

# What are the Compliance Issues Besides FERPA that I Need to Know?

Wa ACRAO 2023  
Thursday, August 3, 2023

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# For Your Consideration:

There is so much more than FERPA...

You Do Not Need a Law Degree

Google is your friend





## Let's Break It Down...

- Federal laws
- State laws
- Institutional Compliance
- Departmental rules and procedures

# Federal Laws

## The Higher Education Act of 1965

- Designed to provide financial assistance to college students and to strengthen educational resources
- Signed into law by President Johnson
- Reauthorized 8 times, last time in 2008

## Title IX Education Amendment 1972

- Federal civil rights law prohibits sex-based discrimination in any school or any other education program receiving funding from the federal government

## The Family Educational Rights and Privacy Act (FERPA) of 1974

- Protects the privacy of student education records (directly related to a student and maintained by the institution)
- Applies to any public or private institution receiving Dept of Ed Title IX funding

## American with Disabilities Act (ADA) 1990

- Provides comprehensive civil rights protections to individuals with disabilities in employment, education, transportation

# FERPA Key Points

## Educational Record

Directly related to a student and maintained by the institution

## Tracing the DNA of the Student Release

Guide your colleagues to be able to provide proof of release or situations where it is not required

## Email is not FERPA Compliant

Even institutional issued email accounts aren't FERPA compliant - use shared drives to share education records always!



# Federal Laws

## The Clery Act 1990

- Requires colleges and universities to report campus crime data, support victims of violence, and publicly outline policies and procedures in place to improve campus safety

## Gramm-Leach-Bliley Act 1999

- Requires financial institutions to explain their information-sharing practices to customers and to safeguard sensitive data

## Student and Exchange Visitor Information System (SEVIS) 2003

- After 911 Congress updated legislations to require electronic systems to collect information on all F, M, and J non-immigrant visa holders

## European Union - General Data Protection Regulations (EU-GDPR) 2018

- Toughest privacy and security law in the world
- Imposes obligations on any organization targeting or collecting data on people in the EU
- Heavy fines for those who violate the law

# Federal Laws and Importance to Registrars

## The Higher Education Act of 1965

- Where the Office of the Registrar and Financial Aid often intersect
- Mandatory disclosures to student (i.e. Student Right to Know)
- Related: The Federal Higher Ed Opportunity Act of 2008: Displaying textbook costs
- Hint: Stay close with your financial aid director

## Title IX Educational Amendment 1972

- Requirements for reporting incidents of sexual misconduct
- Registrars: these show up in petitions
- Hint: Stay close with your Title IX compliance officer
- Requirements for training

## The Family Educational Rights and Privacy Act (FERPA) of 1974

- Education record: directly related to a student and maintained by the institution
- Access permitted without student permission by school officials with a legitimate educational interest and a need to know
- Registrar is lead FERPA compliance officer

## American with Disabilities Act (ADA) 1990

- Access to classroom and campus facilities
- May provide priority registration for student receiving disability resources
- Hint: Stay close with your Disability Services director



# Federal Laws and Importance to Registrars

## The Clery Act 1990

- Need to know if you are an institutional reporter alcohol and drug use, campus crime, etc.
- Megan's Law: RSO3 Reporting Requirements
- Hint: Stay close with your Clery School compliance official. Usually head of campus safety

## Gramm-Leach-Bliley Act (GLB) 1999

- Disclosures to students of their rights under GLB
- If you have any process related to funds management you are subject to this
- Hint: Stay close with your student financial services director

## Student and Exchange Visitor Information System (SEVIS) 2003

- Extremely critical to understand implications on your campus
- Especially with CIP Code and STEM CIP Code requests
- Hint: Stay very close with your Designated School Official (DSO)

## European Union - General Data Protection Regulations (EU-GDPR) 2018

- Often misunderstood, your students sharing data while in the EU, even temporary are subject to this
- Permission to be forgotten, need processes in place to remove personal data
- Hint: Stay close with institutional privacy official



# State Laws

## Public Records/Open Records Laws

- Require that identifiable public records be made available members of the public for inspection and copying upon request
- Only records that are exempt by law (FERPA) may be withheld from disclosure

## State Privacy Laws

- Can be hundreds of state privacy laws
- New ones floated each legislative session
- Required disclosure of student PII to state educational agencies

## Unique State Laws

- Religious Accommodations Laws
- Transcript Holds laws
- Posting student code of conduct violations on transcripts

## Legislative Session Monitoring

- Hint: Know what your state legislative session cycles are and stay extremely close with institutional legislative team members. Involve yourself early in law development

# Institutional Compliance: External

## NCAA Athletics

- Depending on your athletic conference you may have to monitor athlete registration, progress toward degree, and eligibility for competition
- Enrollment criteria

## Veterans Education Benefits

- Students that are veterans, activity military, and benefits of veterans education benefits
- Enrollment criteria
- Impact of grades on eligibility
- Priority registration eligibility by law

## National Student Loan Data Systems (NSLDS)

- Not enough to send enrollment data to National Student Clearinghouse, must audit and insure data moves accurately to NSLDS for loan management

## Federal Financial Aid/Title IV Funding

- Satisfactory Academic Progress to maintain eligibility for fin aid
- Return of Title IV Funding (R2T4) - attendance issues
- Responding to federal and state audits

# Institutional Compliance: Internal

## Records and Retention

- Super critical you understand state and institution reg related to records and retention
- UW has an incredible library [here](#)
- Hint: Stay very close to director of records and retention

## Information Technology

- Data validation and standards
- 2FA access authentication impacting registration
- Youth and the Internet
- Consequences for violating rules and regs

## Human Resources

- Under FERPA: Any record associated with an employment position on campus which can only be filled by a student is subject to FERPA
- Recruitment, hiring, firing, performance, and posting work schedule

## Immunization Requirements

- Campus health center immunization requirements
- Impact on registration eligibility
- Protection of medical records related to collecting proof of immunization

# Department Rules and Procedures

## Degree Clearance

- Who clears students for their degrees
- Exception management
- Credentials' fraud
- Diploma and transcript release and processing

## Enrollment and Registration Policies

- Students that are veterans, active military, and benefits of veterans education benefits
- Enrollment criteria
- Impact of grades on eligibility
- Priority registration eligibility by law

## Classroom Scheduling

- Space policy issues mandates regarding the use of space
- Use of systems such as CollegeNet 25Live for scheduling
- Course delivery modes
- Access to classroom/safety

## Student Code of Conduct

- Impacts of degree awarding and transcript generation for students going through student code of conduct hearing
- Registration holds
- Referral for registration abuse

# THANK YOU



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