing order were: serious communicable disease (e.g. measles) –yes; suicidal threat and ideation – maybe; and immunization data—no.

Even so, there are limits: information should be disclosed only to appropriate parties, such as parents, crisis management team, mental or physical health professionals, law enforcement officials, and potential victims (including their parents). Persons of legitimate interest should disclose only that information needed to protect health and safety.

3. QUESTION AND ANSWER –DISCUSSION SUMMARY:

Amalia asked: What about safe assignment on Blackboard? How do you address that issue? No say. Professors require students to upload and the student has no say.
**Answer:** The institution is not uploading students’ work. The student is always doing the uploading, so s/he is sharing. You do not need written consent, but may want to consider redacting names in student work.

**Amalia:** Do we have a framework to protect faculty who decide to use "safe assign"? Will the burden be put on the shoulders of the faculty? Could we remove this option from Blackboard? How can we ensure that this feature is FERPA compliant?

**Christine:** ETC should probably make a policy recommendation about this. Perhaps the upload the assignment, but remove the name.

**Amalia:** Currently there is a settings option in which the professor has three checks. Students upload without knowing these settings are in place. What about this?

**Tom Pellegrino:** Students still see that you would like the assignment to go through "Safe Assign".

**Amalia:** Do they have an option to refuse?

**Answer:** Where is the crux of concern about FERPA? Only possible violation: information about Safe Assign not a stable place. If you are unsure/insecure, don't do it. Gut reaction: tell students that a third-party vendor can look at documents. If we have confidence, we will want students to know. Because we also use Blackboard in the grade is recorded in Blackboard and other software may interface. We evaluate the technical side to see if the site is safe.

**Amalia:** if something is in writing within the system, what are our rights? Is there an exception that we can put out a disclosure? If we (teachers) don't check safe assign, whose fault? Never heard of having to redact information.

**Answer:** By using Safe Assign you are already disclosing to students. If a student is suing us, then all bets are off.

**Tommy:** What about sharing educational information with colleagues, is this in compliance with FERPA? Case: journalism adjunct professor discussed student in connection with an uploaded paper which was indicative of a mental state. Can professors share such information with chair about a student?

**Answer:** The professor is an employee of faculty or staff. Ask yourself if there is a "legitimate educational interest"? You have the flexibility to define. Can include students. “Interest” does not have to be only "educational".

**Tom Pellegrino:** Students should be our focus.

**Question:** Are drug and vandalism offenses protected by FERPA?

**Answer:** Student has to sign a release about these incidents.
4. **HANDBOOK AMENDMENT.** Ron gave an update. Move to include members of the administration in regular ETC meetings passed at the Faculty Meeting.

5. **NEXT BOARD OF TRUSTEES MEETING** Ron and Paige set ETC Item Agendas.
   1. Security
   2. Update classrooms
   3. Infrastructure for the next five years

Paige mentioned the Blackboard limit on data/course storage issue discussed in the last ETC meeting—we are devising a strategic plan for infrastructure, but need more IT funding. More funds should go towards storage, including innovative solutions, like the Cloud. We are moving towards a different model: we are moving away from offering less to “maintaining a campus” with 24/7 assistance. Students (and professors?) would have unlimited "Virtual storage" which would be treated “like an operational, not capital expense.”

6. **CLASSROOM SELECTION:** Jay gave update on Classroom—choice software mechanism in place now that Teresa Sabo retired. The system will automatically match features and rooms. It is in the testing phase and is being overseen by a team from ITS who are spending 5 to 6 hours processing requests. There is much opportunity for corrections and "lots of human intervention“ to catch errors.

7. **SPRING SEMESTER MEETING TIME.** The normal time of Wednesday afternoon was unworkable because one member could not make it, due to a teaching conflict. Amalia wanted to make sure everyone had an opportunity to attend the meeting and no one was left out. She would send the committee a doodle poll early in the semester to agree on a time.

8. **MEETING ADJOURNED AT 3:30 pm.**

Minutes respectfully submitted by Silvia Marsans-Sakly