ALHAMBRA
Medical University
School of Acupuncture and Oriental Medicine

FERPA and the Privacy/Security of Information and Data
For AMU Staff & faculty

FERPA (Family Education Rights and Privacy Act) is a federal law (enacted in 1974) that was designed to safeguard the privacy of student records. FERPA was written specifically for students and guarantees them the right to:

1. Inspect and review their education records
2. Seek to amend their education records
3. Limit and control the disclosure of information from their education records.

Educational institutions that receive funds under any program administered by the U.S. Secretary of Education are required by law to comply with FERPA.

All AMU employees are considered **school officials** and are required by law to maintain the **confidentiality of student education records.** Access to student education records is based on a demonstrated need to know basis. At Alhambra Medical University, the University Registrar is the official custodian of education records, but any school official who maintains specific records is also considered a record custodian under the guidance of the University Registrar.

An **education record** is defined as any record that directly identifies a student and is maintained by the institution or educational agency or by a party acting for the institution or educational agency. A key distinction for education records is that education records are shared. Education records can exist in any medium including the following: handwritten, typed, computer generated, videotape, audiotape, film, microfilm, microfiche, e-mail, and others high tech. mediums.

Directory information is information contained in the student record that generally would not be considered harmful or an invasion of privacy if shared. At AMU, this information includes:

Name, email address, dates of attendance, degree/honors earned, full/part time status, last institution attended.

Students have the right to request that the University NOT release their directory information. Currently enrolled students may withhold disclosure of directory information by submitting written notification to the Admission/Registrar's Office. Students who choose to exercise this option are required to conduct all of their University business in person with photo ID.

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School of Acupuncture and Oriental Medicine

The release of non-directory information about a student to anyone outside the University community or to any University personnel without a legitimate educational interest violates federal law as well as university policy.

How Does This Regulation Affect You?

1. If the student has NOT restricted access to directory (or public) information you may release the following:
    - Name
    - E-mail Address
    - Enrollment status
    - Major
    - Degrees & awards received
    - Most recent previous school attended

2. If a student has blocked release of directory information, you may not release any information about that student. We recommend you say **"I have no information about that individual."**

3. Departments may not release non-directory or personally identifiable information about a student to a third party (parents included) without the student's written authorization. You may have the student fill out a consent-to-release form if the student wants you to speak with a third party. The student must sign a new form each time s/he allows you to release non-directory information. (Please request the consent form from the registrar's office.)

    Do Not Release Without Written Authorization
    - Address
    - Phone Numbers (While phone number and address may be released under FERPA guidelines, AMU policy is stricter and does not allow this.)
    - Grades/Exam Scores
    - Grade Point Average
    - Social Security Number
    - Parent Address/Phone
    - Detail of Registration information (i.e., courses, times)
    - Race, Ethnicity, or Nationality
    - Gender
    - Date of Birth

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- Total Credits
- Number of Credits Enrolled in a Quarter
- Emergency Contact Information

4. The **Public Posting of Grades** either by the student's name or social security number without the student's written permission is a violation of FERPA. This includes the posting of grades to a class/institutional website and applies to any public posting of grades in hallways and in offices for all students.
   If an instructor wants to post grades, then a system needs to be put in place that ensures FERPA requirements are met. The student number may be used. The instructor may also obtain the student's uncoerced written permission or use code words or randomly assigned numbers that only the instructor and individual student know.

   Notification of grades via e-mail is a potential violation of FERPA. There is no guarantee of confidentiality on the Internet. The institution or individual could be held responsible if an unauthorized third party gained access, in any manner, to a student's education record through any electronic transmission method. However, if a student emails a teacher with a question about a grade, the teacher may reply as long as there is no suspicion that the email is fake. Faculty should not send grades through email without a direct request from the student.

5. The student has the right to inspect and review any departmental or college records you maintain on him/her except for 'sole possession records.' A sole possession record is a record you never share with anyone else and that is maintained solely by you. Sole possession records are not subject to FERPA.

6. **FERPA considers Teaching Assistants to be an extension of the faculty member**. Faculty members may even share their sole-possession records with their TAs. However, if other faculty and department members can inspect those notes, they are no longer sole possession and become education records. In that case, students have the right to inspect and review those records.

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As an AMU staff/faculty member please remember:

1. You are considered a school official and required by law to take every precautions to protect the privacy of students.

2. Public posting of grades by name or social security number without the express written permission of the student is a FERPA violation.

3. Student papers and exams should be handled as confidential and should not be left out where there is any chance others may have access to them.

4. When preparing an email distribution list unless you have written permission of the students be certain you use blind cc (bcc) so as not to inadvertently publish an email address for a student who has requested that we not disclose his/her directory information.

5. Encourage students to submit in writing any request for a letter of recommendation and to specify what information you may have access to for this purpose.

6. Do not give a student's graded paper or exam to anyone other than the student without written permission from the student.

7. Be cautious about what information you share and with whom you share it, particularly over the phone.

8. Any anecdotal information you share with others becomes part of the student's record.

9. You are not required to, nor should you, speak to special investigators who are seeking information about students who have applied for government positions. Feel free to refer them to the Office of the Registrar in 25 Raymond #201 or contact Monica Kuo in the office of the Registrar, 626-289-7719 ext 111, mkuo@amuedu.com

If you have any questions concerning this information or about FERPA, please contact Monica Kuo in the office of the Registrar 626-289-7719 ext 111, mkuo@amuedu.com.

You may also want to review the FERPA rules:
http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/pdf/2011-30683.pdf

When in doubt….don't give it out!!!

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Data and System Security Measures: (as if October 2012)

Purpose of these Measures:

These Measures apply to anyone who access, uses, or controls University computer and data resources, including, but not limited to administrators, staff, faculty, students, interns, contractors and consultants

Scope of these Measures:

These measures are applicable to a wide variety of Information Technology resources which can connect to *portal.amuedu.com* or for any AMU business purpose. The safeguards outlined in these security measures apply to: Desktop, laptop, server computers, mobile devices such as PDA, cell phone, etc., and any other relevant technology.

System Security Measures:

1. Login-Password Protocol Protection: All accounts and resources must be (and are currently) protected by passwords which meet the following requirements, and which are automatically enforced by the system:
    - Passwords must be at least 8 characters long
    - Passwords must not be a common slang words in any language or be readily guessable
    - Passwords must include both letters and numbers

2. Software Updates: The system must be (and is currently) configured to automatically update operating system software, server applications (webserver, mailserver, database server, etc.), client software and malware protection software (antivirus, anti-spyware, etc).

3. Firewall: Systems must be (and is currently) protected by a firewall that allows only those incoming connections necessary to fulfill the business need of that system.

4. Malware Protection: Systems running Microsoft or Apple operating systems must have (and do currently have) antivirus and anti-spyware software installed and they must be configured to automatically scan and update.

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5. Authentication and Authorization:
    - Remove or disable accounts upon loss of eligibility: Accounts no longer needed must be (and are currently) disabled in a timely fashion using an automated or documented procedure.
    - Throttle repeated unsuccessful log-in attempts: A maximum rate for unsuccessful login attempts must be (and is currently) enforced. Account lockout is not required, but the rate of unsuccessful logins must be limited.
    - Enable session timeout: Sessions must be (and are currently) locked or closed after some reasonable period.
    - Enforce least privilege: Non-administrative accounts must be used whenever possible. User accounts and server processes must be (and are currently) granted the least possible level of privilege that allows them to perform their function.

6. Security status of the server: Intel® Xeon® 3430 2.40GHz, 8MB Cache Turbo Quad Core /4T behind 256-bit Encryption is re-evaluated every quarter, and portal password for the staff requires to be changed every 3 months.

Data Handling Security Measures:

- Access control: Access to confidential restricted data must be (and is currently) provided on a least-privilege basis. No person or system is given access to data unless required by business process. In such cases where access is required, permission to use the data must be (and is currently) granted by the application analyst.
- Idle access: Devices which can be used to access restricted data must (and do currently) automatically lock after some period of inactivity through the use of screensaver passwords, automatic logout, or similar controls.
- Transit & Storage encryption: restricted data must be (and is currently) encrypted during transmission and storage. The connection is encrypted using AES_256_CBC, with SHA1 for message authentication and DHE_RSA as the key exchange mechanism.
- Back-up: Daily backup is performed on the whole database. Backup is stored at two other different local secure hard drives.
- Destruction: When restricted data is no longer needed, it is destroyed using methods that are resistant to data recovery attempts such as cryptographic data destruction utilities, on-site physical device destruction, or NAID certified data destruction service.
- Incident Notification: If there is a potential security incident that may place restricted data at risk of unauthorized access, application analyst must be notified: sean.yang@ahmchealth.com

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FERPA TRAINING
Understanding FERPA - What Would You Do?

Q. You receive a frantic phone call from a lady saying that she is the student's mother and must get in touch with him immediately because of a family emergency. Can you tell her when and where his next class is?
A. No. Student schedules are not directory information and you may not release the information.

Q. A lawyer calls you to request information about a student for a case. Can you answer the questions?
A. No, you should not disclose confidential information to anyone without the student's consent.

Q. Mr. and Mrs. Chen enrolled their daughter Penny as a full time student at AMU. Without her knowledge, Mr. and Mrs. Chen contact your office and demands to see Penny's education records. Should you disclose these records to her parents?
A. No. Penny's FERPA rights began when she was accepted by AMU. Only Penny has the right to inspect and review her education records. However, Penny can give permission by completing a *Consent to Release Education Record Information*.

Q. If a caller asks for information about a student who has requested confidentiality, what can you tell him?
A. You cannot provide any information about that student. You cannot even acknowledge that the individual is an AMU student.

Q. Are there any special circumstances or legal issues of Privacy pertaining to F-1 students?
A. FERPA does not distinguish between international and non-international students; the privacy of all student records is protected.

Q. A person comes to your office and retrieves information about a student from a computer you left unattended. Under FERPA, are you responsible?
A. Yes, regardless of the medium, you have the responsibility to insure all student information is secure. Leave nothing accessible or unattended including data on your computer.

Q. A student calls you and asks what grade she received in a course. Can you tell her the grade over the phone?
A. No. You should never discuss educational records over the telephone. Encourage students to log online to the AMU Portal system to see their grades.

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CONSENT TO RELEASE EDUCATION RECORD INFORMATION

Alhambra Medical University maintains educational records for each student. Subject to the Family Educational Rights and Privacy Act (FERPA), the University may not release any information without the written consent of the student, subject to exceptions provided under FERPA. Accordingly, AMU requires authorization to discuss information from a student's education record with anyone other than the student. If you wish to provide such authorization, please include the name, address, telephone number, email address, and relationship of any person(s) who may have access to your education record.

Requested by (Student):

_____
Last Name First Name

_____
Student ID #

_____
Date

Release To (Recipient):

_____
Last Name First Name

_____
Relationship to Student

_____
Address

_____
City, State, ZIP

Education record information to be released:

Purpose of release:

I give permission for Alhambra Medical University to release the specified information to the recipient listed above.

_____
Student signature

Office Use only
Action taken: [ ] Completed [ ] Filed [ ] Held [ ] Other:_____

_____
Date

_____
By Whom

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