

SOCIAL MEDIA AND FERPA

Dr. Kevin McKenzie
CISO and Executive Director
Office of Information Security and Privacy
Clemson Computing and Information Technology

My contact information is:

pappy@clemson.edu

And you can contact any of our team members at:

security@clemson.edu

Social media has become more prevalent among our students and faculty. We need to consider some concerns about social media and how we can continue to extend beyond the four walls of the classroom.

FERPA can be interpreted in many different ways. It is the educational rights and privacy act, it has been around for nearly forty years. The premise behind it is to protect the student's information.

What is FERPA

FERPA is an acronym for the Family Educational Rights and Privacy Act (20 U.S.C. 1232g, 34 CFR 99). Congress enacted FERPA, also referred to as the "Buckley Amendment," in 1974. FERPA mandates that schools, including colleges and universities, maintain students' records in a certain way. Students must be allowed to inspect and review their education records and request the amendment of records that are inaccurate or misleading. Schools are also restricted from disclosing student records except in limited circumstances.

It is broad, what constitutes an educational record becomes what is debated in institutions and also where the institutional control of that information, does it reside in the institution, in digital media, servers and computers, is it maintained in the university or do they contract out with a third party? That is an important part we will discuss, whether the university maintains control or contracts out to a third party.

What are Educational Records

- Education records are records directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.
 - Note: The storage medium in which you find the record does not matter. Printed documents, handwritten notes, e-mails, electronic documents and web pages can all contain education records covered by FERPA.
- Education records may include but are not limited to:
 - Student folders in Admissions/Registrar/Financial Aid/Advisors/Placement offices (including any notes made in the folder)
 - Student classroom activity or homework that is maintained by the institution as part of the student's permanent school record
 - Reports and records -- computer generated or other
 - Class rolls, papers and tests
 - Application forms for student organizations/activities
 - Memos between school employees
 - Photographs
 - Most student disciplinary records
 - Former student records

What is Not an Education Record?

FERPA has a number of key exceptions to the definition of education records. Those include:

- Records of the University's Office of Public Safety
- Employment records where employment is not connected to student status
- Medical and mental health records used only for the treatment of the student. However, other statutes may prohibit the disclosure of these records
- Alumni records that do not relate to the person as a student
- Records made by instructional, administrative and educational personnel not shared with others

A key note here (medical and mental health records, 3rd bullet point) is that in these situations, institutions marry their educational records and their medical records together to provide psychological counseling. When we do that, FERPA becomes a protected record for them in that situation because we have married their educational record with their medical.

Records that may not be shared with others could be personal notes, maybe between two faculty members that had a common student made by that faculty member and they are the single owner.

What is considered Directory Information by FERPA?

FERPA permits institutions to specifically define some education record information as "directory information" not confidential under FERPA. This is information that is generally not considered harmful or an invasion of privacy if disclosed. Clemson University defines "directory information" in the Undergraduate and Graduate Catalogs.

The definition includes:

- student's full name
- permanent address and telephone number
- local address and telephone number
- e-mail address
- state of residence
- date and place of birth
- marital status
- academic status
- class schedule and roster
- name of advisor
- major field of study
(including the college, division, department or program in which the student is enrolled)
- participation in officially recognized activities & sports
- weight and height of members of athletic teams
- dates of attendance and graduation
- degrees and honors & awards received
(including selection to a dean's list or honorary organization and the grade point average of students selected, and the most previous educational institution attended)
- photographic, video, or electronic images of students taken and maintained by the university

A lot of people think birthdays are private information but it isn't. I like to think if it is printed on a baseball card it isn't private information.

Traditional Social Media

- Facebook
- Twitter
- YouTube
- Blog Sites
- LinkedIn
- Instagram
- Second Life



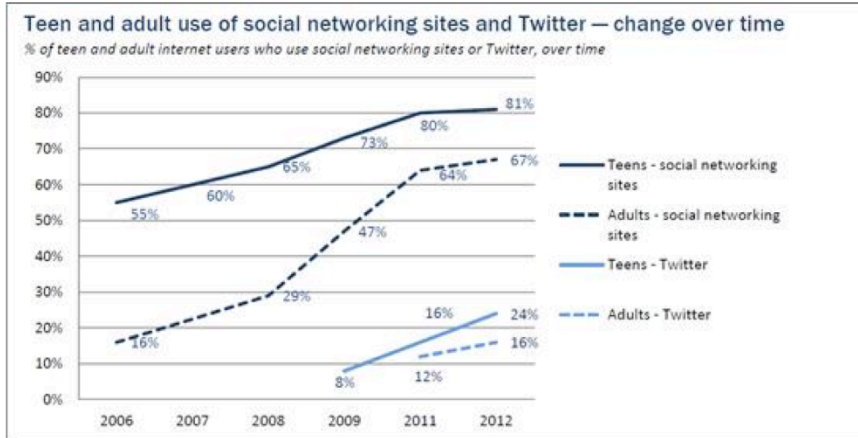
So why use Social Media in Education

- By in large it comes as a free alternative to the traditional classroom educational experience.
- Engagement – studies have already shown that social media has increased student engagement in the course material.
- Content – content is rich with videos, images, links to more relevant content.
- Limits isolation – students might feel more open to communicating through alternative means instead of vocally or in person during traditional classes.
- Diversity of participants – world wide audience and contributors
- Typical audience demographic has already accepted this format as a means of communication.

Gone are the days where you study a book alone and you go into a class and you go to lecture and you take notes then go home and regurgitate it. There are other ways to increase the engagement and content. The goal of an educator is to increase the engagement of your students. Studies have shown that social media has increased the engagement of students with course material. It provides a way for students to communicate outside of the classroom, for students to work together and to provide an open forum for them to communicate about it. It can help students communicate who might not otherwise reach out, they can feel comfortable communicating with their classmates when they might not normally.

Teen and Adult Use

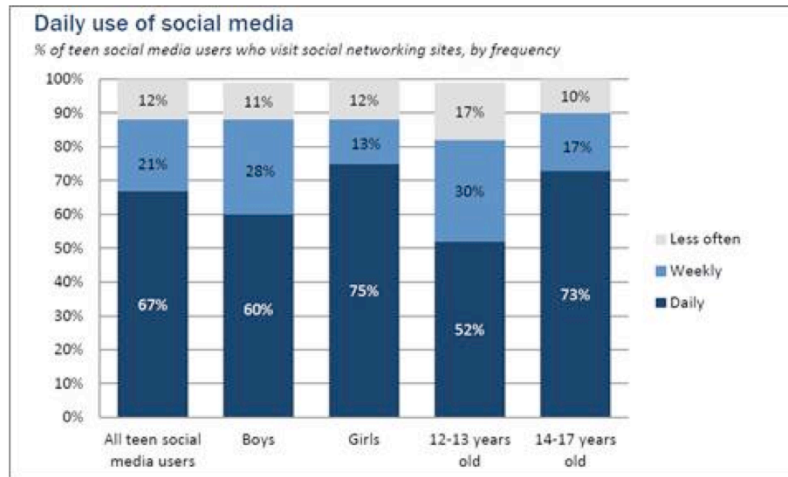
(<http://www.educause.edu/ero/article/your-use-social-media-ferpa-compliant>)



This is how our students are communicating now. These different sites generally have a 18-24 month high period, so we will see what is coming next.

Daily Use of Social Media

(<http://www.educause.edu/ero/article/your-use-social-media-ferpa-compliant>)



Our students in our immediate future are using social media on a weekly basis. I hope I am not telling anyone in here something new, this is how our students are communicating.

Concerns of Social Media Use

- Private or Public.
 - Do students understand the privacy of where they are posting.
- Ownership of Content.
 - Who owns the content created in social media, who can use it.
- Acceptance of the terms of service.
 - When/Who is it presented to?
- What about the hosting site?
 - How do they use the data?
- Accessibility concerns.

Probably everything that they have done up until now they have viewed it as private, not for public consumption. We need to let our students know if they are putting their information in a public or private area.

Policy Suggestions

<http://www.facultyfocus.com/articles/teaching-with-technology-articles/ferpa-and-social-media/>

- When students are assigned to post information to public social media platforms outside of the university's LMS (Blackboard), they should be informed that their material may be viewed by others.
- Students should not be required to release personal information on a public site.
- Instructor comments or grades on student material should not be made public. (Interestingly, grades given by other students on "peer-graded" work can be made public under FERPA, I do not recommend this action).
- While not clearly required by law, students under the age of 18 should get their parent's consent to post public work.

Recommendations

- Set expectations with students at the beginning of the semester and address any student concerns then.
- Use an alternate identity, encourage and allow students to participate under a pseudonym.
- Instruct both faculty and students not to post any private/sensitive/confidential information, or any personally identifiable information or educational records.
- Encourage the use of privacy settings on social media sites to limit the audience.
- Provide an “alternative” assignment if the student requests one to receive the equivalent credit for the social assignment.

Questions?

Q: How about the Cloud? How is the university addressing that?

A: When I think of Cloud I think of putting information out there that is on non university owned resources, it is available through some sort of web portal. The university unfortunately hasn't been addressing that quite as aggressively as I would like and I am trying to push that. That goes into providing students with an alternative method to do the work. When you put it on the Cloud technology, unless we are entered into an agreement, we are trying to enter into an agreement with them so there is nondisclosures, there are terms of service, there are repercussions between the two sites. We don't want to get into a situation where we are forcing students, we are forcing data into third parties. We have no legal control and they have no legal obligation to protect that information that is out there. Today faculty are free to do some of this, have students put information on a Cloud provided site, we are hoping to provide some guidance. The last thing we want to do is restrict the educational experience of the student because they are using Cloud technologies but at the same time we have to do it under a control, make sure we put the proper arrangements in place so we don't become limiting.

Questions?

Q: Explain why certain Google Apps are not enabled

A: There are six Google apps that are under the Google Apps for Education terms of service. The rest of the apps are individual apps that we have to turn on. The problem that we have run into is that each one of those apps each have their own terms of service. The university would then be accepting those terms of service on behalf of the students. Our general council has not been excited about that, that the students are never presented with terms of service or terms of use. The fact that the university is accepting on their behalf has led to only having the six. They have had problems with Google Apps for Education in the past because of their data mining that they have denied and has been proven in court. Therefore the reason for not turning these apps is a legal reason in our General Council's office that has led to us not turning on these apps.

Questions?

Q: Is there a service that lets us use a wiki but that only CU students/faculty can access?

A: I don't know that there is a general wiki out there for students to use. In 2011 Georgia Tech turned off all of their student wikis that they had been running since 1997 because of FERPA concerns. They turned them all off and erased all of their histories. I don't know that we run one, if we do I'm not quite aware of it outside of what we do in a Blackboard environment. There have been concerns raised with other institutions about a student's content in their educational wiki. There is not one maintained in a Clemson environment.

There are accessibility concerns in the Google apps base.