

What is FERPA?

Family Educational Rights and Privacy Act (FERPA) refers to a federal law passed in 1974 (also known as the Buckley Amendment). The law is designed to protect the privacy of a student's education records and applies to all schools that receive federal financial assistance. The FERPA defines a student's legal access to education records and regulates the release of information from these records. A student at the University of Arkansas for Medical Sciences (UAMS) has the following rights with regard to his/her education records:

1. The right to inspect and review his/her education records within 45 days from making such a request.
2. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading.
3. The right to restrict the release of information that is designated as "directory or public information".
4. The right to consent to the release of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
5. The right to file a complaint with the US Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

FERPA and Distance Learning Courses

Protecting the privacy of student education records is more challenging in the distance learning environment than in the traditional classroom. Difficulties arise because distance learning courses include tools or components that may reveal students' identities to individuals who have no legitimate educational interests. Some problem areas for online courses are the sharing of student names and e-mail addresses with the instructor and other students within the course, posting of homework, and the lack of absolute privacy.

1. Name and E-mail Address

Online courses have interactive components that require students to "talk" to other students and the instructor. This interactivity is necessary for learning and is required for all online courses by the North Central Association of Colleges and Schools accrediting agency. A student's name and e-mail address can be shared with the course instructor, the distance education support staff, and other students in the course **if** the student has not requested that directory information be withheld. If a student has requested that his/her name and e-mail address be withheld, the **student must contact his/her Program Director for alternative accommodations.**

2. Posting of Homework

Some instructors require students to complete assignments that are posted for viewing and comments by other students. This is a common activity in many traditional courses and is important in an online setting for prompting "discussion" and group responses. When the assignments are graded, only the student and the instructor will know the grade. Since documents posted by

students are considered student records, students must complete a Distance Learning Release Form (DLRF) to participate in online courses. The release form obtains the students' consent for access to class projects and assignments by other students enrolled in the course and by individuals with legitimate educational interest. If a student is not willing to share his/her work, **the student must contact his/her Program Director immediately.**

3. Notification of Lack of Absolute Privacy

Although every effort is made to secure network communications, UAMS cannot ensure the privacy of online communications. It has been said that browsing the net or sending e-mail is much like the old party line phone systems---people can listen if they choose.

- Students using on-campus computers for Internet activities may be monitored by the UAMS staff responsible for the network and online courses.
- For courses using "chat rooms", what is "said" in them will be recorded or logged, and instructors and/or college staff will review these log files as needed. Additionally, the instructor may want to use some of the conversation in a general class posting.
- The UAMS staff responsible for the network and online courses may monitor messages posted to classroom conference area and/or sent to the campus e-mail system.

The lack of absolute privacy of online communications is described for students on the DLRF.

UAMS - College of Health Related Professions Distance Learning Release Form

Posting of Homework - Some instructors require students to complete assignments that are posted for other students to view and on which they may comment. This is a common activity in many traditional courses, and it is important in an online setting for prompting "discussion" and other group interaction. Documents posted by students may be considered student records as defined by the Family Educational Rights and Privacy Act (FERPA) and cannot be released without students' consent. By signing below, you are agreeing to allow access to your class projects and assignments by other students enrolled in the course and by individuals with legitimate educational interests.

_____ Print Name	_____ Department
_____ Signature	_____ Date

If you are not willing for your student records to be accessed in this way, **you must contact your department chairman to arrange for alternative accommodation.**

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- Students using on-campus computers for Internet activities may be monitored by UAMS staff responsible for the network and online courses.
- For courses using "chat rooms", what is "said" in them will be recorded or logged and instructors and/or college staff will review these log files as needed. Additionally, the instructor may want to use some of the conversation in a general class posting.
- UAMS staff responsible for the network and online courses may monitor messages posted to classroom conference areas and/or sent to the campus e-mail system.

Please check one of the following as your response:

- Yes, I understand that there is a lack of electronic privacy when using the college's computer systems.
- No, I don't understand the information on electronic privacy.

Video-based and audio-based courses - Certain aspects of student participation in video-based and audio-based courses may constitute educational records. Since recordings and/or tapings of students may be considered educational records as defined by FERPA, they cannot be released without students' consent. By signing below, you are agreeing to allow access to your class projects and assignments by other students enrolled in the course, by individuals with legitimate educational interests, and by students who will be using the taped or recorded course materials in the future.

_____ Signature	_____ Date
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If you are not willing to allow your student records to be accessed, **you must contact your department chairman immediately.**