Module 6: Compliance with the Privacy Act and Dealing with Personal Issues of Students

The Family Education Rights and Privacy Act (FERPA) of 1974 establishes a Code of Fair Information Practice that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by federal agencies, including student education records. These agencies cannot disclose any record to any person or to another agency without written request by or prior consent of the individual to whom the record pertains. Furthermore, students have the right to amend their records as necessary and to file complaints against the school for violations of FERPA.

MENTORS SHOULD NOT ACCESS MENTEES’ NWACC RECORDS for any reason, and you should assure your mentee that you do not have permission to access his or her records and will not access his or her records because of the guidelines in place by the school and by FERPA.

RECORDS CONSIDERED AS EDUCATIONAL RECORDS UNDER FERPA

Any record that contains personally identifiable information that is directly related to the student is an educational record under FERPA. These include records kept in physical student files, digital databases stored on servers, and recordings or broadcasts (including student projects):

- Written documents (including student advising folders)
- Computer media
- Microfilm and microfiche
- Video or audio tapes or CDs
- Film
- Photographs

Furthermore, there are two types of educational records: directory and non-directory. The school may disclose directory information without the written consent of the student, but the student may formally request the school to limit disclosure. This information includes student names, addresses, phone numbers, email addresses, dates of attendance, degrees awarded, enrollment status, and majors.

Non-directory information must not be released to anyone (including parents) without the prior written consent of the student, and faculty and staff can only access this information if they have legitimate academic need. Non-directory information includes social security numbers, student identification numbers, race, ethnicity, nationality, gender, transcripts, and grades. (This means that MENTORS SHOULD NOT ACCESS MENTEES’ NON-DIRECTORY RECORDS because they do not have legitimate academic need to do so.)

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RECORDS NOT CONSIDERED EDUCATIONAL RECORDS

However, there are some records that do not fall under FERPA protection. These include faculty notes, data compilation, and administrative records that are kept exclusively by the maker of those records and are not accessible to anyone else.

- Private notes of individual staff or faculty
- Campus police records
- Medical records
- Statistical data compilations that contain no mention of personally identifiable information about any specific student

PRIOR WRITTEN CONSENT

Prior written consent, or a Release of Records form, is not required when disclosure is made directly to the student or to other school officials within the same institution where there is legitimate educational interest (enrollment or transfer matters, financial aid issues, etc.) Institutions also do not need prior written consent where the health and safety of the student is at issue, when complying with a judicial order or subpoena, or where a disciplinary hearing was conducted by the school, a final decision was recorded, and the alleged victim seeks disclosure.

Although you may be aware that a mentee’s health or safety is at issue, you cannot request his or her information because you are not an NWACC official. Assure your mentee that his or her records cannot be accessed by you even if you are aware of a personal issue or crisis.

The records of dependent students can be disclosed to parents. For dependent students, it is advised that both the dependent student and parents sign written disclosure agreements stating that the student understands and allows parental access to these records and that the student and his parents have been given a copy of the institution’s policies and procedures for the disclosure of student records.

Prior written consent must specify the records to be disclosed; state the purpose of disclosure; identify the parties to whom the disclosure is made; the date; the signature of the student; and the signature of the custodian of the educational record. NWACC also requires you to submit your Social Security Number and a copy of a photo ID as well as designating a deadline for how long a party has access to the information you are allowing to be disclosed. To obtain a Release of Records form to offer prior written consent, please contact Student Records.

STUDENT RECORDS

For more information on filing a Release of Records form or on requesting a transcript or other records, please visit the Student Records website at: https://www.nwacc.edu/web/lss_records/records.php

MANAGING PERSONAL ISSUES OF STUDENTS

In dealing with personal issues relating to your mentee, it’s important to remember a few guidelines:

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• You are not your mentee’s parent or guardian.
• You are not your mentee’s therapist or social worker.
• You are not your mentee’s financial provider.
• You are not your mentee’s paid tutor or writer.
• You are not your mentee’s romantic partner.

Mentors must be willing to acknowledge that there are times when they will not be able to relate fully their mentees or their mentees’ situations or experiences as well as being unable to address certain critical issues. Mentors must broaden their awareness of issues impacting diversity in order to support to their mentees, but this does not mean you are expected to manage everything on your own. You are not your mentee’s savior.

It is important that you remain non-judgmental as possible when you mentee approaches you with a personal issue. Generally speaking, personal issues, such as academic progress or identity, should only be discussed when initiated by the mentee with confidentiality on your part as mentor being crucial to the situation. Your mentee may also desire to discuss past traumas or difficulties (loss, poverty, illness). Allow your mentee the time, space, or privacy to bring up and elaborate on such subjects if he or she so wishes. Do not pry or attempt to draw your mentee out, and if you do not feel comfortable or capable of discussing the issue, refer to the director of PASS. You are free to discuss emotional or mental issues that your mentee brings up, but remember that mentors are not therapists. If you find that you are crossing this line, please contact your director. Furthermore, your mentee may face a crisis, such as abuse or depression, during your relationship. If such a crisis arises, IMMEDIATELY CONTACT THE PROGRAM DIRECTOR OF PASS. You are not and should not be responsible for intervening during such a crisis.

In order to maintain appropriate boundaries between you and your mentee, early in your relationship you should discuss the expectations you have of each other, and you should encourage your mentee to have mentors in all areas (professional, academic, personal) of his or her life. You need to know what NWACC resources are available to help meet your mentees’ needs and be willing to refer your mentees when appropriate. Do not attempt to handle every issue your mentee brings to you on your own. Refer to the director of the mentoring program as well as to another mentor, faculty, or staff member you trust for advice regarding where to direct your mentee. Do try to put your mentee at ease if he or she brings up a personal issue. You can make your mentee feel comfortable by:

• Remaining calm
• Maintaining eye contact
• Avoiding judgmental, accusatory, or berating statements
• Assuring the mentee that you will honor his or her confidentiality
• Being tactful but honest, especially if you become emotional
• Listening rather than prying

Once you have been approached with a personal issue and feel it is something you can handle as a PASS mentor, focus on helping your mentee take the next step.

• Focus on your mentee’s feelings rather than immediately jumping into problem-solving.
• Ask, “How would you like for me to help you?”
• If what your mentee asks is not possible, explain so gently and apologize.
• If you are not comfortable with the request, ask yourself why.
• Determine what alternative solutions would be acceptable and comfortable.
• Use the words, “I don’t know—what do you think?” and encourage critical thinking through questions and reflections.

Finally, be mindful of what you model. Your mentee will be observing how you handle your time at NWACC in addition to your other responsibilities for guidance on how to handle his or her time.

REFERENCES CITED


REFLECTION QUESTIONS

Answer the following questions. It is not necessary to retype the questions, just label them: "1.1" for Module 1, Question 1, "1.2" for Module 1, Question 2, and so on.
Question 1. In addition to informing you of what information or records you can or cannot access for the purposes of mentoring, why do you think understanding the guidelines of FERPA is important to you, your mentees, or any other NWACC student?

Question 2. If your mentee comes to you with a personal issue (such as a failing grade), what will you do? If you mentee comes to you with a personal crisis (such as contemplating suicide), what will you do? Consider the specific things you would say and what actions you would take. Avoid regurgitating what you read above (though some may be necessary).

Question 3. In addition to the suggestions above, how else can you set your mentee at ease? Why do you think it is important to do so?

Email your answers to Ashley Byrd at pass@nwacc.edu