

# **FERPA Basics and Additional Information for Instructional Faculty**

**Registrar's Office  
January 2025**

# FERPA Basics

- What is FERPA and what does it do?
- Why do we have to comply with it?
- What are the basic things that the campus community needs to know about the GT policy?
- What do I need to know about GT data governance policies?
- What do I need to know about data access and handling issues, including OIT policies?
- Where can I go for more information and assistance?

# What is FERPA?

From the Family Policy Compliance Office(FPCO):

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) **is a Federal law that protects the privacy of student education records.** The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

<https://studentprivacy.ed.gov/ferpa>

# What is a student education record?

The term student education record refers to 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.

Note that records have been kept in different formats over the years. They are all protected.

# What is a student education record?

- This includes student financial aid records. It is important to note that in addition to FERPA, student financial aid records are also further protected by Federal law, particularly in regard to information on the FAFSA.
- Housing records at GT are protected by FERPA.
- Student medical records are protected by HIPAA.
- Bear in mind that there are different privacy laws that protect most kinds of personal data. Never assume that data is not protected.

# What does FERPA do?

It affords students certain rights with respect to their education records.

They are:

- The right to inspect and review the student's education records;
- The right to request amendment of the student's education records that the student believes are inaccurate or misleading;
- The right to consent to disclosures of personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Georgia Institute of Technology to comply with the requirements of FERPA.

# Why do we have to comply?

We must comply with FERPA and have a GT policy in place, because we receive funding.



# Definition of “receives funds”

(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).

Source:

[http://www.ed.gov/policy/gen/reg/ferpa/rights\\_pg2.html#1](http://www.ed.gov/policy/gen/reg/ferpa/rights_pg2.html#1)



# To whom does it apply?

- FERPA applies to all students who attend post-secondary institutions.
- GA Tech defines “in attendance” as registered for classes. This means that when a student attends FASET in the Summer and registers for classes, their records are covered.
- Does not apply to:
  - Applicants who are denied admission.
  - Those applicants who were accepted but did not attend.
- It is important to note that each institution has its own FERPA policy. Although some of the content is consistent institution to institution, there are variations where the law allows it. Such as in how we define “in attendance.”

# Does it apply to international students?

- International students have the same rights as domestic students under FERPA.
  - inspect their records
  - request amendments
  - protect privacy
  - file a complaint
- International students consent to release of their information to certain governmental agencies on various forms.
  - Department of Homeland Security

# Are we allowed to release information?

- Schools are not allowed to disclose information (other than “**Directory Information**”)
  - without the student’s written consent except under very limited conditions.
  - or where the law allows it such as for internal use by Institute faculty and staff who have a legitimate need to know – they need to access student education records to do their jobs
  - or where the Institute has a contract or agreement with another entity (such as a software vendor) where the data is protected under GT policy

# Types of FERPA Data



## Protected: Directory Information



## Protected: Non-Directory Information

Directory Information refers to those protected data elements Georgia Tech *may* disclose without explicit consent. All other data elements are considered non-directory and are protected. Please note: Students can declare themselves as confidential (request that their records be flagged as Confidential). If this occurs, all their data becomes non-directory and cannot be released without their consent.

# How do we define directory information at the Institute?

The Institute, pursuant to University System of Georgia policy, has designated the following categories of information as Directory Information effective December 31, 2024:

- Student's name
- Major field of study
- Enrollment status
- Participation in officially recognized activities and sports
- Dates of attendance
- Degrees, honors, and awards received
- Dates of attendance
- The most recent educational institution attended
- Height and weight of athletes
- Class level
- Hometown
- Institution assigned email address\*
- Thesis/Dissertation title

\*Under this category, an institution-assigned email address may be disclosed without consent only to other, current students. In addition, students may not request email listings of the entire student body or segments thereof, except for academic purposes.

# Information for Students, Faculty, and Staff

There is more information on the Registrar's Office website about GT's FERPA policy and on how to request confidentiality. The website is an important resource for faculty and staff as well.

<https://registrar.gatech.edu/ferpa/privacy-and-students-rights>

<https://registrar.gatech.edu/ferpa>

# Who has access to student data at GT and why?

- The Institute may disclose education records without a student's prior written consent to certain parties under certain conditions, as allowed by FERPA, including:
  - **School officials with legitimate educational interests**  
A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
  - Other schools to which a student is transferring
  - Specified officials for audit or evaluation purposes
  - Appropriate parties in connection with financial aid
  - Organizations conducting certain types of studies for or on behalf of the school
  - Accrediting organizations
  - Compliance with a judicial order or lawfully issued subpoena
  - Appropriate officials in cases of health and safety emergencies

# What kinds of roles at GT result in you having legitimate educational interest to access student data?

Job functions in areas such as:

- Instruction, teaching or serving as a TA
- Report writing, data management that include student data
- Student success or well-being
- Financial aid or billing
- Student services
- Enrollment services



# How can faculty and staff access student data?

Access to systems such as:

- Canvas
- Banner
- GT Reports, LITE, or other reporting tools
- Slate, Admit, or other administrative tools
- Advisor Link or other academic advising platform (EAB coming on board in 2025)
- DegreeWorks
- Any advising or data tool in use in your unit

# What responsibilities come with this access?

- This means that you can be performing a variety of different functions or accessing a variety of different systems and have access to FERPA-protected student data.
- You have the responsibility to understand GT's FERPA policy and abide by GT's data access rules and computer usage rules.
- Direct interaction with students is not necessary in a role for that role to be important in protecting student data.

# What are the best practices around accessing and handling student data?

- Use the data only for job-related purposes
- Do not share student data with a third-party, internal or external
- Share with your colleagues at GT *only if* you have a need to do so
- Always remain mindful of student data in different formats and don't neglect your work area, laptops, or other tools in such a manner that someone might take advantage

# What are the best practices around accessing and handling student data?

- Follow OIT rules for using and protecting your laptop and other equipment so that you are not exposing student data to unauthorized access or theft.
- Be mindful of email as an insecure medium and always be careful about recipients of any email that you send.
- When requesting a report on student data, ask only for what you need.

# Cybersecurity at GT

- You are expected to be aware of and to abide by Georgia Tech policies:
  - Cyber Security Policy
  - Data Privacy Policy
  - Password Policy
- Information can be found on the OIT website at:
  - <https://oit.gatech.edu>

# What if I want to do a survey to collect student data?

- Use the GT licensed, approved survey tool: Qualtrics
- Be thoughtful, even when using Qualtrics, about what you are asking the responder to provide:
  - If they are logging in with GT credentials, there is no reason to ask them for their name, GT ID, etc.
  - Limit the questions to the data that you need.
  - If you are unsure, ask questions. The Registrar's Office or Institutional Research and Planning might be able to help or point you in the right direction.

# As an instructional faculty member, what are the additional things that I need to know?

- There are some additional concerns for instructional faculty around:
  - Grades
  - Canvas Learning Management System (LMS)
  - Interactions with students in the classroom
  - Photos and or videos in class
  - Research involving student data
  - Instructional support tools, LMS Learning Tools Interoperability (LTI) and other plug-ins
- These areas are covered in the FERPA Basics for Instructional Faculty training material on the Registrar's Office website.

## What grades are covered by FERPA and when?

- Midterm progress reports, final grades, and grades that are entered into your gradebook, including that on Canvas, are protected by FERPA and cannot be shared without the student's written consent.
- Students have a right to access their grades. They do not have the right to access the grades of other students in the class or other students at GT.
- As soon as an exam, homework, or paper, for example is graded, and entered into your gradebook it is FERPA protected.



## What grades are covered by FERPA and when?

- It is very important *to not* post student grades or course artifacts such as exams, homework, or term papers in a public place where other students can see them. The return of these materials must be done securely.
- When sending email to individual students or to your class, make sure that you are not inadvertently copying people who do not need to see the email and that you are not sharing individual student information with others.
- You may not share information on students in your GT classes with colleagues outside GT unless there is an approved data sharing agreement in place.

## What do I need to know about the use of Canvas?

- If you use Canvas, please remain aware that the same rules apply. Students have a right to access their own information, but not that of other students.
- There is more information on the Canvas website. <https://canvas.gatech.edu>
- If you are unsure about what is or is not allowed in Canvas in terms of allowing access to student data or sharing student data, contact the Digital Learning Team at [canvas@gatech.edu](mailto:canvas@gatech.edu).

# How do I handle student Interactions in the classroom?

- You are in charge of running your classroom. Remain mindful of the following:
  - You can engage in peer grading, but you cannot hand artifacts back to groups of students once you have graded them.
  - There could be students in your class who have requested confidentiality. This does not mean that they can remain unidentified in your class; it does mean that the Institute is taking extra precautions to protect their student data, including directory information.
  - During class sessions, share information related to the work in the class. Personal information, not related to the class, should be shared.
  - If a student reports a concern to you, share it with your School office. They will contact the Registrar's Office for assistance as needed.

# How do I handle student interactions in the classroom?

- All institutions that receive federal funding must comply with FERPA, but that does not mean that all of their FERPA policies are the same. If you spent time at another institution as a faculty member, remain mindful that their FERPA policy and the GT policy may have some important differences.
- Do not link the name of a student with that student's GT ID number in any public manner.
- Do not share the progress of a student with anyone other than the student without the student's written consent. Remember, we do not have a blanket waiver for parents or guardians.
- Do not provide anyone with lists or files of students enrolled in your classes for any commercial purpose.

# How do I handle student interactions in the classroom?

- Do not provide course schedules or assist anyone - other than Institute employees - in finding a student on campus.
- Do not access the records of any student for personal reason.
- Do not store confidential information on any computer, unless that information is required and secure from intrusion.
- Do not include student's grades, GPA, classes, etc. in a letter of recommendation without written consent of the student.

# What about parent access to student data?

- The level of access that parents had to student data in elementary and secondary school is not the same as they have to college records.
- Once a student enrolls in classes at GT, their records are protected by FERPA and they are the owners of the privacy protection.
- Some institutions provide a blanket waiver of FERPA protection, as allowed as an option under the law, so that parents can access student data. *GT does not.*

# What about parent access to student data?

- Considerations for GT not providing a blanket FERPA waiver for parents include:
  - We consider our students to be adults, in charge of their own information.
  - Claiming a student on one's income tax does not mean that we must provide the parent with access to student data. The law says it is our option to do so.
  - Under unusual circumstances, the Registrar's Office can provide a one-time FERPA waiver to allow access to a very limited amount of information for a specified period of time. We rarely use this option. More information is available from the Registrar's Office.

# What do I need to know about photos or videos in class?

Guidance on photos and videos is detailed in the FAQs at the site below.

<https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa>

Is a photo or video part of the education record and therefore protected by FERPA?

- If taken in a class, where the student can be identified, then the answer is 'yes,' it's part of the education record since it is directly related to the student.
- If the photo or video is taken at random on campus, it is not part of the student record. It is therefore not protected by FERPA.
- If a student poses with a faculty member or a member of the administration, the video or photo is with their permission. There is no FERPA infraction.
- Commencement and other events are 'public,' for example, even if there are tickets required to get in.



# What if I am doing research that involves student data?

- If you plan to do research that involves FERPA-protected student data with a group or groups outside of GT, the required data-sharing agreement that you would have worked out with Legal Affairs addresses this area.
- If you plan to do research that involves FERPA-protected student data internally with GT, you must work through the Review Board ([IRB@gatech.edu](mailto:IRB@gatech.edu)) and address a standard set of questions developed by the Office of Institutional Research and Planning and the Office of the Registrar to access and use the data.

# What if I am doing research that involves student data?

## **Required Information for Requests to Access and Use Student Data for Research Purposes Office of Institutional Research and Planning and Office of the Registrar Last Revised August 2024**

A. Please provide responses to the questions below:

1. How is the data going to be collected?
2. Is the proposer requesting that IRP provide the data and, if so, what is the general timeframe within which it is needed.
3. The reason (briefly) for requesting the data, which would include how the data is going to be used.
4. State whether the data requested is to be de-identified and explain if student names and GTIDs are to be included.

# What if I am doing research that involves student data?

5. List the data elements to be included and be prepared to explain why each one is needed for the research.
6. State how the data will be handled and by whom.
7. State how the data will be stored while in use.
8. State how the data will be destroyed when the research is over.
9. Confirm that the data will not be shared with anyone else, internally or externally.
10. Confirm that if the results are to be published, proper care is taken to de-identify the data. The identification process should be conducted by someone other than by the proposer.

# What if I am doing research that involves student data?

B. Please note that when the request also includes information about Pell recipient status the following certification signature is required.

- In requesting this information related to Pell recipient status for any financial aid award year, I recognize the additional levels of security regarding data related to the FAFSA and other financial aid documents. Although Pell recipient status is FERPA protected, I acknowledge that any questions related to Federal Title IV aid or other types of financial aid and scholarships may be protected beyond FERPA requirements and require a higher level of responsibility in handling this data. I certify that all necessary precautions will be followed to ensure that only those with legitimate, internal educational interest will have access to the data.

# What if I am doing research that involves student data?

The form will ask you to sign and date, noting your affiliation on campus.

Contacts for questions or assistance:

Reta Pikowsky, Associate Vice Provost and Registrar is the student data steward on campus.

[reta.pikowsky@registrar.gatech.edu](mailto:reta.pikowsky@registrar.gatech.edu)

Mark Gravitt, Associate Registrar, is the back-up student data steward on campus.

[mark.gravitt@registrar.gatech.edu](mailto:mark.gravitt@registrar.gatech.edu)

Jason Wang, Senior Director, Institutional Research and Planning, is the liaison with the Registrar's Office regarding access to and use of student data in research.

[Jason.wang@irp.gatech.edu](mailto:Jason.wang@irp.gatech.edu)

Katie Conrad, Executive Director, Office of Scholarships and Financial Aid is the student financial aid data steward. Any request for data that involves any aspect of financial aid must be cleared by her. *The statement above is limited to Pell recipient status only.*

[katie.conrad@finaid.gatech.edu](mailto:katie.conrad@finaid.gatech.edu)

# What if I wish to use additional technologies, LTIs, or other tools for my classes?

Instructional faculty who are using websites, LTIs or other technology tools to deliver or support their courses should remain mindful of the following.

- This applies whether the course is offered in online or in-person format. Any tools that the instructor is using to support delivery of the course material or manage the course must remain mindful of basic protocols.
- 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.

## What if I wish to use additional technologies, LTIs, or other tools for my classes?

- In course sections that are delivered in in-person mode, or in a hybrid format, the instructor may select to use various kinds of tools to disseminate information or to collect information from students. This could involve something as simple as taking attendance in class. Canvas is Georgia Tech's learning management system and is recommended for such purposes. The Digital Learning Team can assist with LTIs. There is more information on their website about these options.
- Faculty who wish to use tools that are not part of Georgia Tech's approved products should first consult with the Office of Cybersecurity to ensure that use of the tool does not compromise Georgia Tech's data security and does not create an opportunity for protected student data to be shared with third parties who do not have a right to have it ([soc@security.gatech.edu](mailto:soc@security.gatech.edu)).
- So, what are some activities that might trigger cybersecurity concerns?

# What if I wish to use additional technologies, LTIs, or other tools for my classes?

- 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)?
- 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?
- Is use of the tool required? Do you have a way for students to opt out if they are not comfortable with use of the tool?
- Do you have an agreement with the vendor that has been approved by the Office of Cybersecurity for deployment of this tool?
- Is the tool one that you developed and own personally? If yes, have you received permission from the Office of Cybersecurity to use this tool?

Contact the Office of Cybersecurity for information on policies and for assistance. <https://security.gatech.edu/>



# What if I wish to use additional technologies, LTIs, or other tools for my classes?

Solutions for fulfilling responsibilities under FERPA:

## First Option -- Student Consent

- One way to comply with FERPA requirements 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. This could apply in both online formats and in-person formats if the tool involves sharing of personally identifiable information to students in the class, about other students in the class.

# What if I wish to use additional technologies, LTIs, or other tools for my classes?

Solutions for fulfilling responsibilities under FERPA:

Second Option – Student data is available to other students in the class related only to:

- Posting of student work for electronic discussion among students in a class, *does not require written consent of students provided that:*
  - electronic postings of student work do not contain grades or evaluative comments of the professor;
  - students perform the posting rather than the professor;
  - students are notified prior to or at the time of enrollment that posting of their work is a course requirement; and
  - the posted work is available only to members of the class.

# What if I wish to use additional technologies, LTIs, or other tools for my classes?

## Solutions for fulfilling responsibilities under FERPA:

Third Option – the tool in use is from an outside vendor that is under contract with the Institute

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 is bound by contract to preserve confidentiality.

The procurement process ensures that a FERPA statement is included in the contract so that the vendor understands its responsibility related to student data if the data is hosted on server outside GT or in a cloud environment, or if staff working for the vendor would ever have need to access the data to trouble shoot or solve problems.

## What if I wish to use additional technologies, LTIs, or other tools for my classes?

Do you require students to send a letter to the editor, or post to a non-Institute 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.

# What if I wish to use additional technologies, LTIs, or other tools for my classes?

- Technology is rapidly evolving.
- Please do not deploy new tools that have not been approved for use at GT without taking the proper precautions. It is preferred, of course, that only Institute-approved tools be used to support instruction.
- Concerns about use of AI on campus will continue to grow, for example.
- There are likely tools, trends, or concerns beyond what we have mentioned in these slides.
- The best practice is to always confer with Institute cybersecurity professionals on advice, procedures, and policies related to the use of technology tools to support instruction.

## How do I report a concern or complaint?

- Parents or guardians who may be concerned about a student for specific reasons should be asked to contact the Office of Student Life.
- Staff there can collect the information in a confidential manner and direct questions to the appropriate offices on campus for assistance.

# How do I report a concern or complaint?

- Students who have concerns about the privacy of their FERPA-protected student data should report them to:

[comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu)

- The Registrar's Office will investigate the concern/complaint immediately and follow up as appropriate.
- Instructional faculty can report issues to the email address above but should also make their academic units aware of the concerns or issues.

## How do I report a concern or complaint?

- If you are not comfortable reporting details of the question/incident/complaint through the [comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu), then send the email and state that you have a FERPA concern and could the appropriate folks in the Registrar's Office contact you. Please provide your preferred method of contact.
- The [comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu) is read only by authorized staff, and privacy is always our highest concern. Please feel free, though, to request that we discuss one-on-one with you.



# EU GDPR – what is that?

## European Union General Data Protection Regulation Privacy Notice

- This is the Georgia Institute of Technology's (Georgia Tech) Office of the Registrar privacy and legal notice for compliance with the European Union General Data Protection Regulation ("EU GDPR"). For more information regarding the EUGDPR, please review Georgia Tech's EU General Data Protection Regulation Compliance Policy.

<https://registrar.gatech.edu/eu-gdpr/policy>

## Whom do I contact for more information?

- Please send any questions to [comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu).
- If you would like tailored training for your area, please let us know, we can provide it.
- If you are ever in a situation where you do not know what to do, please contact us and we'll either walk you through it or respond to the situation directly.

# Resources

- Useful websites:
  - <https://registrar.gatech.edu/ferpa>
  - <https://policylibrary.gatech.edu/information-technology>
  - [https://www.usg.edu/records\\_management/schedules/934](https://www.usg.edu/records_management/schedules/934)
  - <https://registrar.gatech.edu/eu-gdpr>
  - <https://studentprivacy.ed.gov/ferpa>
  - <https://library.educause.edu/topics/policy-and-law/gramm-leach-bliley-act-glb-act>
  - <https://www.hhs.gov/hipaa/index.html>
  - <https://canvas.gatech.edu/>
  - <https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa>
  - <https://security.gatech.edu/>