



## Requesting Access to Student Records for Academic Research Purposes

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This document describes guidelines and processes for individuals seeking access to student records for research purposes.

UW-Madison staff and faculty who have a legitimate educational need for access to individual student records in the context of their work with students (e.g. advising) and who are not using student information for academic research purposes should request access to individual student record data through regular processes established for information systems, for example ISIS ([www.isis.wisc.edu](http://www.isis.wisc.edu)) and/or Info Access ([www.doit.wisc.edu/infoaccess](http://www.doit.wisc.edu/infoaccess)). Data custodians will use their established criteria to evaluate authorization for access for those individuals. The rest of this document is not relevant to those individuals.

### A. Policy Guidelines and Context

Individuals who seek access to unit record (identifying) student information for academic and/or scholarly research are unlikely to be authorized through the regular channels. Research is defined as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge”. Analyses intended for publication in a scholarly journal, book, or other scholarly format are likely to be considered research. If your work is in a grey area, then proceed as if it were research.

(Institutional research conducted for administrative policy purposes is also subject to the legal requirements described below and institutional researchers should seek exemptions under the policies described below. Staff with IR and related roles are granted access to data because the purpose of their employment is to conduct this work to support institutional decision making, and is not conducted in the capacity of an academic researcher who expects to publish a scholarly work.)

### *A.i. Human Subjects and Institutional Review*

Research that involves human subjects is protected under federal legislation. Researchers are required to submit a protocol to the appropriate UW-Madison Institutional Review Board (IRB). Experts in this area can assist researchers with the IRB review, determine if the research is exempt, and evaluate if the structure of the research protects the privacy rights of students. The IRB protocol should convince the IRB that the researcher are prepared to protect the access to the data files and the privacy rights of students.

<http://info.gradsch.wisc.edu/research/compliance/humansubjects/tutorial/index.htm>

The content of the IRB protocol should provide sufficient information to convince the IRB that the researchers can and will protect the privacy rights of students. The IRB protocol should contain a description of the security arrangements, describe plans for meeting their responsibility if the records are accessed by unauthorized persons, clarify plans for how long the records will be stored, include a statement that the records will not be shared with a third party, and include a statement that the records will not be used for a purpose other than that described in the protocol.

### *A.ii. Privacy Rights*

Applicants and/or students complete admissions and financial aid forms that include non-disclosure clauses. These non-disclosure statements and state and federal legislation protect the privacy rights of students. Every user of student data should be aware of this responsibility and be vigilant about protecting access to individual student data under these terms.

The Family and Educational Rights to Privacy Act (FERPA) constrains the use and disclosure of student-generated data. Therefore, access to administrative student unit record data and identifying information is limited to University officials with a legitimate educational interest in the student record in question. Institutional analysis is covered under this policy. Access for academic research purposes is not. FERPA requires that the University disclose personally identifiable information only upon presentation of written consent of the student in question. Exceptions may be granted under the “for/on behalf of” clause if the research is intended improve the educational experience of students.

For more information on FERPA consult with Administrative Legal Service or see

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

University staff who are authorized for access to student record data do so under the following terms and with the knowledge that violation of the agreement may result in disciplinary action or legal action or both:

- use of University computing resources is restricted to authorized University of Wisconsin business.
- individuals may only access data for which they have specific authorization and only for authorized University of Wisconsin business.
- those with access will be held responsible for any security breach traceable to them or their assigned logon identification initials, and will be held liable for any willful misuse or deliberate system damage traceable to them or their logon identification initials.

- those with access may not transfer individual record data to ANY third party without written prior approval of the data custodian.
- those with access have the responsibility to comply with the provisions of the Federal Family Educational Rights and Privacy Act (FERPA) and the University of Wisconsin-Madison Policy on Faculty and Staff Racial/Ethnic Heritage Data (governed by Wisconsin Public Record Law and by state and federal laws) to protect the confidentiality of personally-identifiable information.

Researchers who are granted access to individual student record data are similarly responsible. To illustrate the nature of this responsibility, see the Access and Compliance Form that is signed by university employees who are granted access to student record data. (<http://www.doit.wisc.edu/restricted/authorization/systems.asp> )

FERPA is not the only legislation that covers the privacy rights of students. For example, in March 2006, the State of Wisconsin enacted statute 895.507 which requires that notice be given to individuals regarding unauthorized acquisition of personal information. Other state and federal legislation may also apply. Consult the Office of Legal Services for details.

### *A.iii. Institutional Resources*

Administrative resources are limited and supported by the University budget for regular university business. Support of academic research may not be a core administrative function and charges may apply. Researchers may be charged for time necessary for preparing data sets, conducting analyses, preparing documentation, consulting with the requester, and otherwise meeting the specifications of the request. Specific charges will depend on the nature of the request and the schedule of fees assessed by the office best suited to fill your request. Fees for staff time in the Division of Enrollment Management or in the office of Academic Planning and Analysis are available upon request.

## B. Process for Gaining Access to Student Record Data

### *B.i. Initiating the Request*

As researchers develop their plans for research, they should contact either the associate vice chancellor for Enrollment Management (who is the formal data custodian for all individual student records) or the director of the office of Academic Planning and Analysis. As of July 2006 those individuals are:

Joanne Berg, Associate Vice Chancellor for Enrollment Management,  
[joanne.berg@mail.rgstr.wisc.edu](mailto:joanne.berg@mail.rgstr.wisc.edu)  
Jocelyn Milner, Director of Academic Planning and Analysis,  
[jlmilner@wisc.edu](mailto:jlmilner@wisc.edu)

This purpose of this initial contact is to gain some early advice on proceeding with a request. Neither individual is in a position to grant approval and access without additional review steps, which are described below.

### *B.ii. Human Subjects Review and Approval*

Researchers are required to submit a protocol to the appropriate Institutional Review Board. Typically, for research that makes use of student record data, the appropriate IRB is the Social Studies IRB. Instructions for preparing a protocol for a UW-Madison IRB are found at <http://info.gradsch.wisc.edu/research/compliance/humansubjects/tutorial/index.htm>

In addition to the description of the intended research, the IRB protocol document should convince the IRB that the researchers are prepared to put the appropriate security measures in place to control access to the data files and guard the privacy rights of students. The IRB protocol should contain a description of the security arrangements, describe plans for meeting researchers' responsibility if the records are accessed by unauthorized persons, clarify plans for how long the records will be stored and when they will be destroyed, include a statement in the IRB protocol that the records will not be shared with a third party, and include a statement that the records will not be used for a purpose other than those described in the IRB protocol.

The IRB will also want to verify any claims that the research is being conducted under the "for/on behalf of" clause in the FERPA legislation. Researchers who are acting at the invitation of the University should document the invitation to conduct the research.

The IRB may seek additional legal or institutional advice to assist in making a decision.

If IRB approval is granted, the researchers must seek approval from the data custodian as described in the following section.

### *B.ii. Institutional Review and Approval*

The AVC for Enrollment Management is the overseeing data custodian for student record data and will also review the request following the IRB review, in consultation with others if necessary or appropriate. Copy the director of Academic Planning and Analysis on the request.

The request should include the following information. If all of the information is included in the IRB protocol, then provide the IRB protocol.

1. Name, title, and contact information for Principal Investigator.
2. Name, title, and contact information for other investigators, including all individuals who will have access to the student record data.
3. Name of research project.
4. Documentation that the Social Studies IRB approval has been granted.
5. Summary of the research project and question(s) to be addressed. Provide enough information so that the educational value of the research can be evaluated.

6. Reasons why other data sources, such as those collected by the National Center for Education Statistics for the purposes of higher education research, are insufficient for the intended research.
7. Information requested. List data fields. Be as specific as possible.
8. Format for delivery of the information: spreadsheet, datasheet, labels, etc.
9. Billing information – contact information, UDDS, etc.
10. Demonstrated evidence that the researchers are prepared to put the appropriate security measures in place to control access to the data files and guard the privacy rights of students, a description of the security arrangements, a description of plans for meeting researchers' responsibility if the records are accessed by unauthorized persons, plans for how long the records will be stored and when they will be destroyed, a statement that the records will not be shared with a third party, and a statement that the records will not be used for a purpose other than that for which the records are requested.
11. The AVC for Enrollment Management, in consultation with others if necessary, will decide if access is granted. If access is granted, she/he will provide an estimate of charges to fulfill the request, and will provide contact information for individuals who will work with the researchers to complete the request.

GENERAL CONDITIONS: If the request is granted, it is with the understanding that this information will be used only for the purpose described in the request, and not for any other purpose whether or not related to this request, and that this information will be neither passed on nor sold to any third party. The researchers are responsible for guarding the privacy rights of students. Researchers agree to abide by the state and federal laws and University policies that apply to proper use of data.

If access is granted, researchers will be required to complete the FERPA tutorial.  
<http://registrar.wisc.edu/ferpa/faculty/>

*B.iii. What if institutional approval is not granted?*

If the request for access to student record information is denied by the University, researchers may seek permission directly from each student in the requested data set. If researchers decide to pursue that option, the Registrar's Office will provide publicly available directory information for students in the study under the same terms this information is provided to other members of the public who request directory information.