

THE INSTITUTIONALIZATION OF FERPA POLICY: AN INQUIRY OF THE
IMPLEMENTATION, COMMUNICATION AND KNOWLEDGE CREATION
PROCESSES AT A MIDWEST HBCU

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by

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The undersigned, appointed by the dean of the Graduate School, have examined the dissertation entitled

THE INSTITUTIONALIZATION OF FERPA POLICY: AN INQUIRY OF THE
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PROCESSES AT A MIDWEST HBCU

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DEDICATION

I dedicate this study to my husband, Harold, and my son, Harold, Jr., for their endless support and unconditional patience. Their love, encouragement and belief in my effort kept me focused and made me strive to complete the process. I also dedicate this study to my mother, Genet, for the many examples and lessons about perseverance. Thanks, Green, Harold, Jr., and Mother.

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	ii
LIST OF TABLES	vi
ABSTRACT.....	vii
CHAPTER 1	1
INTRODUCTION TO THE STUDY.....	1
Conceptual Underpinnings for the Study.....	5
Statement of the Problem.....	7
Purpose of the Study	12
Significance of the Study	14
Limitations, Assumptions, and Design Controls	16
Definition of Key Terms.....	17
Summary.....	18
CHAPTER 2	20
REVIEW OF RELATED LITERATURE	20
Introduction.....	20
FERPA Research	22
Brief History of HBCU.....	27
Communication.....	31
Institutionalization	34
Policy	38
Knowledge Creation and Institutional Learning.....	46
Summary.....	50
CHAPTER 3	51
RESEARCH DESIGN AND METHODOLOGY	51
Introduction and Overview	51
Problem and Purpose Overview.....	52
Research Sample.....	56
Overview of Information Needed	59
Research Design Overview.....	60
Data Collection Methods	62

Data Analysis and Synthesis.....	64
Ethical Considerations	65
Issues of Trustworthiness.....	67
Limitations of the Study.....	68
Summary	69
CHAPTER 4	70
ANALYSIS OF DATA.....	70
Introduction.....	70
Organization of Data Analysis.....	73
Communicating FERPA Policy with Stakeholders	73
Training.....	74
Practice.....	76
Experience.....	77
Interaction with parents.....	80
Barriers.....	81
Institutionalization and Implementation of FERPA Policy by Stakeholders.....	83
Understanding of FERPA	84
Institutional culture	84
Influence	86
Creating and Sustaining Knowledge with Stakeholders.....	97
Training.....	97
Practices	99
Consequences.....	102
Interaction by parents.....	102
Experience.....	105
Barriers.....	107
Summary	108
CHAPTER 5	109
FINDINGS, CONCLUSIONS, AND IMPLICATIONS	109
Summary of the Study	109
Findings.....	110

Training.....	110
Practice.....	111
Experience.....	112
Barriers.....	113
Institutional Culture	114
Understanding	115
Influence	115
Interaction with Parents	115
Consequences.....	116
Conclusions.....	116
Communicating FERPA Policy with Stakeholders	117
Institutionalization and Implementation of FERPA Policy by Stakeholders.....	118
Creating and Sustaining Knowledge with Stakeholders.....	119
Recommendations.....	121
Limitations	122
Implications.....	122
Future Research	123
Summary.....	123
Appendix.....	125
References.....	128
VITA.....	132

LIST OF TABLES

Table 1 <i>Participant Characteristics</i>	72
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ABSTRACT

The lack of research including HBCUs, the responsibility for institutions to interpret FERPA and the risks for loss of funding are all concerns with FERPA. Although FERPA regulations are vague, there remains the expectation of institutions to ensure practices are in agreement and compliant with the policy. The purpose of this qualitative case study was to examine the impact of FERPA on a Midwest HBCU through the perspectives of the faculty, staff and administrators. This study explored the institutionalization of FERPA with the element of analysis, to interpret how FERPA policy is communicated, implemented, learned and sustained to ensure institutional compliance.

The sample consisted of six participants from a Midwest HBCU with roles in the implementation of FERPA policy at a Midwest HBCU. The information gathered from interviews was analyzed as themes emerged. The data revealed that the faculty, staff and administrators showed evidence of FERPA training, practices and barriers with the policy. Other evidence that impacted the HBCU and supported this study included experiences, institutional culture, influence, interaction with parents, understanding and consequences of FERPA. Details of the analysis, results, conclusions and implications are discussed.

CHAPTER 1

INTRODUCTION TO THE STUDY

In recent years, the downward economic spiral has contributed to increased breaches of privacy, theft and unjustifiable access to personal information. Notwithstanding, Garrow (2001) accredits the evolution and revolution of information technology to the increased interest in privacy. As a consequence of the increased threat of violation of privacy, there has been greater demand for guarantees of nondisclosure and the protection of information. In addition, this increased threat has prompted institutions and agencies to enhance security measures geared toward the protection of confidential information (Williams, 2009). Identity theft has caused college students concerns for invasion of privacy (Williams, 2009). Although privacy issues are a concern for students, preservation of privacy has been a concern since the history of America.

The right to privacy goes back as far as the evolution of the United States Constitution although not directly outlined. Preservation of privacy, as mentioned in the Bill of Rights, is centered on the concept that all people have rights to privacy. Many of the rights established by the Fourth, Fifth, Ninth, and Fourteenth Amendments address issues of privacy, or more specifically, the expectation that rights to privacy shall be upheld. For example, the Fourth and Fifth Amendments respectively guarantee protection from the seizure of private property for public use and against unreasonable search and seizure of paper and effects, both of which may be interpreted to include confidential information. The Ninth Amendment, which states that the enumeration of certain rights cannot be construed to deny rights reserved for all people, may be understood to mean that the right to privacy cannot be denied any citizen because it is not implicitly stated in

the Constitution (U. S. Constitution). Additionally, the Fourteenth Amendment guarantees that no person shall be denied life, liberty or property, moreover the right to privacy.

In fact, several Supreme Court rulings have determined that the right to privacy is a basic human right protected by the Ninth and Fourteenth Amendments. Two of those cases, *Griswold v. Connecticut* and *Roe v. Wade*, set important precedents for future privacy cases. In *Griswold vs. Connecticut*, the Supreme Court ruled in favor of the right to privacy as recognized by the Ninth and Fourteenth Amendment. More specifically, the Supreme Court ruled for *Griswold* under the right to liberty presented with the Fourteenth Amendment as marital decisions maintain the right to privacy or the right to be free, or exemption from, interference in decisions as marriage constitutes union as individual or one (Stuart, 2004). Garrow (2001) argues that the decision to disregard a long standing criminal statute and rule for the right to marital privacy inspired the need for litigation in this area as attorneys anticipated future challenges and victories regarding privacy concerns. The *Griswold* ruling for privacy of contraceptive decisions was protected by the Bill of Rights and influenced the *Roe vs. Wade* case. The right to marital privacy established by the *Griswold* case laid the groundwork for *Roe v. Wade* (Stuart, 2004). As with the *Griswold* case, the right to privacy protection from intrusion relates to personal decisions concerning the individual such as bearing children. The right to privacy was supported in the *Roe v. Wade* case as the Supreme Court ruled in favor of not interfering citing rights protected by the constitution for women's choice to abortion.

In addition to issues of marital privacy and contraception, right to privacy regulations have also fueled several lawsuits against colleges and universities. Before the

inception of the Family Education Rights and Privacy Act, FERPA, there were several laws and regulations that mentioned privacy. However, there still was not a clear understanding of who, what, when or how information was to be protected. In 1974, the Supreme Court passed FERPA as a law for the protection of student rights (AACRAO, 2010). FERPA was formerly known as the Buckley Amendment after the senator, James Buckley, having introduced the bill (AACRAO, 2010). FERPA protects the rights of students by placing restrictions on the types of information that can be released or accessed by others. The act provided that personal academic information could not be released without consent from the student but unless a request for non-disclosure was invoked, directory information could be released without any violation of students' rights (AACRAO, 2010).

FERPA provides governance over personal and directory information recorded and maintained in educational records by any means. FERPA defines personal information as any information that can exclusively identify a student with assurance (20 U.S.C. § 1232g; 34 CFR Part 99). FERPA applies specifically to the education records of two types of students, minors and postsecondary students deemed eligible by the authority of federal statute as eighteen years of age or enrolled at a postsecondary institution. FERPA also governs the accessibility and the release of students records and personal information for students under the age of eighteen as well as higher education institutions (AACRAO, 2010). Once a student enrolls in a postsecondary program, educational rights transfer from parents to students.

In addition to providing guidelines for the protection of students' personal information, FERPA may affect institutional funding. FERPA, established by Section

1232 in Title 20 of the United States Code and the Code of Federal Regulations provided clarification thereof the statute that the federal law if violated can affect an institution's ability to receive funding. The act is applicable to institutions funded through programs administered by the U.S. Department of Education. The United States Code states that no government funding shall be dispersed to educational institutions that are not in compliance with the family education and rights and privacy act (20 U.S.C., 1232g). To ensure compliance with the Act, the Code of Federal Regulations provided interpretation of the statute and guidance on amendments and current rulings for students' right to access and privacy.

Despite the Code of Federal Regulations, many people are simply unable to understand or do not know enough to interpret the regulations. Stuart (2004) argued that for many years FERPA's rights did not appear unambiguous in that there were not as many cases prosecuted until *Gonzaga University vs. Doe* where privacy went astray. Gonzaga University was charged with violation of a student's right to privacy afforded by FERPA for disclosing information to education certification officials subsequently causing denial of teacher certification. The student sued Gonzaga University after being denied an affidavit of moral character once required for certification and learning that information relating to allegations of sexual misconduct had been disclosed. The Supreme Court's ruling uprooted the foundation of privacy asserting that there is no basis of student privacy in that no private action could be taken. Yet since the inception of the laws governing student rights for privacy, there has been an emphasis on ensuring that students within institutions of higher education are protected. While the guarantee has been emphasized by the federal government, issues concerning the protection of student

information have multiplied further encouraging institutions to enhance knowledge of laws and policies.

Conceptual Underpinnings for the Study

As FERPA falls within the umbrella of federal regulations established by the Department of Education, there is the expectation that the policy is unified with the institution. Notwithstanding, the expectation was that institutions would incorporate the regulations with institutional policy. The theory that knowledge creation promotes awareness undergirds this study through interpretation and evaluation of FERPA with the purpose of fostering compliance. The ability of institutions to create, process and improve information about the federal regulations governing FERPA is essential for knowledge creation. The complexity of the FERPA statute and the lack of clarity may lead institutions to unprecedented allegations and complaints further driving the need for institutional compliance. Knowledge creation intended to provide clarity of FERPA policy requires an interpretation of both factual and acquired information. Given the lack of understanding of FERPA law, the regulations attempt to decipher the statute moreover ancillary or a different level of knowledge is needed by institutions for clarity. Moreover, not only having the essential knowledge is necessary but also the ability to interpret and explain, whereas others may learn and retain. Knowledge creation of FERPA policy requires a recasting of commitment to student rights and action taken to ensure privacy and what is understood but not easily explained about the regulations (Nonaka & Takeuchi, 1995).

FERPA law applies to elementary, secondary, and postsecondary institutions and grants rights to students with respect to their educational records. FERPA affords

students the right to inspect and review their education records, the right to request to have records amended, and the right to have control over the disclosure of information in their records (AACRAO, 2010; AACRAO, 1998). FERPA protects the rights of students by placing restrictions on the kinds of information that can be released or made available to others. In general, information categorized as directory information such as name, contact information, and classification can be disclosed without violation of students' rights. Information such as credit hours and grades cannot be released without consent from the student (AACRAO, 2010; AACRAO, 1998).

Institutions must have a working understanding of the FERPA law as regulations have jurisdiction over any educational institution receiving federal assistance funded by the U.S. Secretary for the Department of Education. FERPA is enforced by the Family Policy Compliance Office, an entity of the Department of Education. Students may file complaints for violation of rights to privacy with the Department of Education when their institution has not adhered to FERPA requirements (AACRAO, 2010; 34 C.F.R. 99.63). The Family Policy Compliance Office (FPCO) may order in favor of a student's complaint for an institution to voluntarily comply within a reasonable time and subsequently take legal action for enforcement. Consequential actions for noncompliance are not limited to cease-and-desist orders, termination of eligibility to participate in funded programs or continued payments funding for existent programs.

The law requires that institutions obtain consent from students prior to the release of personal information to anyone without a legitimate interest with some exceptions (34 C.F.R. 99.30). Written consent must specify records being authorized, purpose requiring consent and identity of the authorized individual. Exceptions to the consent requirement

allow for disclosure to individuals with institutional affiliation and legitimate needs. Moreover, institutions must ensure that only the necessary information is released. Consent is not required for directory information whereas release poses no intended damage or harm to the student. Other exceptions include state and federal government or educational authorities, outsourced educational services, financial aid assessments, court orders and institutional studies.

Institutions are also expected to have administrative policies effectively monitoring access and ensuring compliance. In ensuring confidentiality, the responsibility for protecting the student's right to privacy transfers with possession of records, while FERPA requires that information from educational records be used strictly for the agreed purpose. In disclosing confidential student information, institutions may only release information about the specified student and must fill in and block information about unspecified students contained in the record.

For policies to be effective, information must be spiraled and transposed where knowledge is moved through the institution. The theory of knowledge creation influences learning and improves understanding of the FERPA regulations. Knowledge creation assists to interpret who, what, when and how with FERPA not easily understood by the regulations. As institutions are expected to have policies to address FERPA, knowledge creation considers how institutions learn and revise the policy or process from the best approach.

Statement of the Problem

FERPA, formerly the Buckley amendment, was first sponsored by former New York Senator James Buckley and was authorized as law by President Ford in August

1974, but not made effective for three months (FPCO, 2004). Senators Buckley and Pell took the initiative to create the legislation for FERPA amendments. Later that year Senators Buckley and Pell introduced the “Joint Statement in Explanation of the Buckley/Pell amendment,” a law that has since been amended for improvement (FPCO).

The Supreme Court passed the Family Educational Rights and Privacy Act, FERPA, as a law in 1974 to protect the rights of students (AACRAO, 2010). Since the implementation of the law, several amendments have been made in attempts to simplify and clarify some of its provisions. Legislative history literature recognizes that FERPA has been amended nine times since inception as a law (FPCO, 2004). FERPA was amended three times within the first five years of inception followed by no changes for more than ten years. In 1990, the Campus Security Act prompted the next series of six additional amendments in just beyond a decade succeeded by a gap without further revision until more recently with the USA Patriot Act in 2001 (FPCO). However the Director of the FPCO, Ellen Campbell, contests there have been ten amendments to FERPA, as predominately Congress amends while the Department of Education acts to regulate (Campbell & Rodriguez, 2011). The FPCO Director denotes the most recent amendment of FERPA to address the responsibility of those outside the institution charged with evaluating programs (Campbell & Rodriguez). Although there have been many amendments, the underlying purpose of FERPA has remained to provide students with access and protect student privacy. In some cases, the law also extends certain rights to parents.

FERPA guarantees students the rights to privacy as it applies to education records. Student rights are determined by the law while implementation and enforcement

is left to interpretation by institutions. Since the implementation of FERPA, institutions have been expected to adhere to and enforce policies governing this law with discretion. The understanding of student rights to privacy can be misconstrued and misinterpreted when the act itself is not communicated institution wide. Institutions are often the center of alleged violation. As a result, they must take the law with seriousness and expect faculty and staff to use caution.

Students' rights to privacy are a very serious matter that could result in serious repercussions when not practiced. Institutions face serious sanctions, as serious as loss of federal funding when FERPA is violated. FERPA asserts no violation of rights when prior consent is given, however, institutions may be charged with disclosing information without official consent. Violating a student's rights under FERPA without consent or legitimate interest can prove to be legally troublesome for any institution. Disclosing information without consent may result in defamation of character or charges if false information is intentionally communicated in writing (libel), or orally (slander) (Essex, 2004). Such violations can result not only in liability charges but also costly legal fees or even worse, a loss of federal funds to colleges and universities. Many institutions, specifically public historically black colleges and universities (HBCUs), would not be able to function or provide education to students without the distribution of federal funds. As some HBCUs are underfunded and struggle financially, the funding provided is necessary to operate the institution (Redd, 1998). HBCUs cannot risk the eligibility to receive the funds required to operate.

Faculty and staff at HBCUs must be careful about their use of discretion with regard to confidential student information so not to cause undue stress on the college.

Essex (2004) identified ten errors with regard to FERPA that school personnel make, inviting legal challenges, including disclosure of information to parties that do not have a legitimate interest and failure to secure consent to release information. Essex contends that making statements that could damage a student's reputation could be treated as a violation of FERPA. Faculty and staff should be cognizant of the repercussions of their approach to student rights to privacy.

Education politics are associated by inquiry, not necessarily into the policy, but focusing on who has power to enforce policy compliance. On the other hand, education policy analysis focuses on a particular policy inquiry about the utility, effect, outcomes and further relies on the policy actors to enforce the policy (Marshall & Gerstl-Pepin, 2005). Currently there is no standardized form to measure the understanding and enforcement of FERPA policy, so institutions often rely on faculty and staff to follow the policy. This study focuses on interpreting the institutionalization and impact of FERPA policy from the faculty, staff and administrator perspective to facilitate the knowledge to ensure compliance.

Boyle (2010) credited history and past cases as determining factors in the institutionalization of FERPA in response to extenuating circumstances, while Edmonds (2009) attributed to knowledge of previous cases. This study explores how culture and the institutional type of predominately black students enrolled impacts the institutionalization of FERPA in the context of establishing, implementing, communicating and creating knowledge about policy. Most FERPA research and federal materials ascertain the history and establishment of the law while HBCU research on the foundation and culture of HBCUs resembles similar reproaches. This study intermingled

the foundation of HBCUs and the institutionalization of FERPA. Marshall and Gerstl-Pepin (2005) suggest that analysis of policy aims to provide timely and useful information for specific policy issues or problems; moreover this study explores issues with FERPA from the perspective of key stakeholders. This case interpreted how staff, faculty, and administrators from this particular environment communicated, institutionalized, implemented and learned privacy policy.

Extensive research is available from studies at two and four year, public and private higher education institutions about the implementation of FERPA. Unfortunately, implications of FERPA and its impact on HBCUs are virtually untouched by the research. Inquiry of the administration and protection of privacy rights at HBCUs remain another avenue open for study. Leadership determines institutional ability to create and transfer knowledge, and determines institutional learning and growth. By understanding how leadership and knowledge creation facilitate growth and learning (Nonaka & Takeuchi, 1995), institutions can better understand the juxtaposition of knowledge and its impact on FERPA compliance.

The Family Education Rights for Privacy Act presents a complexity of management issues for higher institutions. The law faces challenges because it is left open to interpretation and it is not fully understood by many key stakeholders. From the perspective of staff, FERPA suggested an additional responsibility stressing extreme caution. If student and staff privacy are handled poorly the institution and individual can risk severe reprimands or citations.

From a HBCU administrative or institutional perspective, FERPA represents another layer of rules that if violated, hinder funding or accreditation. Given such

ambiguity, the creation and transfer of knowledge about regulations to key stakeholders becomes critical. Research shows that this view is supported by expressing the need for institutions (individual) to set forth policies providing clarification to dispel misinterpretation of ambiguous guidelines (Mayers, Mawer, Price, & Denny, 2010). It is important that HBCUs not be subjected to misunderstanding and misuse of FERPA regulations as consequences can be as extreme as loss of funding. Moreover, HBCUs must be able to translate the expectations and exceptions of the regulations to ensure that they can be understood by all. Given no measurement for FERPA knowledge, the lack of research including HBCUs, the responsibility of institutions to interpret and the risks for funding the study encompasses many issues presented by FERPA and its impact on the HBCU. This study intends to investigate assumptions and understanding of the institutionalization of FERPA at HBCUs and the rights that it protects to create and sustain knowledge minimizing ambiguity.

Further, this study provides a trajectory for knowledge growth for FERPA policy compliance. There remains the expectation of FERPA that organizations institute policies that align the regulations with practices. Organizational knowledge as a basis for improving the whole institution through high performance teamwork is a necessary component to the successful implementation of any policy or program (Bolman & Deal, 2003). When added to the claim that leadership and influence set the stage for policy expectations, the protections of FERPA rise and fall with institutional viability.

Purpose of the Study

According to Preskill and Torres (1999), evaluative inquiry is a type of evaluation that is integrated with an organization's work practices for ongoing investigation of

critical organizational issues. Evaluative research includes policy evaluation or gathering useful information for making judgment about policy effectiveness with the intention that the intended users will use the information to make improvements (Patton, 2002). Given the challenges with the interpretation of FERPA policy, evaluative inquiry provides institutions with the means to address problematic issues. Evaluative inquiry is a catalyst for growth and improvement resulting in organizations taking a new approach to inquiry that contributes to organizational learning. Evaluative inquiry encourages collaboration that facilitates support of the learning culture, leadership or influence that values learning, communication that clarifies policy and access to information that keeps everyone in the loop.

Evaluative inquiry is a means for fostering learning by providing organizations with opportunities to understand each other and to understand organizational issues (Preskill & Torres, 1999). Evaluative inquiry involves focusing on what is working and what is not working by harnessing capital intellect of stakeholders and addressing organizational issues. Additionally, carrying out the inquiry applies learning while dialoguing, reflecting, asking questions, and identifying and clarifying knowledge during each phase (Preskill & Torres). As with amendments and ruled decisions, organizations are responsible for learning and practicing updated or corrected regulations in order to ensure compliance. The purpose of evaluative inquiry promotes institutional or organizational learning, team learning, and individual learning (Preskill & Torres). Additionally, organizational learning represents the commitment of the organizations to using the institutions resources and maximizing participant capabilities.

The purpose of this study is to examine the impact of FERPA on a Midwest HBCU through the understanding and perspectives of staff, faculty and administrator. Further, knowledge regarding FERPA's impact and compliance comes from the Midwest HBCU's policies and compliance practices. This study explored the institutionalization of FERPA with the element of analysis, to interpret how FERPA policy is communicated, implemented, learned and sustained to ensure institutional compliance.

The research questions are designed to gather and analyze information from the faculty, staff, and administrators through interviews. A critical investigation of FERPA policy and practices for institutional compliance also informs the research questions.

Three research questions include:

1. How is FERPA information communicated to faculty, staff, and administrators at a Midwest HBCU?
2. How has the right to privacy become institutionalized and implemented by faculty, staff, and administrators at a Midwest HBCU?
3. How do intended FERPA policy users create and sustain knowledge of student rights to privacy to assure that all key stakeholders are in compliance?

Significance of the Study

Studies comparing higher education institutions around privacy of information and the different approaches to policy provide insight into the complexity of FERPA (Edmonds, 2009; Williams, 2009). As reported earlier, HBCUs do not receive this same scrutiny in the literature. HBCUs cannot ignore or shrink from their responsibility with FERPA compliance. They are no less vulnerable to the consequences of poor compliance policy than other institutions. This study is significant as HBCUs receive classified

funding allocated for institutions established to provide instruction to black people from the Department of Education. HBCUs qualify for Title III funds established to improve the physical and financial management and the academic resources and endowments of institutions (Redd, 1998). Yet, federal funding received by HBCUs is not comparable to funding received by other institutions with greater enrollment. The result of the study will be an analysis of the findings available for other HBCU's in the Midwest or across the country with possible recommendations for improvement and compliance. This study can reveal weaknesses as well as strengths in policy creation and influential actions that will protect non-compliant behavior resulting in legal battles or financial withholdings. Risks for noncompliance are significant for HBCUs. They cannot afford financial shortfalls due to institutional negligence over FERPA.

This study intends to improve FERPA compliance efforts with HBCUs and may be used as an audit of institutional awareness and correctives. Historic black colleges and universities are known for having rich culture and a prestigious history; therefore, inquiry into practice is needed to maintain that reputation. Knowledge created and sustained as a result of this study may foster understanding for other historic black colleges and universities. Evaluating the influence among faculty and staff in the implementation, communication and creation of knowledge of FERPA and as a result ensure that student rights are protected. Institutions can be confident that administrators, faculty and staff value student rights as leadership influences practices. Literature presented on the impact of FERPA on historic black colleges and universities is scarce. This study provides new knowledge about the influence of faculty, staff and administrators with policy compliance for stakeholders at other institutions.

Limitations, Assumptions, and Design Controls

To understand the reasoning for this research approach, there are several areas that should first be considered. The determining factors of the selection include purpose, time, access and availability of information, knowledge of the topic, validity and reliability (Merriam, 1998). This study was impacted by availability of information. This study is limited in that although there is a plethora of information gathered from research about FERPA, there is a lack of research about FERPA within HBCUs. This study is limited to employees from a Midwest historic black college and university and further to stakeholders with a responsibility for implementation of FERPA policy. Furthermore, the population evaluated is limited.

This study makes the assumption that the faculty and staff have general knowledge or understanding of and are practicing FERPA policy. Information gathered for this study may be limited by biased or indifferent responses from some participants. Information gathered may be biased by reason of participant uncertainty given the ambiguity of FERPA.

The study is delimited to one Midwest HBCU and is limited in participants. This research represents a case study and is not intended to represent a large scale investigation of other U. S. HBCUs. Partial to a wider interest, the study is limited to particular perspectives of a single HBCU and therefore results cannot be generalized to other HBCUs. The research, however, makes cautious effort to assure reliability through the triangulation of data sources and specific coding of the data itself.

Definition of Key Terms

FERPA-federal law governing maintenance of student information with relation to student rights to privacy and inspect academic records kept by institutions. (20 U.S.C. § 1232g; 34 CFR Part 99)

HBCU-Historic Black Colleges and Universities- any institution for higher education established by land grant funds for the purpose of educating black people and receiving federal funding by the Secretary of Education (Redd, 1998).

Evaluative inquiry- serves as a catalyst for learning and action on organizational issues providing institutions with the means for developing a community of inquirers, harnessing the knowledge capital of its members and addressing problematic issues that face the organization (Preskill & Torres, 1995, p. 43).

Privacy- the expectation of discretion and confidentiality for personal or identifiable information requiring authorization for disclosure.

Educational Records-records collected and maintained about student educational information and experiences during enrollment.

AACRAO-American Association of Collegiate Registrars and Admissions Officers-An association of higher education professionals providing leadership for maintaining academic integrity within institutions. (AACRAO, 2010)

FPCO-Family Policy Compliance Office-An agency charged by the Secretary for the United States Department of Education with responsibility for guaranteeing students privacy and disclosure under FERPA. (AACRAO, 2010)

Directory Information-Information contained by an institution that would not generally be invasive or harmful to student rights to privacy as governed by FERPA. (20 U.S.C. § 1232g; 34 CFR Part 99)

Institutionalization-The adaptation and integration of tacit and explicit knowledge, learned and acquired, to create and sustain knowledge about FERPA policy (Casanovas, 2010; Shrader et al., 2008).

Summary

Privacy concerns have prompted institutions to enhance protection for student information. FERPA's charge to ensure student access and privacy rights has implications for institutions funded by the U.S. Department of Education given authorization to withhold funds for noncompliance. HBCUs must ensure FERPA to avoid jeopardizing their dedication to less advantaged students by loss of funding as the risk further drives the assurance for compliance. HBCUs reliant on government funding would be inoperable if funding was withheld.

FERPA regulations are not concise, therefore people misinterpret meaning. Knowledge creation promotes learning to improve understanding and implementation of FERPA. This chapter provided an introduction to the inquiry of institutionalization of FERPA policy within a Midwest HBCU. There has been extensive research conducted of FERPA within different types of institutions, however there has been no extensive research on FERPA within HBCUs. There is no way to measure the enforcement of FERPA, therefore faculty, staff, and administrators were simply expected to be knowledgeable and comply. The purpose of this chapter was to provide an overview of

the study's intent to interpret how FERPA knowledge is created and evaluate how faculty, staff, and administrators create and sustain FERPA knowledge.

CHAPTER 2

REVIEW OF RELATED LITERATURE

Introduction

As outlined in the FERPA regulations, students are afforded the right to inspect, review and seek to amend records whereas institutions are required to respond to student requests within a reasonable amount of time. Institutions are expected to have active policies to allow students to review and inspect all forms of their records, including electronic (34 CFR §99.10; Edmonds, 2009, Essex, 2004). Violation of students' rights to privacy is a very serious matter that could result in major repercussions and possible legal actions. Institutions face serious infractions when FERPA is violated, including loss of federal funding. FERPA affirms no violation of rights if prior consent is given; however, given lack of awareness institutions unknowingly continue to disclose information without the necessary consent.

Violating student rights under FERPA without consent or legitimate interest can prove to be legally troublesome. Disclosing information without consent may result in defamation of character charges if false information is intentionally shared (Essex, 2004). Such violations can result not only in liability charges but also costly legal fees. Even worse, colleges and universities can lose federal funding. Many institutions, specifically public historic black colleges, would not be able to function or provide education to students without the distribution of federal funds. Creation of FERPA knowledge is essential for compliance, henceforth the ability of institutions to process and create information. Institutions must acquire the ability to interpret and process FERPA regulations in order to align policy with practice.

Faculty and staff at HBCUs must be careful about their use of discretion with regard to confidential student information to not cause undue stress on the college. Essex (2004) identified ten errors with regard to FERPA made by school personnel, inviting legal challenges, including failure to not disclose information to parties that do not have a legitimate interest and failure to obtain consent to release information. Essex argued that making statements that could damage a student's reputation could be treated as a violation of FERPA. Faculty and staff should be cognizant of the repercussions to their approach to student rights to privacy.

This chapter encompassed a synthesis of a collection of available literature and research conducted on the communication, institutionalization, implementation, and knowledge creation of FERPA policy. An overview of FERPA research and a brief history of HBCUs precede the synthesis of available literature. Compliance with FERPA is the responsibility of the staff and faculty in institutions of higher education, while administrators are charged with enforcing conformity. Given no standardized form to assess the understanding and enforcement of FERPA policy, the Department of Education must rely on institutions and administrators to implement FERPA policy with the expectation that faculty and staff follow the policy. Given that there are no measurement tools, this study focused on the institutionalization of policy for building knowledge and providing clarification of FERPA to ensure compliance. Institutionalization is the transformation of policy through the creation of knowledge, implementation and communication to becoming practice. Policy becomes institutionalized when the required understanding is a result of implementation.

The purpose of the study was to juxtapose the Family Education Rights and Privacy Act and HBCUs to provide a better understanding of the communication, knowledge creation and policy implementation process. The study examined the impact of FERPA on HBCUs, given the impact on any institution synthesized from relevant literature and related studies. This chapter attempted to impart the comingling of institutionalization and implementation of policy for building knowledge and organizational learning about FERPA policy for implementation and the creation of knowledge. Institutions are charged with ensuring FERPA as administrators are responsible for staff and faculty compliance. This study intended to interpret policy from the faculty and staff perspective with input from administrators. This study analyzed the faculty and staff perspective of the impact of understanding, interpretation and enforcement of FERPA policy.

This study provided a bearing for learning and communication facilitating growth and compliance with FERPA policy. Communication is a necessary component to the successful implementation of any policy or program. Knowledge and practice empowers faculty and staff setting the stage for compliance with any rule. This study related the effects of building knowledge and learning on the implementation of education policy, further campaigning for effective interpretation, application and communication of FERPA policy.

FERPA Research

The Family Educational Rights and Privacy Act, often referred to as FERPA, was passed as a law by the Supreme Court in 1974 to protect the rights of students (AACRAO, 2010). FERPA is known as the Buckley Amendment after the senator that

introduced the bill, James Buckley (FPCO, 2004). FERPA deals specifically with the privacy of and access to education records of students. Since the implementation of the law, several amendments have been made in attempts to simplify and clarify provisions of the policy (FPCO, 2004). The law applies to elementary, secondary, and postsecondary institutions. The law also extends certain rights to parents.

FERPA provides rights to students with respect to their educational records. FERPA grants students the right to inspect and review, to request records be amended, and to administer control over the disclosure of information in their education records (AACRAO, 2010). Students also have the right to file complaints with the Department of Education's Family Compliance Office if their rights to privacy have been violated and their institution has not adhered to the requirements of FERPA (AACRAO, 2010).

FERPA protects the rights of students by placing restrictions on the kinds of information that can be released or made available to others. In general, information categorized as directory information such as name, contact information, and classification can be disclosed without violation of students' rights. Information such as credit hours and grades cannot be released without consent from the student (AACRAO, 2010).

Since the passing of the Family Educational Rights and Privacy Act, several studies have assessed the impact of the act on institutions comparable to institutional size and type. These studies have tested and interpreted the knowledge and understanding of the policies among institutional officials and in some cases students (Clay, 2001; Jones, 2004, Maycunich, 2002; Williams, 2009). Other research has studied the effects of the act across different higher education institutions (Boyle, 2010; Steinburg, 2003; Maycunich; 2002). Past studies conducted on FERPA also considered the discretion and consistency

with regard to disclosing information (Gilley & Gilley, 2006; Mayers, Mawer, Price, & Denny, 2010).

More recent studies have been conducted in response to campus violence and the determination of FERPA application, while prior studies sought to dispel the complexity of the act's requirements (Boyle, 2010; Edmonds, 2009). A recent study by Boyle, attempted to investigate the application, communication and interpretation of FERPA in response to situations of safety or violence. Boyle attempted to analyze available access and how acts of violence or fear of non-compliance influence the application of FERPA. Edmonds offered to alleviate the complexity of FERPA by presenting a legal perspective using court cases to impact knowledge and understanding (2009). Another recent study, eluded that due to the risk for non-compliance, institutions must be knowledgeable about the right to privacy and have procedures in order to protect privacy and maintain communication of FERPA regulations (Williams, 2009). The study documented FERPA issues, outcomes of court cases and trends developed as a result of privacy violations (Williams).

Gilley and Gilley (2006) presented a case study questioning the right to access of personnel at universities, interpreting knowledge of FERPA by faculty and the responsibility for dissemination of information. More recently a case study questioned the application and effect of FERPA on personnel with retrospect to conservative or liberal interpretation of the need to know (Mayers, et al., 2010). Boyle (2010) questioned the impact of campus violence on balancing the right to privacy and the need for disclosure to ensure safety by reviewing the interpretation of FERPA by administrators.

A study was conducted by a registrar at a university to measure the use of discretion by administrators in the application of FERPA (Jones, 2004). This study analyzed the judgment used by officials in different departments within the university. Clay (2001) conducted a higher education study at a college to measure how well students, faculty, and administrators understood the provisions and regulations of FERPA. Maycunich (2002) extended Clay's work in conducting a study at three land grant universities to compare how knowledgeable a sample of faculty were about FERPA. Fry (1999) preceded Maycunich and Clay's perspective with a study of knowledge and understanding by analyzing FERPA procedure but included student's and administrator's perceptions. The relative factor was that institutions recognized the ambiguity of FERPA as each attempted to interpret institutional knowledge and levels of understanding.

Fry's study conducted an investigation of faculty requests for student information and the procedures for releasing information. This study compared the consistency when releasing information at both public and private institutions. Later in 2003, Steinburg continued Fry's inquiry about procedure comparing the differences in FERPA policies, training, enforcement and procedures amongst different types of degree granting universities.

Boyle (2010) found a lack of development of FERPA knowledge and suggested that FERPA may often be misinterpreted and overly restrictive due to lack of understanding leading to further confusion and inconsistency in application of the law. The study ascertained that institutions would benefit from more training to alleviate the

fear of FERPA sanctions due to misperceived consequences of violations. Boyle asserted that the awareness of violence response has influenced growth and learning of FERPA.

FERPA relies on institutions to make sense of the regulations. Studies revealed that there had been cases in which, although faculty was familiar with FERPA, there were differences in practice. In some cases, there were significant differences or FERPA was not understood. Edmonds (2009) suggested that FERPA was vaguely understood because it was introduced last minute on the Senate floor by Senator Buckley circumventing the usual protocol of discussion and debate. Jones (2004) found that although the departments had a general understanding of FERPA policies, discretion was not a determining factor in decision-making relating to FERPA. However, appropriate discretion was used when administering FERPA. On the contrary, Clay's (2001) study measuring particular knowledge found that there were differences in how FERPA was understood and applied by different individuals in a college setting. Research by Clay also revealed that the right to privacy was valued greatly by students. Maycunich (2002) found that half of the faculty included in her study were not familiar with FERPA policies. The faculty reported that they received information and training from different means, however, they were not greatly impacted by the training they received. Fry's (1999) study comparing consistency with the release of information found and proved that at several institutions information about students was requested on a regular basis by faculty. Steinberg's (2003) study comparing institutions discovered that there were significant differences in FERPA policies and procedures between the different universities.

Clay (2001), Maycunich (2002) and Steinburg (2003) documented similar results in that since the implementation of FERPA there were differences in how it has been implemented and the discretion used when disclosing student information. It is also evident from the past research that the student rights to privacy act has not impacted institutions at the highest level of effectiveness. Research findings could be interpreted as an indicator that further research is needed. Another conclusion could be that many educational institutions need more training about enforcement of FERPA issues. Based on the studies that have been conducted, institutions could find more productive ways to enlighten faculty and administrators on the provisions and policies surrounding student privacy and protecting student information.

Studies have been conducted within and comparing several different sizes and types of higher education institutions. There are several limitations and problems that could be identified in the previous research presented about FERPA. There has not been any research presented to study if the history of an institution plays a role in the provisions outlined with FERPA. Specifically, in the studies that have been reviewed regarding the Family Educational Rights and Privacy Act, research impacting Historic Black Colleges and Universities (HBCU) has not been presented.

Brief History of HBCU

Give the noticeable lack of FERPA research focusing on HBCUs in prior studies, literature on the history and evolution of HBCUs is necessary and supports the study. HBCUs were established as historical landmarks in the educational arena, therefore it is important to provide literature on the evolution of this type of institution. Historically black colleges have operated for centuries yet their history is often unknown. The history

of HBCUs precedes the abolishment of slavery and was the resource for black people to be educated. The first known historic black colleges were founded prior to the Civil War but suffered because of financing and many black people were still bound as slaves (Redd, 1998).

Research unveiled that religion played a role in the evolution of black colleges and universities as religious and philanthropist organizations are credited instrumentally with the formal development of education for African-Americans (Redd, 1998; Stovall, 2004). The formalization of education began in two different regions of the United States and two different chapters of history. Historically, black colleges and universities were first recognized in the northern region during the antebellum period while recognized in the South during the post-Civil War Reconstruction period (Redd). Religious and philanthropic organizations are credited with the launch of the education movement as they provided monetary and instructional support to endow HBCUs.

Religious and philanthropic affiliates such as the Quakers, American Missionary Association, American Baptist Home Mission Society and the Freedman's Bureau are recognized for starting the first educational institutions for African-American before and after the emancipation proclamation of 1863 (Stovall, 2004). Prior to the Emancipation Proclamation of 1863, Quakers were responsible for three HBCU's; Cheney State, Lincoln and Wilberforce Universities. After the Emancipation Proclamation of 1863, the American Missionary Association received acclamation for 500 schools and the chartering of nine HBCUs (Stovall, 2004). The American Baptist Home Mission society was responsible for the start of many educational institutions for African-Americans, including several HBCUs in the southern region of the United States.

The African Methodist Episcopal church, the oldest African-American religious organization in the United States, was credited for starting several HBCU's throughout the South. The Freeman's Bureau's primary mission was to set up schools for former slaves. The Freeman's Bureau was also credited for working closely with the American Missionary Association and the establishment of schools for African-Americans (Stovall, 2004). Although the roles of these religious and philanthropic organizations were instrumentally recorded in the history of the rise of formal African-American education, efforts by these groups are significant.

According to Redd (1998), the first historic black colleges were private, nonprofit institutions established and funded without the support of state government agencies. Cheney State University, originally named the African Institute, later renamed the Institute for Colored Youth, is credited as being the first historic black college. Cheney State opened in 1837 outside of Philadelphia, primarily as a liberal arts institution but also providing agricultural education. The evolution of black institutions for higher education began with the Morrill Land-Grant Acts (1862) and the American Missionary Association.

In 1862, Senator John Morrill initiated the movement toward improving the state of education (Redd, 1998). The movement led to the implementation of the Morrill Land-Grant Act that offered federal land and funds for the purpose of building schools for higher education. Although the Morrill Land-Grant Act empowered education, few institutions accepted black people. Prior to the Senator Morrill's movement, the Freedman's Bureau was established to assist freed slaves in receiving education. Twenty-eight years later, Senator Morrill refined the Morrill Land-Grant, requiring the states

receiving funds to accept black people or build segregated schools (Redd, 1998). The Morrill Land Grant Act of 1890 opened the door for sixteen black institutions founded by state legislatures between 1890 and 1910. Before the Morrill Land-Grant Acts, black people were left to find their own higher education institutions through churches and the American Missionary Association. Between 1861 and 1870 the American Missionary Association was recognized for founding seven black colleges.

Historic black colleges and universities play a significant role in the history of the uplifting of the black race through education. Historic black colleges were established with the underlying mission being education as a foundation of the black culture (LeMelle, 2002). In the black community, HBCUs were thought of as the means to improve the future and success of African Americans. Triangulation of underlying purpose of HBCUs as seen throughout history has been providing leadership for black people through education. HBCUs provided leadership through educating newly freed slaves that was highly cultural and symbolic (Allen, Jewell, Griffin & Wolf, 2007). Leadership was shown through educational experience consistent with experience and value as seen in the black family. HBCUs serviced the black community by influencing leadership in the preparation of black professionals maintaining leadership roles (Redd, 1998). Historically black colleges were presented as the key to freedom which began a movement for the education of black people. According to Jackson (2002), by 1900 there were nearly 2,000 African Americans who had received baccalaureate degrees.

Redd (1998) states that the dropout rates for African-American students are lower at HBCU's than at predominantly white institutions. Although HBCUs have attempted a comeback in enrollment in the 20th century, Redd believes future existence for HBCUs is

threatened by insufficient funding. To continue to offer more supportive environments to African-American students, HBCUs must ensure that policy or compliance issues do not hinder funding. HBCUs' administrators must facilitate learning to ensure knowledge and policy compliance of faculty and staff. To ensure knowledge and compliance, policy must be embedded into institutional practice.

Communication

The institutionalization of FERPA is characterized by the interpretation, communication and implementation of policy. Communication is critical for aiding faculty, staff and administrator understanding, interpretation and application implementation of FERPA. Evaluative inquiry encourages collaboration that facilitates support of the learning culture, leadership and influence that values learning, communication and access to information.

Communication is an important factor for establishing institutional learning and a vital function in the dissemination of knowledge in that without communication there would be no means for transferring information. Communication by any means assists the implementation of policy by providing a gateway for resources or knowledge communities charged with ensuring compliance. Preskill and Torres (1999) contend that dialogue and communication are the vehicle to learning; further dialogue stimulates the learning process.

Dialogue is essential to the knowledge creation process because it requires individuals to seek clarification and understanding (Preskill and Torres, 1999). Communication facilitates institutional learning about policies whereas people can incorporate information to fit their own understanding enhancing decision making

behavior (Preskill and Torres, 1999). Notwithstanding, communication or sharing of experiences and practices is critical to faculty and staff understanding of FERPA.

Communication promotes learning through the sharing social and personal interactions (Preskill and Torres, 1999). In consideration, the application of others experiences and practices assist to guide decisions in the implementation of FERPA.

As asserted by Preskill and Torres (1999), communication with the goal of understanding attributes to institutional learning as communication facilitates learning about culture, beliefs, policies and procedures. Communication or dialogue provides clarity where it is needed to improve understanding (Preskill and Torres, 1999).

Communication purports the comprehension of other perceptions providing a better understanding of institutional policy as people assimilate and associate connections with their experience, perspectives and practice. Communication allows faculty, staff, and administrators to work together, connect their experiences with others and dispel contradictions to improve individual, team and institutional learning.

FERPA regulations reiterate the impact of communication by outlining disclosure methods to include the release, transfer or other communication of personally identifiable student information (20 U.S.C. § 1232g (b) (1)). The regulations classify communication of any means including oral, written or electronic. Essex (2004) establishes significance for communication, written or oral, as FERPA applies to damaging or false information communicated or disclosed to a third party. Not only is communication a facet for implementing and institutionalizing policy, communication can also to be troublesome when used precariously between policy users such as faculty. Essex (2004) formed a significant presumption about the careless communication of confidential information

and includes information discussed among faculty. Essex (2004) warns that faculty and staff must be cognizant that the intentional sharing of information may have an effect of a student's reputation or standing at the institution and is cause for legal action. Essex (2004) also cites the communication of nonfactual information based on opinion as being troublesome for staff.

Given the ambiguity of FERPA and subjectivity to many interpretations by staff, faculty and administrators, communication is important to promote the best understanding. Communication of FERPA must be narrated for clear and concise information and better understanding of student rights. Given the lack of clarity found in FERPA law, institutions were hesitant or uncertain in interaction and communication with the public. Weeks (2001) signified the importance of communication given the intent of FERPA was to empower parents. Institutions foster learning to advance FERPA knowledge and improve communications to alleviate apprehension. As amendments are enacted, institutions reexamine interaction and practices focusing on communication to develop policies that are family friendly (Weeks, 2001).

Balancing privacy and safety, given the unbounded responsibilities, has caused problems for administrators, further causing uncertainty with communication. Since the beginning of FERPA there have been questions and concerns about the right to privacy and communication with parents and colleagues as it relates to student safety or health. The rise in campus violence has spearheaded urgency by college administrators for FERPA policy review and reconsideration to implementation.

Higher Education response to campus violence includes more attention to the communication of FERPA and determining the need for disclosure of information. Boyle

(2010) asserted that the wake of the violence and Virginia Tech University efforts brought forth more attention to the impact of communication on FERPA. Researchers discussing the impact of poor communication given vagueness of FERPA policy disrupted the disclosure and dissemination of confidential information that could have prevented tragedy (Boyle, 2010). Graham, Hall and Gilmer (2008) noted that critical information was not shared because although the faculty, staff, and administrators may have been knowledgeable of FERPA, they were not aware that under certain exceptions can information be communicated. The significance of communication was professed by Graham et al.'s (2008) research, a report presented by a Governor appointed panel to determine what lead to the tragedy. Further analysis of the events the panel concluded that communication was a missing link, as the report revealed communication of concerns were overlooked given misunderstanding of FERPA policy.

Institutionalization

Knowledge and ability to learn are required for the implementation of FERPA. Such specialized knowledge and requires that institutions institutionalize FERPA compliance. The institutionalization process requires understanding of how organizations learn moreover the learning about institutions policies and procedures. Casanovas (2010) contended that institutionalization entails gathering better understanding of required knowledge. Casanovas suggested generating new knowledge by seeking clarification of concepts and filling knowledge gaps. Institutionalization establishes learning about institutions as evaluative inquiry facilitates learning about institutional policy both substantiating policy implementation and compliance (Preskill and Torres, 1999).

For the purpose of this study, evaluative inquiry and institutionalization corroborated the knowledge creation process with the intent of making FERPA institutional practice. Shrader, Saunders, Marullo, Benatti, and Weigert (2008) attested that the institutionalization process requires that research and service-based learning be adopted and practiced by an institution's community. Institutionalization from this perspective addressing institutional challenges and FERPA needs through enhancing communication, building knowledge, documenting and disseminating effective practices, training and community engaging. On the contrary, the researcher acknowledges that the process should not be construed with the perspective that one process fits all institutions. Casanovas (2010) defined institutionalization as practices being embedded in organizational structure, Shrader et al. (2008) perceived the concept of institutionalizing as learning; while both conceived that practice must be adopted institutionally. Notwithstanding, Casanovas attested that institutionalization is ongoing buttressed by change having been embedded in that institutions had established procedures.

While it is true that Casanovas (2010) and Shrader et al. (2008) credited embedment of policy with the organizational structure, Shrader et al. discerned embedding into the organization structure as incorporating policy into routine or everyday practice. Shrader et al. affirmed a core belief for implementation to be sustained and institutionalized is acceptance; learning must be accepted and adopted by faculty. Beerkens (2008) offered conceptualization of the loose coupling between the implementation and practice of policy, substantially Casanovas vied for closure of gaps in the knowledge creation process, both of which hinder institutionalization.

The concept of institutionalization has been contemplated as an agent of organizational change and associated with the implementation of policy within institutions. Although the theory withstanding Casanovas' (2010) study was about adaptation and acceptance for learning, the interpretation is invariable to the institutionalization of policy. Casanovas revealed that the institutionalization process is facilitated by the adoption of principles or the policy in this case by university administration. The policy, FERPA, must be embedded into the structure of the organization wherefore the faculty and staff accept and support the expectation for compliance. Institutionalization predisposes that institutions must be knowledgeable about federal regulations and the policies governing universities, furthermore faculty and administrators are receptive to FERPA policy. While Casanovas (2010) contested that institutionalization occurs as a result of adoption, Beerkens (2008) attested that the adoption is not dependent as policies may be accepted but informally or misfortunately established. The institutionalization of policy was substantiated by understanding of how institutions process, apply and communicate information and the adaption and adoption of policy.

In understanding differences in organizational structure, there is the expectation for differences in institutionalizing policy, further prompting the need to deliberate institutional approach to securing policy. Leadership and influence has been associated with the promotion of learning or transformation of knowledge within organizations. Furthermore, leadership and influence was required for reacclturation or transition of policy throughout an institution. Casanovas (2010) contested that for closure of knowledge gaps, knowledge must be embedded within an organizations structure for

successful transition and institutionalization. Beerkens (2008) related the alignment of policy with practice for the adoption of policy. The process is relative to the implementation of FERPA in that alignment of policy to practice is essential for success with compliance. In this way, institutions must understand the distinction between adoption and acceptance of policy and institutionalization as adoption does not necessarily result in institutionalization without the organizational leaders' ability to reframe policy.

Bolman and Deal (2003) presented the idea that organizations and institutional leaders must be able to reframe their way of thinking to consider conventional and unconventional approaches, as an alternative to weakening in effectiveness. Effective leaders have the ability to motivate and inspire people. Effective leaders look at situations through different frames or perspectives to find the best possible solution to problems. An effective leader has the ability to influence people and decisions. Leaders should have goals and must aim for a purpose and mission.

Conversely, problems occur when institutions or faculty and staff within are unaware and do not foresee issues. Furthermore, leadership and strength between departments and faculty and collaboration affect the institutionalization of FERPA or other policy. In this way we see, Beerkens (2008) attempted to identify factors that may be contributive to institutionalization. These factors are compatibility, relative advantage, triability and observability. Under the circumstances compatibility whereas policy is embedded and practice is norm and further consistent, while relative advantage is when practice is perceived as superseding the prior. Triability and observability are considered whereas institutions have ability even if limited to experiment to find the best practices

for policy. In transforming institutions, the implementation process from adoption to institutionalization and the relationship between the stakeholders and institutions must analyze where learning and knowledge occurs (Casanovas, 2010).

Casanovas (2010) affirmed that filling gaps and addressing institutional challenges and weaknesses assists administrators improve understanding of individual and organizational learning, further influencing institutionalization. From another perspective, Beerkens (2008) explored the concept of knowledge societies for a closer look at organization practice in retrospect of a political tool to influence the dissemination of knowledge. Knowledge societies require institutions to be held accountable to more than the organization and government. Likewise, institutions are accountable to students and their communities given the demand and reliance on funding influencing institutionalization and assuring policy compliance.

Policy

According to Marshall and Gerstl-Pepin (2005), policy and power are closely related and in order to understand educational policy, we must understand the concept of power. Power is the ability to control or administer authority as power influences educational policy and educational decision making. Sources of power include having formal position power, information and expertise, control of rewards, coercion, alliances, access, framing, and personal influence (Bolman and Deal, 2003). Sources of authority include having roles in decision-making, bargaining position, negotiation skills, and privilege. Respect, loyalty, capacity, influence, and resistance are all forms of power. The power to stop something or negative power is also an important form of power.

In consideration, the implementation of or approach to establishing policy must fit that of the organization. Stakeholders must understand the role of power. Policies are the result of the analysis of politics that act as a form of structural power that controls the allocation and distribution of resources in organizations. While policy is constructed by power, the exertion power impacts individuals in determining who gets what, when and how. Conversely individuals rebel against unjust and unequal power subsequently resisting policy. In analyzing policy, the focus is on what it is designed to regulate and how well it works to regulate the content (Marshall & Gerstl-Pepin, 2005).

A majority of education policy is established to change, structure or control regulations or tasks. FERPA is an educational policy powered by the policy making arena of federal legislature and the FPCO. To understand the impact of FERPA on institutions, we must comprehend the federal legislature governing the policy. The right to privacy regulations and guidelines set by FERPA policy exercises control in the determination of access of student information structure to control access to academic information. The FPCO exercise control providing structure for institutional requirements stated for FERPA. FERPA policy can bring problems to institutions when not properly administered moreover compliance is necessary to the ability to receive funding notwithstanding the survival of an institution

FERPA policy controls access to student academic information and serves as the formal structure or code of regulations for all higher education institutions receiving funding under the Department of Education (20 U.S.C., 1232g; Department of Education, 2010). The requirements stated for the FERPA function as a policy because the purpose was to exercise control over student information ensuring discretion and the

determination for disclosure of student information (Marshall & Gerstl-Pepin, 2005). In order to understand policy we must consider how it came about and the level of the political system that implemented the policy and the purpose (Marshall & Gerstl-Pepin).

According to the Easton's Systems Model, policy is a part of a political system of a particular environment, which included the people or those affected, the policy makers, and the institutions involved (Marshall & Gerstl-Pepin, 2005). FERPA policy encompasses policy-making from the federal government for education being that the regulations are governed by the Department of Education. Implementation of policy is a loop of inputs of demands and support of ideas from the education environment into a political system to output decisions and actions (Marshall & Gerstl-Pepin).

Inputs to the education environment include the higher education officials, administrators, parents, students, the entities that provide educational funding and a host of other parties with demands for family and student education privacy rights (Marshall & Gerstl-Pepin, 2005). The political system includes those with political power that take part in making policy. The policy actors include the legislatures for the state, the Department of Education, the FPCO, the Commissioner for Higher Education and others involved in the educational process (AACRAO, 2010; Nudzor, 2009). The outputs are the policies, rules, regulations that come from the political systems. The federal government does not have the right to control education so each state is responsible for governing its own educational policies and therefore creates competition for funding opportunities (Marshall & Gerstl-Pepin, 2005).

The lack of stakeholder involvement in the policy process and the lack for clarity in the regulations have forced administrators and staff at institutions of higher education

to become street-level bureaucrats (Marshall & Gerstl-Pepin, 2005). Street-level bureaucrats are those that are directly involved and sustain the means to reconcile policy demands, ensuring that needs are met. Furthermore institutions must derive their own interpretations of the regulations while developing their own processes for implementation and practice. Moreover, institutions must rely on the influence of the administrators to determine and institutionalize best practices for FERPA policy.

In understanding the implementation of policy, the study considered the reframing and reconceptualizing of policy. Reframing and reconceptualizing theories reconsider the impact of the policy maker oversight of the world in consideration of the policy as intentions are driven by self values, beliefs and perspectives. Policy and politics are intertwined as policy is about establishing control or changing structure as policy actors seek to ensure that the goals, needs and values on behalf of their principles and constituents are embedded in policy making (Marshall & Gerstl-Pepin, 2005). The reconceptualization theory considered policy literature forming an alternative view practical to policy processes.

Review of education policy and practice determined an apparent contradiction in the implementation of education policy. Nudzor's (2009) review of education policy and practice suggested an inconsistency in implementation denoting differences in the objectives policy actors, implementers and agents of change. Nudzor rationalized the policy paradox prospective through reflection, interpretation and implication. Nudzor professed inconsistency in education policy implementation claiming that policy actors are resistant or impervious to policy information in spite of the immense investment in

enacting policies. Nudzor also implied that those charged with policy implementation and agents for change have different agendas for implementation.

In an effort to explain the disjoining of policy intentions in theory and outcomes of practice, Nudzor (2009) analyzed change management and the democratic perspectives from policy literature and resources. Nudzor made the case for postmodernist conceptualization of policy with text and discourse being the suitable approach for the best possible understanding of policy processes. The change management perspective negated challenges with policy implementation, in part, due to failure of policy makers, change agents and implementers to devise operational and practical plans for efficient and effective implementation of policy. Policy implementation requires more than providing a goal and expected outcome but more of a process involving interaction, dialogue, communication, reflection, feedback, modifying objectives, considering values, pragmatism, politics and so forth (Nudzor). Change management is not just an answer to a question but considers the process and approach to securing the answer. As implied by Nudzor, failure occurs when there is a divide between the perceptions of policy makers, policy implementers and those identified by policy.

Rationality, inconsideration and under planning of the policy actors are credited with being fundamental to failure of successful implementation of policy. Nudzor (2009) alleged that conflicts between policy makers and those affected cause affliction in policy implementation. Policy makers must consider not only their perspective but also the perspective of others involved and that of the people impacted by the policy. The implementation of policy fails when policy actors and makers are too rational and lack consideration of the policy population. Understanding the meaning of implementation

and concerns may require more rationalizing and analysis than anticipated. Nudzor provided an interpretation of the different perspectives of policy implementation by comparing approaches.

Nudzor (2009) explained that efficient and effective implementation required operational and strategic planning, including commitment from policy actors, and consideration for the disconnection between policy intentions and outcomes of practice. Operational and strategic planning required involvement of people impacted in the implementation process, training needs, decreasing resistance, fostering culture and evaluating the policy process. Nudzor further noted the perspective of the rationalist whereas the policy process evolves the participative leadership approach whereas policy analysis takes more of a democratic rather than problem solving approach to the implementation of policy. On the other hand, Marshall and Gerstl-Pepin (2005) suggested the values approach to improve understanding.

To reconceptualize policy, Nudzor (2009) analyzed different approaches to decision making and policy implementation signifying a post-modernist approach. The post-modernist recognized the meaning of policy and has consideration of the best institutional practices for success or failure. Additionally, the post modernist approach analyzed and reconstructed the policy process for improved understanding of the intent to achieve the intended outcomes.

Nudzor (2009) suggested that two concepts were more practical than one, considering policy as text and discourse whereas policy was made of language and practice. The conceptualization of policy as text and discourse assists to explain the divide and inconsistency between outcomes from practice and the intentions of the

policy. The policy process convenes the intent of policy actors and the concerns of those with policy interests in two stages, encoding and decoding. The encoding level is the initialization of policy whereas policy actors and those with interest are elicited for ideas, values and aspirations. The decoding process occurs when the policy actors and implementers interpret the information and outcomes in making policy, further embedding the context within their institutional culture and practices.

The post modernist approach of policy as text and discourse reconceptualizes the enactment and implementation of policy while considering social practices (Nudzor, 2009). Policy as text includes communication and language and action supported by negotiation and compromise of policy makers. Policy as text recognizes that amendments and modifications shift policy over time and the implications of the differences in interpretation and understanding of policy. Policy as discourse includes constraints with the interpretation, understanding the realization that the intended meaning may be misinterpreted, and realization of the limitations in how policy is understood. Discourse considers the interpretation of ideas and targets derived from policy information and the intended meaning.

The Department of Education is responsible for implementing the FERPA regulations while educational institutions are responsible for implementing policies that conform to the act. FERPA requires that institutions implement and conform to fair information practices (FPCO, 2004). Throughout the Act, the regulations make reference to actions that institutions are required to perform to ensure compliance. Several instances for compliant action imply that institutions may or may not perform an action. During implementation, “must” indicates that the institution has no choice and must

comply with the regulations while “may” suggests that the institution may decide on the action. Furthermore the must and may subject institutions to implement FERPA policies and practice to ensure compliance. Additionally, institutions must be knowledgeable of the policies and aware of the legal obligations and instances where the regulations allow institutional decision making.

The AACRAO FERPA Guide attempted to clarify key differences in the regulations that institutions may follow in implementing FERPA (AACRAO, 2010). As granted by FERPA, students have the right to review academic records maintained by the institution and request to amend records. Further institutions must have policies in place for implementation. Institutions may be requested or ordered to provide access to student academic information or copies of student records whereas institutions must implement policies guided by FERPA.

FERPA requires that institutions have policies and procedures in place to ensure student rights. Under FERPA there are certain exceptions whereas parents or others have rights (AACRAO, 2010). Policy implementation requires involvement and interaction with those affected by policy (Marshall & Gerstl-Pepin, 2005; Nudzor, 2009). Policy actors and implementers must consider the needs and implications for those the policies impinge (Nudzor, 2009). Moreover, given the exceptions when parents and others have rights, policy actors and implementers need consideration of parent interaction and involvement in policy planning. Likewise policy actors and decision makers should comprise policies to address such exceptions and for inclusion of parents (Weeks, 2001; Boyle, 2010). In addition, research suggests that institutions have policies to determine needs for notification to parents (Baker, 2005; Edmonds, 2009). Baker considered the

need to notify parents in health concerns and integrated suggestions for institutional policy and practice.

Although Baker's (2005) research was amplified by the health and emergency exceptions for decision-making to notify parents, the considerations may be applicable to any situation. It should be understood that the considerations may not have the intended or anticipated response and disclosure may not be appropriate in every instance. Baker suggested the situation and student stress or behavior should not drive the decision for disclosure. However, should the institution decide to disclose then all available information should be made available, with information being confirmed in writing (Baker).

Analysis of policy and implementation provides an understanding for education policy for institutional learning and perspectives to structure policy. Implementation is the vehicle that policy becomes embedded and accepted as practice. Considering different approaches to implementation allowed users to recognize differences in policy intentions and outcomes in practice. Reconceptualizing approaches to policy making promotes effective and successful implementation of policy.

Knowledge Creation and Institutional Learning

The theory of organizational knowledge (Nonaka and Takeuchi, 1995) exemplifies a spiraling process where two dimensions of knowledge creation exist, epistemological and ontological, and four modes of knowledge; conversion, socialization, externalization and internalization, occur for the mobilization of tacit knowledge. In the case of a Midwest HBCU, use of this theory helps examine their organization for the existence of knowledge creation around FERPA policy.

In examining how institutions foster compliance or the best approach thereof, how institutions learn must be taken into consideration. Moreover, how institutions learn is substantiated by how FERPA users create and sustain knowledge. Knowledge creation is the capability of an institution to create, disseminate and embody knowledge into an institution's service systems and practices (Nonaka & Takeuchi, 1995, p.58). In retrospect, dissemination divulged the practice of communicating information while embodiment arbitrated the sustainability of the knowledge.

As maintained by Nonaka and Takeuchi (1995) knowledge and information are two distinct concepts. Knowledge is created when learning occurs whereas beliefs, commitment and action evolve. "Information provides a new point of view for interpreting events or objects, which makes visible previously invisible meanings ..." (1995, p. 58). Information provides a new perspective for interpretation bringing forth new meaning, while knowledge provides a new view with engagement and action. Moreover, information is necessary for the creation of knowledge. Knowledge creation is a spiral process in which the interaction between the two types of knowledge takes place repeatedly, ascertaining the conversion of tacit knowledge to explicit knowledge (Nonaka & Takeuchi, 1995). Organizational knowledge is created when the conversions of tacit to explicit and back to tacit occurs.

Essentially, the terms tacit (experiential) and explicit (rational, sequential) are two types of knowledge as understood by this theory. Tacit knowledge is acquired and known but not easily described, whereas explicit knowledge is factual or digital and more easily discussed or explained. Nonaka and Takeuchi (1995) used these two types of knowledge to describe knowledge conversion. Explicit knowledge is transversely

transmitted to individuals formally and easily. Explicit knowledge is articulated in formal language including statements, expressions, specifications manuals and so forth or for the purpose of this study. Tacit knowledge, not as easily articulated with formal language, is personal knowledge embedded in individual experience and involves intangible factors such as personal belief, perspective, and the value system (Nonaka and Takeuchi, p. 8). Tacit knowledge for the purpose of this study is personal knowledge about FERPA or knowledge from experience, practice and application or use of discretion. Nonaka and Takeuchi maintained that for tacit knowledge to be communicated or shared the information requires transformation into language that can be understood by all.

In determining how knowledge is disseminated, institutions must seek analysis to understand the organization. To facilitate growth researchers must understand how an institution learns. In understanding how institutions create growth or become established, consider the organizational structure while considering the loose coupling of policy and practice. Loose coupling is defined as formal acceptance without the formal creation of knowledge wherefore institutional practice is not standardized for the policy (Beerens, 2008). Loose coupling occurs when there are gaps in the organizational structure indicating that practice may not be fully aligned with the policy whereas the regulations although known are not carried out as intended.

Nonaka and Takeuchi (1995) contended the knowledge creation process requires individual initiative and group interaction. Nonaka and Takeuchi suggested that having keen personal insight is of little value to the company unless the individual can convert it into explicit knowledge, whereas it may be shared with others in the company (p. 11). Knowledge is galvanized at the group level through communication in the forms of

dialogue, discussion, sharing of experiences and observations. Team learning is an integral part of the knowledge creation process as interaction of the team enhances institutional knowledge by understanding derived from the communication. New knowledge typically begins with an individual initiative and is stimulated through dialogue discussion, sharing of experiences and observations between team members. The dialogue and discussion is the vehicle facilitating the transfer of personal knowledge to organizational knowledge.

Under the factor of knowledge creation, Nonaka and Takeuchi (1995) attested to the fact that no one person or group bears sole responsibility for new knowledge creation as responsibility lies with all parties involved. Key players charged with creating new knowledge as identified by Nonaka and Takeuchi are the front-line employees, middle managers and senior managers. Middle managers, vital to the knowledge creation process, synthesize the tacit knowledge of both front-line employees and senior executives, make it explicit, and assimilate it into new innovation, ideals and technologies. Front-line employees are those that deal with day to day details, issues or concerns while the middle managers are mediators bridging the ideals of the senior managers and front-line. Key players to knowledge creation for FERPA include frontline or support and professional staff and faculty, middle managers in the roles of department directors and chairs, senior level managers in the roles of administrators or vice presidents and deans. Nonaka and Takeuchi implied that the most powerful learning comes from direct experiences and trial and error.

Summary

The study interpreted information about FERPA from HBCU faculty, staff, and administrators and examined the institutionalization, knowledge, implementation and communication of FERPA legislation. This chapter encompassed an inquiry into education policy to improve knowledge of FERPA. The inquiry provided available literature on the institutionalization and implementation of FERPA. A review of literature into education policy, FERPA and HBCUs assisted with the transition of learning about policy and creating knowledge. For consideration of the communication and dissemination of FERPA, the communication theory relative to the institutionalization and implementation of policy and the impact on institutional learning was presented.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

Introduction and Overview

The Family Educational Rights and Privacy Act (FERPA) of 1974 was enacted by the Supreme Court as a law for the protection of student rights, specifically to protect the education records of students at elementary, secondary, and postsecondary institutions (AACRAO, 2010; FPCO, 2004). FERPA grants students the right to inspect and review their education records, the right to request to have records amended, and the right to have control over the disclosure of information in their records (AACRAO, 2010; AACRAO, 1998). FERPA protects the rights of students by placing restrictions on the kinds of information that can be released or made available to others. However there are certain exceptions where information may be shared without violation. Unfavorably the regulations are vague leaving institutions to interpret and use professional judgment to ensure compliant practices. Students have the right to file complaints with the Department of Education's Family Compliance Office if their rights to privacy have been violated and their institution has not adhered to FERPA requirements (AACRAO, 2010). In light of the lack for clarity and trepidations of action by students and prosecution, those responsible for ensuring privacy may decide to withhold information even when sharing may not violate FERPA. Since the implementation of the law, several amendments have been made in attempts to simplify and clarify some of its provisions (AACRAO, 2010; FPCO, 2004). Although many amendments, FERPA's underlying purpose has remained to provide students with access and protect student privacy. Yet due to the vagueness of the FERPA regulations, institutions are compelled to

institutionalize the policy to their own extent. Institutions are responsible for determining when exceptions to FERPA apply and establishing when there is legitimate interest and a need to know.

Problem and Purpose Overview

FERPA is a federal law regulated by the Department of Education and enforced by the Family Policy Compliance Office. Educational institutions are expected to use their best practices and judgment to interpret and institutionalize FERPA policy. Further institutions are responsible for accepting and adopting FERPA policies and practices given FERPA is open for interpretation. Studies have been conducted examining the implementation and knowledge of FERPA within and comparing several different size and types of higher education institutions (Boyle, 2009; Maycunich, 2002; Steinburg, 2003; Edmonds, 2009; Williams, 2010). There were several limitations and problems that could be identified in the previous research presented about the Family Educational Rights and Privacy Act (FERPA) just as there could be with future studies. Research findings presented by past studies can be interpreted as an indicator that additional research needs to be collected and analyzed. Existing research on the Family Educational Rights and Privacy Act has some important limitations including failure to address whether diversity in institution type has any impact on FERPA. The problem is that there has not been any research presented to study if history and culture of an institution plays a role in the provisions outlined with FERPA. Specifically, in the studies that have been reviewed regarding FERPA, research impacting Historic Black Colleges and Universities (HBCU) grounded by history and culture has not been presented.

In support of the goal of learning and creating new knowledge for HBCUs, this study presents a synthesis of the research conducted on different aspects of FERPA. This study encompassed a collection of research already conducted on different aspects of FERPA in support of learning and the creation of new knowledge for HBCUs. The purpose of this study was to examine the impact of FERPA on a Midwest HBCU through the understanding and perspectives of faculty, staff and administrators. Additionally from the administrator, faculty and staff perspective, the study analyzed the foundation for facilitating growth in compliance for the FERPA policy. The administrator, faculty and staff perspective are significant as institutions cannot create knowledge without individuals (Nonaka & Takeuchi, 1995). The theory that knowledge creation for the purpose of fostering institutional compliance promotes awareness undergirds this study through explanation and evaluation of FERPA.

Further, knowledge regarding FERPA's impact and compliance came from the Midwest HBCU's policies and compliance practices. This study analyzed faculty, staff and administrator experiences and practices as well as written policy around the privacy of information as it relates to the institution. The significance of the purpose leading the advancement of black colleges and universities was the preservation and unique contribution to black culture (Allen et al., 2007). This inquiry further intends to create knowledge promoting institutional learning through the perspective of the institutions' front-line users and stakeholders (Preskill & Torres, 1999; Nonaka & Takeuchi, 1995). The front-line users are those that practice FERPA policy, while the stakeholders are those that are mostly affected by the policy, which may include anyone affiliated with the policy and institution. The intent of this inquiry was to provide institutions, specifically

historic black colleges and universities, with information to assist in implementing and enforcing FERPA policy through knowledge creation and communication.

The study explored how the creation of knowledge and understanding as it applies to leadership and culture higher education impact FERPA. This study interpreted the impact of FERPA on a Midwest HBCU using qualitative research methods, a case study including interviews. The review intended to provide a juxtaposition of the foundations of FERPA by considering the challenges presented by HBCUs, based on the information collected from policy users. This study analyzed the institutionalization through the unique cultural lens of an HBCU. Studying the impact of the institutionalization efforts and culture on HBCUs may cultivate a catalyst for improving current implementation of FERPA.

The qualitative case study explored how FERPA impacted the HBCU. The study focused on how faculty, staff and administrators from this particular environment of HBCU's understood the provisions and regulations of FERPA. The study centered on the perceptions of faculty, staff and administrators and their practices for institutionalizing policy. The study analyzed information collected from faculty, staff, and administrators about experiences to interpret how institutions facilitated and sustained knowledge about student rights to privacy and access information. To understand the reasoning for the selection of a qualitative research approach, there are several areas that should first be considered. Interest in unique culture as spawned by HBCUs drove the study. This study was different because research conducted by previous studies examined the implementation of FERPA but overlooked the foundation and culture of institutions.

This study conveyed the impact of FERPA on a HBCU in the Midwestern United States using inquiry research methods. There are several issues that could be addressed with this type of study. This study using administrators, staff, and faculty from a Midwest HBCU as the element of analysis compared differences in understanding of FERPA regulations and application of policies. The study explored familiarity, given no way to measure understanding, with FERPA laws among those participating in the inquiry. The following research questions were addressed:

1. How is FERPA information communicated to faculty, staff, and administrators at a Midwest HBCU?
2. How has the right to privacy become institutionalized and implemented by faculty, staff, and administrators at a Midwest HBCU?
3. How do intended FERPA policy users create and sustain knowledge of student rights to privacy to assure that all key stakeholders are in compliance?

The purpose of this chapter was to present a description of the methods that were used in the study. This chapter presented an overview of the problem and purposes of the study. Research questions followed by population and sample representation were also presented. A description of the data collection and instrumentation and an analysis of the data were also included. This chapter examined in detail, the research design, the source of data, data analysis description and procedures, and ethics, trustworthiness and limitations of the study.

This chapter included the methodology and research design used to examine perception of the implementation and use of discretion as it applies to FERPA policy at

Historic Black Colleges and Universities (HBCU). For the purpose of this study, information was gathered as applied by a Midwest HBCU serving a population that is diverse in age, culture, ethnicity, and experiential backgrounds. The study presented an analysis of FERPA policy using qualitative tradition as descriptive data was necessary to analyze the impact and institutionalization of the policy.

Research Sample

A population represents a complete set of individuals having common observable characteristics. A sample is a subset of a population that shares the same characteristics as the population (Heppner & Heppner, 2004). Researchers use samples to represent the population, in order to make generalizations about the population. A sample was used for this study as it is not possible to collect data from the entire population of historic black institutions of higher education. Patton (2002) makes the claim that for qualitative research, an assortment of experiences for a small group may be used to represent a narrow range of experience by a larger group. This study gathered data from a variety of leadership roles and used the experiences of a sample of intended FERPA users to represent the experiences of a larger population. For this study, a sample was selected from a specific type of institution, a historic black university, as the site is a bridge interpretive and representative of the HBCU population. The site was selected given its location serving a metropolitan area and population of diversity in experience, culture and character.

Analyzing policy involves implementers and enforcers, while evaluative inquiry involves intended FERPA users with vested interest in the institution, this study offered the exclusive perception of from both arenas. The sample selected followed Preskill and

Torres' (1999) suggestion for using program staff, administrators, policymakers, students, clients, customers, managers, supervisors, parents and any others with interest in the findings. Given the requirements set forth by FERPA function as a policy, the purpose is to exercise control over student information ensuring discretion and the determination for disclosure of student information. Participants with roles directly related to or some aspect of control over or responsibility for the policy protecting educational records were compulsory for this study (Marshall & Gerstl-Pepin, 2005; Preskill & Torres, 1999).

Conceptually, the inquiry policy evaluation process suggested identifying key players and involvement of policy actors or a group with the most influence over institutional learning (Marshall & Gerstl-Pepin, 2005; Preskill). Given HBCU understanding of FERPA was the object of evaluation, this study focused on users regularly subjected to FERPA policy concerns as Preskill and Torres suggested identification of intended users or internal stakeholders that play an important role in institutional learning. The target population for this study consisted of administrators, staff and faculty at a Midwest HBCU.

Given that education political studies focus on power, implementing policy requires participation of key stakeholders with the power to enforce policy. A particular sample of power players are used to collect the most effective information promoting institutional learning (Marshall & Gerstl-Pepin, 2005). For the purpose of this study, the sample included intended users or FERPA enforcers with a vested interest in organizational learning promoting FERPA policy compliance. The sample of internal

stakeholders was identified as administrators, faculty administrators and departmental directors.

A sample was used to gather information about how FERPA has become institutionalized through the understanding of faculty, staff, and administrators its provisions and regulations. The sample consisted of six FERPA users. The sample consisted of interviews with two administrators, two faculty and two staff members from a Midwest University. Staff was selected based on their access to and responsibility for maintaining privacy of student academic information. The administrators were selected for their roles in ensuring institutional compliance and to represent the population of institutional administrators. The staff represented intended FERPA users with respect to student academic and financial information and services. The faculty, maintaining student, subordinate faculty and academic program needs, was selected to represent the population of higher education faculty with administrative roles. The sample provided valuable insight on the institutionalization, implementation, creation and communication of FERPA knowledge for the population of HBCU professionals.

Prior to interviews during the selection process, all participants were solicited through contact by telephone, and a follow-up letter by email. The purpose of the study was explained and questions were answered to gain the support of the participants. With the support of the administrators, others within the universities were more willing to participate. The faculty, a dean and department chair, and the staff, in this case academic or financial department directors or senior management, were solicited based on their use of student academic information. They also received an informal contact by phone and formal letter through email whereas the study was explained and any questions answered

to gain the support for the study. The interviews were administered to faculty and staff in person. The administrators, in consideration of their institutional responsibilities and their lack of availability, were given the option to complete the interview in person or by phone. Both administrators opted to participate in person interviews.

Overview of Information Needed

To determine the institutionalization of FERPA there must be consideration of current FERPA concerns and therefore requires inquisition and review of FERPA protocol established by practice and processes. In consideration of the information needed to carry out the inquiry, the analysis of experience with FERPA interpretation and understanding of the law and FERPA issues that need to be addressed. Information was considered necessary to decipher faculty, staff and administrator concerns and issues with FERPA. The researcher must determine what information is needed to determine how FERPA has become institutionalized. The researcher must determine what information is needed to evaluate how FERPA policy is implemented. The inquiry required the researcher to determine what information was needed to determine how policy is communicated and how the intended users create and sustain knowledge of the law.

Information about compliance and enforcement measures is needed to evaluate the implementation and institutionalization of FERPA, review of institutional practice and procedures intended to ensure compliance. To interpret how FERPA is implemented, review of the experiences with student or unauthorized requests for information contained within the academic file, specifically the protocol used for handling requests for information is necessary. Specifically information about the protocol for restricting access to information is needed. Information on faculty, staff, and administrators

knowledge of FERPA resources is necessary to interpret how FERPA policy is communicated and the accessibility of resources maintained by the institution. The data collected from interviews with faculty, staff, and administrators is necessary to interpret how FERPA is implemented, evaluated, communicated and sustained.

Research Design Overview

In order to conduct research it is important to understand different modes of inquiry, as there are several different approaches to research. To understand and define a research process, researchers must be familiar with research paradigms as guided by three methods or approaches to research: positivist, critical or interpretative (Merriam, 1998; Patton, 2002; Heppner & Heppner, 2004; Preskill & Torres, 1999). According to Coghlan and Brannick (2005), a researcher's epistemological and ontological perspective should be determined prior to selecting a paradigm to use for a particular study as it relates to the researcher's own interests.

The three paradigms include positivism, hermeneutic, and critical realism and are explained through philosophical foundations to be thought of as the underpinnings of knowledge (Coghlan & Brannick, 2005). Philosophical foundations include ontology, epistemology, theory, reflexivity and the researcher's role. The ontological perspective includes the philosophy of reality and considers a person's reality of the world as they see it and the epistemological perspective includes the philosophy of knowledge considering how we gain knowledge or come to know policy (Coghlan & Brannick). Ontology and epistemology can be compared and assessed along a continuum moving from objectivist and subjectivist (Coghlan & Brannick). Reflexivity is representative of the relationship

between the researcher and what is being researched. Reflexivity can be compared by measuring the researchers focus and influence on the research (Coghlan & Brannick).

Qualitative research intends to provide in depth understanding of certain issues (Heppner & Heppner, 2004) and involves the analysis of information collected that can be expressed by the collector's own interpretation (Merriam, 1998). Qualitative research focuses on a reality that is the result of human interpretation and requires emersion into the culture (Coghlan & Brannick, 2005), the researcher attempted to identify issues and possible concerns consistent with FERPA policies. The researcher sought to identify emerging issues with implementation at HBCUs and how the provisions and regulations of FERPA impact administrators within this particular environment. Qualitative research involves detailed description. To understand the reasoning for the selection of the qualitative research approach, there were several areas that should first be considered. The determining factors of the selection include purpose, time, access and availability of information, knowledge of the topic, validity and reliability (Merriam, 1998).

According to Preskill and Torres (1999), evaluative inquiry is a type of evaluation that is integrated with an organization's work practices for ongoing investigation of critical organizational issues. The evaluative inquiry method promotes institutional or organizational learning, team learning, and individual learning (Preskill & Torres, 1999). Evaluative inquiry is a catalyst for growth and improvement resulting in organizations taking a new approach to inquiry, where the information gathered from the interviews contributes to organizational learning and integration FERPA policy. Evaluative inquiry is a means for fostering learning by providing organizations with opportunities to understand each other and to understand organizational issues (Preskill & Torres).

Evaluative inquiry encourages collaboration that facilitates support of the learning culture, leadership that values learning, communication and access to information. Evaluative inquiry involves focusing the evaluative inquiry, carrying out the inquiry and applying learning while dialoguing, reflecting, asking questions, and identifying and clarifying knowledge during each phase. The purpose of evaluative inquiry is organizational learning, team learning, and individual learning (Preskill & Torres).

Evaluative inquiry and institutionalization corroborate the knowledge creation process with the intent of making FERPA institutional practice. Institutionalization as understood by Shrader et al. (2008) encouraged institutions to practice research and service-based learning, additionally enhancing communication, building knowledge, documenting and disseminating effective practices. In using the qualitative methods approach, the researcher may follow up for further interpretation maximizing or improving the likelihood of institutional, individual, or team learning. Preskill and Torres dramatized the evaluative inquiry learning process and the idea that communication facilitates individuals' learning about the organization's culture, policies, procedures, and goals and objectives." The study intends to promote learning of FERPA policy compliance.

Data Collection Methods

The methods section of the study acts as the map of what occurs in the research process. The methods chapter describes in great detail what the researcher will do to carry out the study and the exact steps to how the study will be conducted (Heppner & Heppner, 2004). The methods section is the link between the purpose of the study to the problem and the research questions and hypothesis. A well-written methods section

should be sufficiently comprehensive to enable readers to replicate the study. The methods section includes information about the participants, instruments, procedures, and data analyses.

Preskill and Torres (1995) recommend considering more than one method as all methods for collecting data have limits further presenting limited insights. Merriam (1998) references three strategies for collecting data for qualitative research, collected by means of conducting interviews, observations and document analysis whereas the on-site inquiry involves observing what goes on, communicating formally or informally and examining contextual documents. The qualitative research method of data collection chosen for this study was interviews, as other strategies may not have been as productive for procuring the necessary information needed for the purpose of this study. More specifically, the method utilized for collecting information were interviews with intended FERPA users in the institution. A literature search was conducted for relevant published information about the implementation of FERPA and the knowledge creation process.

According to Merriam (2006), interviews are the best approach for case studies involving select participants, in this case the intended FERPA policy users, when researchers are unable to assess behavior or interpret understanding. Interviews may be highly or semi-structured in that questions are predetermined and mainly standardized, or a mixture of more-or-less structured, or interviews may be completely informal offering more flexibility by use of open-ended questions. The interview protocol (see Appendix) developed for this study was open-ended and intended to gather more rich data. The participant perceptions of FERPA policies and practices were analyzed to interpret their knowledge and understanding of FERPA. The interviews allowed participants the

opportunity to express their perceptions about the implementation and application of FERPA law and any institutional issues that needed to be addressed. The interview questions for this study were created to assess administrators, staff and faculty experiences with FERPA policy with the intent of eliciting what the participants thought. The study used a sample of participants that were representative of the population (Heppner & Heppner, 2004). Participants of the study included administrators, faculty and staff, all of which were selected due to their roles within the institution and background.

Data Analysis and Synthesis

Data analysis conceptualizes how the data was manipulated for the study, precisely how data was organized and analyzed for the findings as presented by the study. Considering data collection methods, evaluative inquiry encourages researchers to also consider the requirements to analyze the data (Preskill & Torres, 1995). The information gathered from the study allowed for the analysis of data about the legal requirements, purpose and issues.

The interviews were structured (Merriam, 1998) and included four prearranged themes; communication, institutionalization and implementation, and understanding, which were designed to gather the necessary information to elicit responses that would answer the three research questions. Although the interview protocol (see Appendix) was predetermined and scripted, the structure allowed for follow-up or impromptu questions when clarification was necessary. The interviews were transcribed and organized by the learning areas. Interviews were conducted with respect for participant privacy in classified locations and tape recorded to enhance the ability to focus on the conversation

with the participants while also capturing the data. The interview questions were open-ended to allow for eliciting further detail from the participants while providing consistency for guiding the discussions.

After the organization process, the data gathered from the responses was coded for similarities or common themes, differences and other concerns. Themes were organized and grouped by significant findings in support of the research questions. The themes were further refined by institutional and federal documents and available literature gathered from the institution and information determined through prior research.

FERPA related documents were collected for later analysis and evaluation of the institution's effort to facilitate knowledge and ensure compliance. Data analysis involves outlining the plan for managing and transposing the plethora collection of data into receptive and meaningful information. The raw data is characterized by the research interest of the, institutionalization, implementation, communication, and knowledge creation of FERPA.

Ethical Considerations

Ethical considerations imply that researchers take necessary action to minimize risk for participants and the institutions they represent. Ethical considerations include safeguarding the institution and participants from undue scrutiny and harm. No ethical threats are anticipated, however, measures were taken to ensure the protection of the institution and participants. In safeguarding the institution, neither the name nor location of the institution nor the names of participants are disclosed. Ethical considerations may

surface during any process of carrying out the study, therefore, measures were taken to protect the rights of the participants and ensure confidentiality.

The researcher sought agreement with consent letters from participants responsible for providing leadership within the institution. Given the ethical considerations, the researcher is cognizant that institutional confidentiality must be maintained so not to bring unnecessary attention to the institution. The researcher considered damages to individual roles as participants if they were identified with the study. Given the institutional risks for non-compliance with FERPA, the researcher had consideration for the impact of this type of study on institutional character in that the researcher ensures that the study shall have no negative impact on the institution. A statement of confidentiality was provided to the participants of the data collection process to alleviate ethical concerns.

Participants, after being provided with the confidentiality statement, may have decided to discontinue participation at any point during the study. As an added measure to protect participants, the interviews did not ask for information that could possibly identify the institution or the participant. In an effort to ensure that the participants and the institution being evaluated suffer no undue stress, the interviews were conducted at an undisclosed location. No information collected for the study is accessible by anyone other than the researcher as the data collected from the interviews, and the data sheet is kept separately and shall be destroyed seven years following the completion of the study. Another matter of ethical consideration was the researcher's role within the institution as the researcher was a key player in the topic of evaluation and therefore also faces the

same potential harm as the participants. In consideration that the researcher had a role within the institution, the researcher seeks to take advantage of positive outcomes.

Issues of Trustworthiness

According to Patton (2002), research methods must have credibility to be of use to the inquirer as lack of credibility with the research strategy advocates distorting data or bias due to the vested interest of the researcher. Given that human beings are the instrument used to collect the data, for qualitative inquiry, researchers are responsible for identifying possible bias or error. To limit issues of trustworthiness, the researcher's role in the inquiry must remain neutral. Moreover, the researcher must develop techniques that reflectively identify awareness of bias and error.

Issues of trustworthiness are more considerable with this study as the role of the researcher was the registrar who carried out the inquiry. Given the responsibility of the registrar to be a FERPA liaison, trustworthiness becomes an issue as the researcher may be interpreted as biased. Conversely, the registrar's direct connection to the FERPA arena, role as the researcher positively assures the fit between the study researcher's and the participant's view, further ensuring the information established by this purpose of the study (Patton, 2002). To ensure credibility the researcher, in this case, the registrar, must develop techniques to ensure that neutrality. The researcher ensured neutrality by assuring that the protocol did not lead or encourage responses. The researcher was careful not to imply incompetence or failure in inquiring about stakeholder knowledge and practices.

Limitations of the Study

To understand the reasoning for this research approach, there are several areas that should first be considered. The determining factors of the selection include purpose, time, access and availability of information, knowledge of the topic, validity and reliability (Merriam, 1998). This study was impacted by availability of information. This study is limited in that although there is a plethora of information gathered from research about FERPA, there was a lack of prior research about FERPA within HBCUs. This study is limited to participation of employees from a single historic black college and university in the Midwest; furthermore the population evaluated is limited.

This study made the assumption that faculty and staff within historic black colleges and universities had general knowledge of FERPA policies. Information gathered for the purpose of this study may be limited in that some participants may not take the need for gathering information seriously and may submit indifferent responses. Some information gathered may be skewed in that, given ambiguity with FERPA, participants may submit slightly untrue responses due to uncertainty of the regulations or fear of submitting an unfavorable response.

The study was limited to one Midwest HBCU. This research represents a case study and was not intended to represent a large scale investigation of other U. S. HBCUs. This was a limitation in terms of transferability to a wider interest. The research, however, made cautious effort to assure reliability through the triangulation of data sources and specific coding of the data itself.

This type of study was limiting given the challenges with, evaluative inquiry, the effectiveness of the study is challenged when the result of the amount of time invested is

not productive, when individuals are not supportive of working collaboratively and therefore do not offer full participation. Challenges were also presented when individuals do not understand the evaluative inquiry approach, hindering the perception of participants and the knowledge creation process. Given this study investigated FERPA practices from one institution, the findings may not fully represent the FERPA practices of all HBCUs. As a result, the inquiry was limited to the perspectives and biases of the particularly those participants being interviewed.

Summary

The purpose of this study was to explore how leadership and culture as it applied to higher education impacts the knowledge and understanding of FERPA as it applies to higher education. This study evaluated the impact of FERPA on a Midwest HBCU using a mixture of qualitative research methods. The focus of this study was on the history of HBCUs and how well faculty, staff, and administrators from this particular environment understand the provisions and regulations of FERPA. This study used administrators, staff and faculty as the element of analysis, will interpret the understanding, implementation and application of FERPA regulations and policies.

This chapter included the methodology and research design used to examine perception of the implementation and use of discretion as it applied to FERPA policy at HBCUs. The chapter will describe the research design and methodology used for this study. The chapter included an overview of the problem and purpose of the study. Research questions followed by population and sample representation were presented. A description of the data collection and instrumentation and an analysis of the data was also included.

CHAPTER 4

ANALYSIS OF DATA

Introduction

This study explored the institutionalization of FERPA with the element of analysis, to interpret how FERPA policy is communicated, implemented, learned and sustained to ensure institutional compliance. This study analyzed the institutionalization through the unique cultural lens of an HBCU. Studying the impact of the institutionalization efforts and culture on HBCUs may cultivate a catalyst for improving current implementation of FERPA. The study interpreted institutionalization through the understanding, implementation, and application of FERPA regulations and policies. The study further sought information about experiences and action or reaction situations involving the rights to privacy and access as provided by FERPA policy. In addition, the study relied on the institution's practices and procedures to explicate the implementation of the policy.

FERPA is a federal policy establishing privacy laws with complicated regulations for education institutions. The Family Policy Compliance Office of the Department of Education governs the regulations but expects institutions to implement policy. Institutions must comply or risk consequences as severe as withholding of funds imposed by the FPCO. Institutions are expected to align the policies and practices with the regulations. HBCUs cannot risk loss of funds and must ensure that their policies and practices support FERPA. This chapter presents an outline and analysis of the information collected for the purpose of the study.

The purpose of the qualitative case study was to gather information to interpret how FERPA is implemented, communicated and how users learned the policy in an effort to explain the impact of FERPA on a Midwest HBCU. The qualitative method included interviews with FERPA users. Information was gathered about experiences and practices from faculty, staff, and administrators as well as written policy about privacy. The study included analysis of relative information about FERPA policy. The analysis of available information reported communication and access to information. There were three research questions to be addressed with the study:

1. How is FERPA information communicated to faculty, staff, and administrators at a Midwest HBCU?
2. How has the right to privacy become institutionalized and implemented by faculty, staff, and administrators at a Midwest HBCU?
3. How do intended FERPA policy users create and sustain knowledge of student rights to privacy to assure that all key stakeholders are in compliance?

As FERPA requires users to use their own discretion, six interviews were conducted of faculty, staff, and administrators. The study sought participation based on participant role in maintaining privacy of student academic information, maintaining faculty and student academic program needs or administrative responsibility for ensuring institutional compliance. As all participants were responsible for compliance, they maintained different areas within the institution. The staff was responsible for maintaining privacy and confidentiality of student academic information. The administrators were responsible for implementation and ensuring institutional compliance

and further that information was communicated. The staff was responsible for protecting student academic and financial information, practicing the right to privacy and ensuring compliance. The faculty was responsible for communicating and enforcing FERPA with other staff and maintaining student academic needs. Participants were contacted by telephone with request for involvement with the study. The interviews pertained to questions designed to focus on the utility, effect, outcomes of FERPA from the perspective of key users at HBCU. Education policy analysis focuses on a particular inquiry about the utility, effect, outcomes and relies on the policy actors to enforce (Marshall & Gerstl-Pepin, 2005). The descriptive characteristics of the participants are provided below in Table 1.

Table 1
Participant Characteristics

	Gender	Job Responsibility	Years of Service
Administrator 1	Female	Vice President	6
Administrator 2	Male	Assistant Vice President	6
Faculty 1	Female	College Dean	6
Faculty 2	Female	Department Chair	12
Staff 1	Female	Office Director	4
Staff 2	Female	Senior Staff	9

Organization of Data Analysis

Interview questions were devised to gather information responsive to the research questions. The responses from the interviews were transcribed and analyzed. After thorough review of the transcripts the interview questions were converted to a matrix whereas the information was outlined by question and response accordingly by question. The matrix was read for common or frequent responses, and then reread to identify themes. The interview questions were then carefully coded again to identify the most common or other themes. The themes were then organized for commonalities among users. As the data collected was analyzed, several themes emerged. The themes are explained as they relate to each research question. The most common themes were training, practice, and barriers. Other themes included experience, institution culture, understanding, influence, interaction with parents, consequences. The following section discusses the themes as they apply to the research questions.

Communicating FERPA Policy with Stakeholders

The first research question was designed to interpret how information about FERPA was communicated to faculty, staff, and administrators at a Midwest HBCU. The purpose of this question was to analyze the communication aspect of policy as communication is a necessary component to the successful implementation and institutionalization of any policy. Communication is critical in aiding faculty, staff, and administrators in understanding and interpreting FERPA and establishes how information is disseminated throughout the institution. There are also different levels for which information is communicated being dialogue, discussion, sharing of experiences and

observations. The themes that emerged for the first research question were training, practice, experience, interaction with parents and barriers.

Training

In establishing how information is communicated, the theme of training emerged. The interviews confirmed that faculty, staff, and administrators at a Midwest HBCUs received FERPA training. Faculty, staff, and administrators indicated that training was available through the registrar's office, Faculty Institutes held by the institution, the Department of Education and the Internet. Administrator One elaborated, "In the registrar's office, there are waiver forms, there are FERPA brochures." Faculty Two expressed, "We receive FERPA training, usually through our Faculty Institute at the beginning of the school year. Staff Two included that "training is received upon hiring" while Staff One responded, "I receive it through the Department of Education conference once a year."

The extent to which training was received was expressed as both formal and informal. Formal training was conducted upon hiring or in conferences held by the Department of Education or specialized through the Institute where FERPA issues are discussed. In retrospect to the extent of training received, Faculty Two was stated "we are reminded of the policy and how the policy affects students." Specifically, an administrator divulged that specialized training was included so that faculty and professional staff may connect FERPA issues with issues that they may have.

Faculty, staff, and administrators responded that they were knowledgeable about where to access information. Information can be accessed through the institutions or the Department of Education websites and through brochures and other information available

in the registrar's office. An administrator expressed that any time she had a question she could ask the registrar. Although all responded that they knew where to access information, an outlier was presented by one of the faculty who purported that no formal training or any other documents were offered by the institution.

In light of the training theme the faculty, staff, and administrators distributed FERPA information to faculty and staff. In consideration of the practices for distributing policy information to faculty or staff, information is communicated through policies and procedures. Those with responsibility for distributing policy information to faculty or staff indicated that they shared information electronically and or manually. Policies and procedures are distributed electronically through email and the institution's website and Department of Education's website and webinars. One of the administrators identified two common places to access information, the bulletin and the website. Administrator One declared, "For one, it is part of the university bulletin which is the university catalog so FERPA information is in there." Policies and procedures are communicated through the institution's bulletin, faculty handbook and meetings. One of the faculty participants indicated that she distributed information through faculty meetings. An administrator made it known that FERPA information was accessible and available. The administrator stated, "We speak of FERPA with all the formal documents" and further stated "I believe FERPA is even in the student handbook." The administrators referenced the bulletin and faculty handbook to access information about FERPA. Administrator One further eluded that "if people take advantage of the resources, be it the bulletin or be it the website, they will find the information."

Practice

The theme of practice emerged with respect to how information is communicated to those with access or the authorization to access. The respondents emphasized that without a legitimate interest or authorization, access to information would not be allowed. The staff interviewed expressed that information was provided through workshops and other informational sessions about FERPA and authorization. Notwithstanding, the staff protested in communicating the student rights there remains the option for students to authorize access for someone. The staff included that they included FERPA statements on forms to ensure that students were aware of their rights.

The faculty, staff, and administrators reported having practices for sharing of information with others. The faculty, staff, and administrators assured that information was not communicated without first establishing either the necessary authorization or determining that the interest is legitimate. In the words of Administrator One, “Be mindful that we respect the privacy of students and that we do the best that we can in using information for the purpose that it is used for and that it is primarily it.” The other administrator explained that some people thought that they should have access to information. Additionally, Administrator Two expressed his practices for requests to access and denial of access, “We would basically say you know because of FERPA you’re not, and you can’t get that.” Administrator Two expressed that he sometimes experienced problems as a result of denying employees access as “people assume that just because they work here they have access to every bit of data that is out there.”

As Administrator Two stated, “Just because you work at the university doesn't necessarily mean that you have full access to all information that pertains to all students.”

In this way participants validated that there are practices in place to monitor and limit access to student information. One of the administrators conveyed that job title does not qualify access to all information. The administrator regarded the right to access as the right to know and provided the example that “just they’re a faculty member doesn't necessarily mean that they can have access to the grades from other professors. The administrator also shared that “if someone from the athletic office may call we would know who that person is that person is and their particular role. In this way the administrator deemed the required legitimate interest, “So that makes it easier to determine basically what they are privy to.” With respect to how information about students is communicated, an administrator identified a location and resource responsible for facilitating requests for information. Administrator One explained, “We communicate with them through the registrar as the registrar is really one of the main communicators of the information because a lot of the information is housed through the registrar. There was one outlier in that one of the faculty participants recalled no encounters with communication and determining legitimate interest or right to access of anyone seeking information.

Experience

Faculty, staff, and administrators indicated experience with sharing student information to third parties. Experiences with sharing information included but were not limited to court orders, FBI background checks, scholarships, Veterans Affairs, and other institutions. The staff participants indicated regular and common experience with sharing student information as was substantiated by their roles with the institution in maintaining student academic and financial information. The most common experience shared by

participants was that of requests for information from parents, as they often feel that they have the right to information and they are privy to receiving information about grades or other information protected by FERPA.

In expressing routine encounters with parents, some participants referenced FERPA and the federal guidelines. One of the administrators used FERPA to their convenience when dealing with parents as it was sometimes easier not to deal with the parents' issues to prevent people from being upset when denied access to student information. Administrator Two contested, "Sometimes it's easier to say just so you don't have to deal with it, according to federal guidelines, FERPA, and kind of frame it from the standpoint of federal (the government) we can't release that information.

Administrator Two commented that "in many instances that kind of stops people cold in their tracks" as he explained how referencing the federal policy deterred people from claiming rights to information, which they do not have access." One of the faculty members referenced her practices and experiences with sharing information with third parties and clarified "we follow the policy that has been communicated to us through the state." The faculty member explained that information could be shared between institutions, "since we are public institution, we can share information with other public institutions." One of the staff recalled experiences with third party requests for information for the purpose of establishing other information. Staff One referenced her experiences with law enforcement, "I've actually had a police department come in requesting information because they were trying to track a timeline on a student."

The faculty, staff, and administrators interviewed reported using applying their experiences to communicating policy. All made mention of the application of experience

to practice as a means of communicating policy. The staff gave reference to their experiences with students and parents, while the faculty and administrators referenced using their experiences to communicate FERPA in formal meetings. Administrator Two gave an example of one of his prior experiences with FERPA as a communication tool. While working for another institution, the administrator routinely received calls for information. Administrator Two explained, “I shared some information to a parent and didn’t know that they were actually divorced” and that “the son came back to school really upset because certain information was shared.” The administrators stated that while he should have known better, he thought, “ok, this is the father, so it should be ok it was okay.” While the administrator could not remember the entire story, he remembered getting in trouble and recounted the experience as a valuable lesson learned. Nevertheless, the administrator recalled that the experience has traveled with him and shares the experience in an effort to prevent reoccurrence of the mistake that he made.

As Faculty Two stated, “Situations that have happened, I kind of share with my faculty or staff those experiences. But, also reminding them of the policy of where they can get information.” The staff recalled their experiences in explaining that the institution but a federal policy to justify why information could not be disclosed does not govern FERPA. In recalling the experience, Staff One includes in her explanation to parents that students once enrolled are treated as adults. The faculty shared this understanding as Faculty Two explained, “I just understand that our students being adults, I don’t have the right to share their adult information with other adults even if that adult is their parent.” With this comment it is evident that faculty, staff, and administrators communicate policy through their experiences. Not only are experiences used as communication tools, Faculty

Two stated that she applied her experiences as training tools although new faculty had received training through orientation. The faculty explained that sharing those experiences could guide new faculty, as some may not have prior knowledge of FERPA or the tendency to forget information.

In alliance, the administrators interviewed for this study expressed the importance of communication in policy compliance. The administrators articulated communication by ensuring that information is published and accessible for people to operate accordingly. Administrator One explained, “I made it my business to make sure that if a policy is a policy that it is written and communicated so that faculty and staff has access to the information as well as students.” The administrator shared that she could not hold others accountable for compliance if the information has not been made available. One of the staff used an encounter with a parent where she explained FERPA rights as being similar to the privacy rights afforded to medical records. The staff member indicated that she used the analogy to affirm for the parent that student records require authorized release as required with medical records as student rights to privacy were similar to patient rights to privacy.

Interaction with parents

Of the six participants, half reported that there were no exceptions to FERPA to allow for information to be released without the student consenting to the release of their information while others reported that there were instances when information could be shared without violation. One deviation from other responses was that there were exceptions for FERPA: information could be released without student authorization and rights were not violated. Administrator Two reported, “I think that there are some gray

areas and I'm still not as well versed but I think there are situations in terms of harm to the student that we can share some information." The administrator admitted that while he could not provide details, information could be released without violation of FERPA in the event of student harm or safety issues. One of the faculty also dissented from the other responses explaining another exception when information could be released without student consent as information could be shared with the governing body for the institution. A staff member dissented from the others explaining that there was an exception for the release of information to parents when students are selected for verification for financial aid purposes. The staff member indicated that she could talk to the parent because the parent had to provide information. Furthermore, communication was limited to the financial and tax information provided by the person.

Barriers

The participants were asked to identify issues with communication or information needed to alleviate confusion with FERPA. Barriers with communication and the right to privacy emerged. Three of the six participants provided issues and barriers with communication. Two of the six participants offered suggestions while four identified no information that would improve their understanding of FERPA. One of the faculty professed "I'm not confused about the policy at all," as she explained she used her resources such as the registrar when she needed information. The administrators indicated no barriers with communication of the right to privacy, as resources are available. The barrier was the willingness of people to seek information that has been made available. Conversely, a faculty participant determined the availability of information to be a severe barrier. The faculty member attested that "lack of knowledge is a huge barrier." The

faculty explained that because of the lack of knowledge, she was uncertain and concerned with “what is truly accurate and if what our understanding is when we are really trying to be respectful of information and sharing information and honoring privacy if we are even correct in our practices.” In this way, the faculty explained that not having the necessary knowledge about the policy can truly be a barrier in instances when you have information that could be of help to the student but do not share because you fear violating FERPA. In dissent, one of the staff reported no barriers as the communication and the right to privacy was “pretty clear cut.”

Identification of barriers in communication from the perspective of the faculty and staff participants was split as one faculty and staff found no barriers while the other faculty and staff identified barriers. Administrator One expressed that while there were no barriers in communication, people created barriers “by not reading, or by not going to the website, or by not seeking the information out for themselves.” Administrator Two acknowledged that the means for communication created challenges as people expect to receive information through a particular means. The outlier, as institutions becoming more technology based, some individuals prefer operating in a paper based society and still expected to receive things in the mail or having something in front of them, which creates challenges. One of the staff discussed not being able to discuss information pertaining to serious matters such as when students have lost financial assistance eligibility to parents as a barrier. The staff reaffirmed that parents sometimes do not understand that FERPA requires student consent while the other staff affirmed that FERPA rules were strict.

Given the barriers in communicating FERPA, faculty, staff, and administrators propose information that may be helpful in alleviating confusion with FERPA. Administrators suggest the FAQs or Frequently Asked Questions would assist to dispel confusion about FERPA. The administrator clarified his interpretation of FAQs not to mean basic questions but to include questions and solutions for real situations. The administrator purports that information addressing real life scenarios would assist understanding they can apply what they have learned. A faculty representative suggested a refresher or webinar and further explained that her disposition is from the standpoint that FERPA is understood and not thrown around. The outlier was that an administrator, a faculty member and a staff member were not able to identify any information that would be necessary to decrease their confusion. One of the staff expressed that there was no confusion about FERPA with her staff. Conversely, the other staff member suggested reaffirming that the policy is understood and reiterating the ramifications of FERPA.

Institutionalization and Implementation of FERPA Policy by Stakeholders

The second research question was devised to interpret how the right to privacy has become institutionalized and implemented by faculty, staff, and administrators at a Midwest HBCU. The research questions sought to establish how the faculty, staff, and administrators transfer policy into practice. The implementation and institutionalization aspects outline how institutions use what is known about policy and how what is known becomes practice. The institutionalization explained how the faculty, staff, and administrators develop their practices. Information was analyzed about how the faculty, staff, and administrators incorporate their knowledge of the right to privacy to build and implement policy. As the faculty, staff and administrator responses were analyzed, the

most common themes training, practice and barriers were evident. In addition to the most common themes, several other themes such as understanding of FERPA, institutional culture, influence, experience and consequences emerged.

Understanding of FERPA

Faculty, staff, and administrators at a Midwest HBCU understand the purpose of FERPA. The faculty, staff, and administrators are stakeholders and policy users and are expected to implement and enforce the policy. An administrator explained that because FERPA is a federal policy, stakeholders must ensure institutional compliance. As stated by Administrator One, “FERPA is one of those federal policies that we must adhere to.” Each of the participants understood FERPA to provide rights to students as the faculty, staff, and administrators referenced confidentiality, privacy and protection of student information. Administrators understood that students have the right to privacy and the purpose of the law is to protect students and establish the right to know and information that cannot be shared. FERPA treats students in higher education as adults, therefore, parents or anyone else have rights to information. The staff understood FERPA to protect student information. The staff explained that the institution’s policy required written consent from the student prior to disclosure to a third party.

Institutional culture

An administrator explained that the Midwest HBCU has become an institutional culture of FERPA using the law by practicing the confidentiality as people come to know what FERPA means. Institutional culture in this context implies that although people may not know the acronym, they know it means privacy and confidentiality, reminding people

to be precautionary. FERPA's institutional culture relies not on one individual or department but on the entire institution to influence the policy.

Both administrators expressed that using FERPA on an informal basis raised awareness of the rights to privacy and subsequently formalizes the institution's policy. An administrator's perspective was that institutions were expected to adhere to FERPA, as it is a federal policy. No one influenced the policy as everyone is held to federal regulations. "Just as institutions are expected to adhere to federal policy about student aid," Administrator One proclaimed, "We got to follow the same type of demeanor or attitude in terms of FERPA."

The administrator took a stance, attesting that her primary purpose was "to uphold academic integrity." In this way, the administrators attempted to elevate the urgency of FERPA to a more commonly known element of federal policy, student aid regulations, to increase awareness of FERPA. The other administrator supported the idea adding that becoming an institutional culture of FERPA increased profiling for the right to know. Acknowledging the small school culture, Administrator Two stated, "The advantage of it is that we know people's roles." In addition, the administrator compares the culture "at a larger school you may not know the individual so you may not know what their role here is."

Faculty complemented the administrator interpretation, stating that the policy is about confidentiality and the right to privacy. Faculty reinforced that FERPA policy explains who information can or cannot be shared with and what information can or cannot be shared. Faculty also explained that FERPA includes processes and procedures for sharing and/or not sharing information. One of the staff provided some detail about

whom and what can be shared, explaining that information cannot be shared with third parties without written authorization. The staff elaborated by adding that the institution's policy is unique in that there was an exception to the information that usually cannot be shared. The exception was that when parents are selected to provide tax information for financial assistance verification, there is certain information that can be shared. As explained by Staff One, "We can talk to the parent about that information because they had to provide it."

Influence

The faculty, staff, and administrators identified several entities, departments and individuals with influence. An administrator compared FERPA to federal student aid, as both are federal policies that institutions are expected to follow, further stating that no one individual influenced the policy. The faculty included that while the institution's policy is to enforce confidentiality for students, protection of records and information, the academic affairs and registrar departments reinforced the policy while faculty assisted to influence the policy. The staff reported that influence begins with vice presidents and executive directors, and then moves through other directors and department heads. While administrators, staff, and faculty commonly agree that FERPA is institution wide, a staff participant expressed that the Department of Education also influenced the policy.

The participants interviewed had different responsibilities for FERPA but a commonality in having a role with implementing FERPA. All had a role in ensuring that the policy was known and enforced. The administrator role was to provide leadership, make information available, ensure that others adhere to the policy and resolve issues. The role of the faculty in implementation was to communicate the policy to faculty under

their purview and enforce the policy within the department. Staff had the role of implementation of FERPA with staff and students ensuring that both understand FERPA and enforcing the policy.

Two of the participants, in explaining their roles, recalled reminding others not to talk about student situations in public accounting experiences. One of the staff used an analogy of visiting a hospital and the noticeable sign says not to talk about patients as others can hear. One of the faculty recounted reminding other faculty not to share personal information disclosed by students when discussing students.

Training

One commonality in faculty, staff, and administrators was that they had knowledge of FERPA. The conformity was that four of the six participants indicated that they had practiced the policy prior to their position with the Midwest HBCU. The nonconformity was that two participants indicated they learned about FERPA after joining the Midwest HBCU. As one participant recalled her inception of FERPA through the institution's faculty institute, the other indicated that she learned about FERPA upon hire.

One of the faculty participants reported that while she learned about FERPA prior to working for the Midwest HBCU, she became aware of the right to privacy in working with individuals with disabilities and her responsibility for their confidentiality. The faculty member recalled that while she was familiar with the right to privacy at that time, she did not know the acronym. The faculty associated her learning about privacy and the policy for education records with privacy of medical records. Further, explaining that while she sometimes confused FERPA with the Health Insurance Portability and

Accountability Act or HIPAA as she affirmed that both applied to sharing and dispersing of confidential information.

One of the administrators admitted while he learned about FERPA prior to joining the Midwest HBCU, there had been times he violated FERPA. The administrator recalled several occasions that he shared information with parents without knowing that he was violating student rights to privacy. He explained that early in his career, he assumed that the only way he could help students was to inform parents what students were doing. The administrator attributed his knowledge about FERPA with his experience and his realization that students are adults. The administrator recounted an experience while at another institution where the institution stopped mailing report cards to students and converted to electronic grade reporting. The quagmire was the realization that information would not be released without authorization from students from parents who were not given access to student grades. The transition brought FERPA to the forefront and became practice for the administrator. In this way we see two participants, faculty and administrators, both account specific experiences to their learning with FERPA.

Faculty, staff, and administrators believed the best approach to implementing policy and adaption by faculty and staff was ensuring that people understood the policy. The administrators believed the best approach was to ensure that information is accessible and by comingling FERPA with other practices. The administrator suggested using other opportunities to include peripheral discussion about FERPA. The administrator also suggested informing people about the gray areas of FERPA, as some people may be familiar with the black and white areas. The administrator expounded on his perspective, “What other areas in which you can, I don’t want to say violate FERPA,

but what are the other ways you can still give information and still be in compliance.” In this way, the administrator elaborated on the gray areas as he considered what was needed to implement policy and what people needed to be educated or trained.

The faculty suggested the best approach would be to ensure involvement of others during the implementation process. As claimed by Faculty Two, “My belief in the best approach is to make sure that everyone that’s involved in the process is shared the information about the policies.” As substantiated by another faculty member, given involvement and input people may be more likely to adapt and adopt policy. Involvement allows people to take responsibility for enforcing the policy. As declared by Faculty Two, “If we have some input and we adapt this policy, people are more likely to really kind of follow up and make sure the policy is implemented.” Faculty One suggested that information about the policy be shared and provided an example by outlining information she perceived to be important in implementing the policy. The faculty member expressed that those involved needed to know “whether it's secret, this is the background, this is how it originated, this is why it is important, this is who it affects, this is why it affects them and this is what we need to do to be in compliance.”

The staff encouraged a strict approach to implementing policy and no-choice options for users. In support of the strict approach, Staff One expressed the seriousness of the policy stating, “There’s just no if ands or buts about it, that’s how important FERPA is.” Staff Two suggested that there was less risk for information being leaked when others accepted the policy. To encourage adoption by faculty and staff, the faculty suggested that faculty and staff be informed about why FERPA is important and what FERPA affects. Additionally, the staff alluded that when others buy in or accept the policy,

student rights are protected to the fullest. The staff signified that given the severity of policy, FERPA must be implemented with all seriousness. The staff participants suggested that strict implementation was the best approach to adaption and adoption, while the faculty and administrators perspectives were more inclusive and interactive. Noticeably, there is discontent with the approach to implementation. The participant's department may in spite of the type of information maintain the difference and the level of protection required. The difference in the perspectives of the staff may be in light of the staff having more interaction, daily as indicated by the staff, with third party requests than faculty and administrators.

Practice

To interpret institutionalization of the right to privacy, the faculty, staff, and administrators were asked about their practices. They have incorporated the right to privacy with their departmental practices and processes. The administrators ensured that records were not easily accessible to people that did not have the right to access them. The administrators credited the staff for upholding FERPA. Administrators ensured that people seeking access only have access to information they need, while the staff ensured that they verified consent for those requesting information and they only receive information that they are authorized to release. As a result, the administrators explained that they have aligned the right to privacy and institutional culture.

The administrators, faculty, and staff have integrated FERPA with their practices by ensuring that records and information are secured, protected and locked. One of the faculty stated that it was common practice to remind faculty not to leave information on desks but to keep information locked and to destroy or return to students information they

are no longer using. The faculty explained that it was common practice to share students with other department members.

The faculty incorporated privacy and confidentiality in their interactions about student information. The faculty members have made it their practice to be mindful, incorporating privacy by not sharing too much information. While the faculty may discuss the challenges they have with students, they withheld other sensitive information shared with them by students. The faculty practiced confidentiality by not using full names or other identifiable information when discussing their challenges with students.

The staff has incorporated the right the privacy with practice by using authorization forms which explain FERPA and allowing students to designate who and what information can be released. It was standard practice for the staff to retrieve and verify authorization to access when requests to access information are received by parents or others. The staff explained that it was their practice to not disclose information whatsoever if the person requesting the information has not been authorized by the student to access that information.

FERPA has impacted faculty, staff, and administrators practices involving students and protected information. FERPA has also impacted departmental functions and other processes. One of the administrators explained that student retention efforts were impacted by FERPA. As explained by Administrator Two, retention was a challenge for institutions and would be better supported by parents but FERPA prevented the disclosure of information. Administrators encouraged parents to have their students to sign FERPA waivers authorizing parental involvement. Staff acknowledged that FERPA had impacted the functions of their department in that misuse of private information or

sharing of information that should not be shared can cause adverse effects on students. Staff One expressed that it was unacceptable to discuss student information in public. The staff member provided an example stating that “no one should be in the hallway talking about a student’s personal business.” Acknowledging the adverse effects, the staff member warned, “People don’t like you knowing their personal and financial situations.” The Faculty acknowledged that FERPA had impacted their practices in that they had devised processes and procedures for disclosing information and had made it their practice to encourage students to willingly share information with the interested party.

Faculty contended that FERPA had influenced their practices involving students as they were cognizant of student rights and protective of the information their departments maintain. Faculty One explained that because of FERPA, “We have to be careful about the information that we have with students, about students, so we have to be mindful of the policy and that it exist.” In explaining the influence on her practices, Faculty One contended, “We try to keep information protected and make sure that anything we are sharing again is just for the purpose of what we need to do in our department.”

The faculty participant provided an example of a situation where student background information for internship or student teaching is found unfavorable. FERPA impeded the situation, as the faculty did not disclose the information with the receiving institution. The faculty member indicated that she had discussed the issue with another person in the department, with a need to know the information, to determine how to address the issue. Alternatively “we called the student in on a private basis,” stated the faculty member, and the issue was discussed with the student. The student was

encouraged to communicate the information with the potential placement. Faculty Two shared, “We just try not to overextend our ability to share information and we try to put the responsibility back on the students.” In retrospect, while they had the right to know and access information, they did not exceed their access or the student rights to privacy by disclosing the information.

The staff agreed that FERPA policy had impacted their practices but had not impacted their departmental processes. As sustained, the policy is a part of the department and therefore standard. The staff expressed that FERPA had made interaction with parents more difficult. Staff One stated “FERPA does makes it more complicated when parents think they should know information about their student.” The staff member provided an example dealing parent inquiries about financial assistance, student refund checks and parent plus loans and parents being denied access to information. She shared the parents claim, “But I’m paying for this or it’s a Parent Plus loan, it’s my loan or I’m the one that’s having to borrow it.” As evidenced by her response, “I can’t tell you that, you’re not the student,” the staff member was compelled by her responsibility to ensure the student’s right to privacy. In spite of complicated practices, the staff member explicated FERPA was standard stating “we’ve been doing it for so long.” The staff member explained that “it really doesn’t impact the functions of our department because it is a part of the department.”

Barriers

The faculty, staff, and administrators at a Midwest HBCU expressed challenges and barriers with the implementation of their institution’s FERPA policy. There were challenges with the size of the institution, parents, clarification and identification of who

and what can be shared and special circumstances when information can be released. The outlier was that one faculty and one administrator expressed no barriers or challenges. According to the staff, “FERPA is pretty cut and dry” and “there are no barriers as long as you follow the rules,” while a faculty member maintained that the policy worked without weaknesses.

One of the administrators expressed concerns with the information being shared that should not be shared as a result of casual conversation among staff, administration or the faculty. The administrators suggested that due to the size of the institution people may become lax or engage more in casual conversations about students. According to an administrator, people sometimes think it is okay to share information because the institution’s culture is that of a small family. The administrators reaffirmed that the family dynamic of the institution does not mean that information can be shared.

Another barrier was getting parents, notably those that pay tuition, to understand that information cannot be disclosed. Parents expected to access information because they paid the bill and were unwilling to accept their students’ right to privacy. Being that the institution is small people knew each other and parents may be acquaintances and friends of the faculty, staff, and administrators. The challenge was with parents thought they could call someone they knew because of the size and family culture to get information. As expressed by one of the administrators, “I think that because we are a small institution and that because we are a family institution that people may be a little lax with it and we have to remind them that just somebody calls us about their children we can’t just disclose that information.” In this way, the administrators reconfirmed the challenge presented by the family dynamic of the institution and the community.

Given FERPA requires protection of information, there must be a system to establish the identity of the person seeking the information. Not having a system in place to identify students over the phone has been a challenge in the implementation of the institution's FERPA policy. According to Staff One, "Actually the way that FERPA reads it shouldn't even be done by them giving you their social security number. It was supposed to be password protected." The staff member expressed the challenge was that the institution did not have the capability of identifying students over the phone. Making reference to occasions when the caller did not sound of the right sex, the staff gave an example of a situation, "when a student calls wanting information about their account, how do you that this is truly, the person is a student?" The staff confirmed that sharing information over the phone had been a challenge, as many institutions did not have identification systems in place. The faculty position on challenges was split between no challenges or barriers and the need for clarification. The nonconformity was that one faculty eluded that there were no challenges with the implementation of FERPA. Moreover, the need for clarification for instances when information can be shared without violating FERPA was identified.

Consequences

Knowledge of FERPA regulations and the consequences impacted user acceptance in implementing policy. The commonality was faculty, staff, and administrators agreed that while they may not be knowledgeable of the consequences in violating FERPA, they would rather adhere to the policy to avoid the adversity. As substantiated by Administrator One, "I'm not too familiar with the consequences of not following FERPA and I really don't want to find out what the consequences are so I just

make sure that we do what we're supposed to do." According to another administrator, his knowledge of the consequences was the guiding force to implementing policy. Administrator Two warned "we can seriously get in trouble by doing this and it's really disrespect to people when you share information that shouldn't be shared." The administrator acknowledged the realization that institutions could have serious issues if found in violation of FERPA. Notwithstanding, Administrator One protested "I know for me anytime if I do have a question to make sure that I'm not violating FERPA, I ask before I do it." In this way, the administrators affirmed that the consequences impacted implementation as people may ask more questions given they know that there is a risk for sharing information.

The faculty affirmed the significance of the consequences for violation of FERPA on the institution. Faculty Two elaborated on the extremity of consequences, clarifying "it's important that we follow this policy because it can have impact on the students as well as the university as a whole." Another faculty member recalled many instances having heard others discussing the consequences involving court and legal matters. Faculty One referenced hearing most people saying "I don't want to end up in court, you know getting sued." The staff suggested using best practices to determine when to share or not share information when implementing policy. Moreover, the faculty suggested that policy would be better adopted with more knowledge and understanding of the policy. The faculty approach of sharing the importance of FERPA was substantiated by the staff approach of reiterating the consequences and the dire impact on the institution.

Creating and Sustaining Knowledge with Stakeholders

The last research question attempted to interpret how the user's ability to create and sustain knowledge of students' right to privacy ensured key stakeholders compliance. The faculty, staff and administrator responses were analyzed to establish how the institution embodied knowledge into the institution's practice. Several themes emerged from the knowledge creation process. The themes most emergent from the key users were training, practice, experience, and barriers. In addition to the common four, a few others, interaction with parents and consequences emerged.

Training

The faculty, staff, and administrators at a Midwest HBCU believed that directors and administration were responsible for creating new knowledge about policy while learning was an institutional responsibility. While learning was the responsibility of the directors, various levels and departments were responsible for the creation of knowledge. As explained by Administrator One, "Depending on what the policy is, it's up to that particular department." The staff and administrators imparted that input from those with access to student information was necessary for institutional learning. For learning about FERPA policy, the responsibility was placed with administrators and the registrar.

The faculty proposed that the institution must create the environment for learning to create knowledge about policy. Creating policy is an institutional responsibility, thus involvement from people at all levels is required to ensure information is disseminated to create a knowledgeable workforce. One of the faculty members declared different levels, including everyone from food service to cleaning to the decision makers, need involvement in learning and responsibility for disseminating

information about policy. As suggested by Faculty One, “I think if you have a knowledgeable workforce then that will help, again create the environment that needs to be created around policies and the rights to know.” An administrator explained that there was a policy creation process for the faculty at a Midwest HBCU. Policy emanates from those responsible for implementation and is facilitated through a policy committee, a hearing, a vote and academic affairs approval.

The administrators, staff and faculty or their departments maintained or had access to student information. The administrators maintained electronic files and were responsible for offices that maintained student information. The faculty maintained departmental academic and grade information as found with the administrators, and some maintained electronic files. On the other hand, the staff maintained information that contained academic, personal and financial information such as social security number or tax information. The faculty and staff preserved their information by keeping it locked and secured.

Faculty Two explained, “For an institution I think we could be liable for a lawsuit in that we adapted this policy and that it is our responsibility to make sure that we uphold this policy and we put practices in place to ensure this policy is being upheld.” The administrators accepted responsibility for ensuring that the departments secured student information and for ensuring that access was granted on a need to know basis. The majority of information was maintained electronically through a password protected computer system. According to an administrator, student database access was a major protection concern therefore access was limited. An outlier was that one of the staff

divulged that her department's resources were limited in that they did not have keys for their desks.

Practices

The faculty, staff, and administrators were asked about the type of information maintained by their departments and the practices in securing information. They had access to student information. The administrators maintained electronic files and were responsible for offices that maintained student information. The faculty maintained departmental and grade information as found with the administrators, and some maintained electronic files. The staff maintained information that contained academic, personal and financial information such as social security number or tax information. The faculty and staff preserved their information by keeping it locked and secured.

The administrators accepted responsibility for ensuring that the departments secured student information and for ensuring that access was granted on a need to know basis. According to the administrator, student database access is a major protection concern; therefore, access is limited. As buttressed by the circumstances, Administrator Two substantiated "one of the major ways to control the flow of data was to limit access." Moreover, because a person has access to the student database does not mean they may access all information. Further, Administrator Two assured, "Dependent on your role in the institution you may have access to some but not all aspects of the student database. An outlier was that one of the staff divulged that her department's resources were limited in that they did not have keys for their desks.

The faculty, staff, and administrators expressed that they had departmental practices in place for sharing information with other faculty, staff, and administrators.

The faculty, staff, and administrators documented practices for sharing information with others by identifying what and to whom information could be disclosed. The administrators commonly agreed that information may be shared with key stakeholders. Conversely, the faculty and staff agreed that information could be shared on a need to know basis and if there were common issues with the student.

One of the faculty participants reported on the department's practice asserting that while information could be shared within the department, information was not shared outside of the department. The faculty member professed, "in fact, we don't discuss that information outside of that department with other faculty members." In retrospect, Faculty Two divulged that there may be a need for faculty to discuss student issues but in support of the facts cautioned against making judgment calls. In addressing the department's practice, the faculty justified "if we have a common problem or common issue with a student then we as a faculty would probably sit down and discuss that but we are careful not to make too many judgment calls and sticking to the facts of what has happened, what has transpired and so forth and then making sure that that information is confidential within the department."

The commonality was that administrators and staff reciprocated the faculty stance, maintaining that information outside of the academic need is not discussed. The administrator professed, "If it has nothing to do with academics then that information is not shared." The faculty professed that departmental practice was to share information on a need to know basis. The administrator explained the expectation of her department, "If it's not an academic issue, and if it does not involve key stakeholders then we have no reason to sit and talk about students, student records or other information." Administrator

Two contended that there are gray areas to FERPA or areas when there are exceptions to when and what information can be disclosed. The administrator explained that because people are not aware of the gray areas, “To err on the side of caution aspect some people do not share information that could possibly help students.” The gray areas with FERPA are a challenge as there are instances that information could and needs to be shared to assist students, but is not, for fear of violation or non-compliance. According to Administrator Two, “Because there are certain things that could perhaps be shared that can assist students in their student development and then we could have partnerships with other key stakeholders. But, because of the perception that certain information would break FERPA, we don’t share it and the student is the one who really loses out.” In this way, the administrator attempted to bring the gray areas to the forefront for practice with sharing information.

The staff intervened with its understanding that information could be shared with outside or third parties with someone within the institution with the need to know. As shared by Staff One, “Someone who works within the institution and who has a need to know the information and you deem it as appropriate it is perfectly acceptable to give information to that second party within the institution.” On the other hand, Staff Two explained that while it was her department’s practice to share information, “The only way that we will share things is if it’s in general nature.” In this way, although the sharing of information was limited to general information, the staff’s approach corroborated the practice of other staff member. As demonstrated, the faculty, staff, and administrators expressed departmental practices for establishing the need to know and sharing information.

Consequences

The faculty, staff, and administrators at a Midwest HBCU related the consequences of violation of FERPA in association with legal issues. Most perceived the consequences of violating FERPA to be lawsuits brought forth by students. The administrators cited that institutions could be sued for disclosing information without permission from the student. The faculty presumed that the consequence would be legal proceedings. The faculty perception of consequences discouraged them from non-compliant practices in an effort to avoid court and legal issues. One of the faculty made reference to repeatedly hearing about the consequences of violating FERPA and as a result equates FERPA with court proceedings. The nonconformity was that the staff perceived that the consequence of violating FERPA would be more elevated, individual and severe than those presented by the faculty.

The staff alleged strict enforcement of FERPA and consequences as severe as termination. One of the staff expressed that she had the right to terminate staff for intentionally violating student rights, for example taking home student information. On the contrary, another staff member perceived that with the first offense, FERPA should be reiterated with a reminded of the importance of the policy and another offense requiring additional training. A deviation in the assumptions was made by on the staff was that the institutions could be faced with fines if found in violation of FERPA.

Interaction by parents

According to faculty, staff and administration at a Midwest HBCU, FERPA had impacted interaction and communication with parents and students. FERPA impinged interaction with parents as information cannot be shared without consent from students.

While the faculty had some interaction with parents, administrators and staff regularly interacted and communicated with parents. Administrators were often asked for information, which they repeatedly explained that FERPA laws prevented them from disclosing information. Staff responded that they interacted with parents almost daily. One of the staff affirmed that FERPA impinged upon her interaction with parents, limiting the information that she could share. Staff One shared, “A lot of time if a parent calls and they don’t have or we don’t have permission on file to discuss that particular student’s situation I will give a generic a general overview.” As a result, the staff articulated generic overviews to assist parents in understanding without disclosing the student’s information. The staff member explained, “If I had a student in this situation this is what we would request of them, X, Y, and Z but without giving any details particular to that student, just a general this is what a student needs to do X, Y, and Z.” Staff One asserted that when interacting with parents, “I would tell them what they really need to do is have their child come in and fill out our form so that we can give information about financial aid out to them when they call or come in.” None of the participants indicated that they had no interaction or contact from a parent. Consequently, interaction with parents is regular and routine.

From the experiences presented by the faculty, staff, and administrators at a Midwest HBCU, each had been impacted by FERPA in that they all disclosed effort to explain to parents why information could not be shared. Some participants expounded on forms that granted parents or others access to information. One of the faculty affirmed that FERPA limited her communication as a practice, using caution and consequently not disclosing information. As explained by Faculty One about FERPA, “It interacts impacts

my communication because it makes me try to be more cautious. I try to err on the side of not giving information versus giving information.”

To provide an example, Faculty One shared an encounter with a parent that was upset and questioned the placement of their student for student teaching. The faculty member explained that while she chose not share the information, she clarified to the parent that the information was shared with the student. The faculty member signified that when questioned she told the parent, “Ma’am I cannot share that information with you, however, everything was shared with your student. They (students) know the policies and procedures, they have a handbook.”

Faculty Two shared an encounter where a parent was upset that the student had received an unfavorable grade. The faculty member declared, “I honestly had to tell the parent from the very beginning that I was not allowed to disclose any information about the student’s performance or grade with her unless we had written consent from that student giving us the right to share that information.” As the parent continued to pursue the issue, the faculty member reiterated the policy and the seriousness of the consequences for disclosing the information for the parent. She informed the parent, “I could in fact lose my job, so she understood.” The faculty member also encouraged the parent to speak with the student about the matter. In this situation, the faculty member found that the student had not been truthful with the parent about the grade expressing “the student was putting a little bit of the fault and blame on the instructor and so forth.”

The faculty found through interaction with parents that some students do not want their parents to know their information. Faculty One shared a follow up encounter with the student of to the encounter with the parent, “The interesting thing was the student

came up a couple of days later and apologized for his mom's behavior.” She explained the student’s apology as a result of the parent seeking information without consent. In this way we see the administrators and staff informed parents about FERPA and encouraged the parents to secure consent from the student. In spite of the frustrating encounters with parents presented by the faculty, the staff suggested avoiding the complaints. Given complicated interaction with parents, Staff One suggested “again you try to remain within compliance of FERPA but give out good customer service and not have parents complaining that they couldn’t get information.”

Experience

The faculty, staff, and administrators at a Midwest HBCU did not articulate their experiences as having improved their knowledge of FERPA. One of the faculty explained that FERPA had not improved her knowledge but the realization of the potential consequences had improved their knowledge of the policy. While the administrators revealed that while FERPA affords students the right to privacy, the faculty and staff conceded that FERPA is clear in the expectation of the right. According to faculty and staff, FERPA was required and therefore concurred that experiences had not improved their knowledge. The anomaly was that one of the staff’s experiences had not improved knowledge of the policy but knowledge had improved the experiences. Referring to her experiences, the staff member explained, “I wouldn’t say improved it because it’s a requirement that I know it. So, it’s actually the other way around my knowledge of the policy affects my experiences with FERPA issues.”

Most participants of the study encountered experiences where they were able to prevent a violation of student rights to privacy. The participants, having prevented a

violation, clarified their experiences with examples. An administrator shared he was asked for information by parents in which he provided general responses but encouraged parents to speak with their student. The administrator shared an experience whereas a parent inquired about the requirement for an appeal process while the student had a favorable grade point average. The administrator explained to the parent without sharing any student information that under usual circumstances a student with a favorable grade point average would not typically be required to submit the type of appeal required by the student in question. The administrator stated that responding with general responses encourages parents to seek more information from their student. Another administrator gave an encounter with a request for information from a student where she was unable to identify the student. She was unsure if she could provide the information without violating FERPA. The administrator used her resources by contacting the registrar for guidance in determining if the information could be disclosed and responding to the request.

The faculty gave an example of regular requests received by the secretary for copies of test scores and other information maintained by the department. One of the faculty expressed that the department was trying to be more proactive in ensuring student access and privacy. The faculty denoted that in some cases she agreed to release the information but when uncertain, she had sought guidance from the state education governing body. The staff addressed students' right to access information as their departments had experience with request by students to receive information. The staff concurred that students had the right to the information maintained about them. One of the staff suggested the use of caution when making notes about students as they have the

right to access the information. The outlier was that one of the faculty indicated that she had not encountered an experience that she was able to prevent a violation of a student right to access or privacy.

Barriers

The administrators, staff and faculty at a Midwest HBCU explicated obstacles and contention with FERPA policy in itself and at an institutional level. An administrator declared that her issue was not necessarily an obstacle but a contention explaining that the policy should allow for disclosure to third party payers. The administrators agreed that parents or others paying tuition for a student should be able to access any information. The other administrator concurred that a common obstacle was the transition of rights from parent to student when student matriculate from secondary to post-secondary education. In this way we see, the biggest obstacle or contention with FERPA as presented by the administrators was not having the ability to assist students as the policy presents sharing of information with parents that could potentially assist in the matriculation of students in vulnerable positions. Administrator Two described the biggest obstacle with FERPA stating, “So basically the transition from having access and the right to access the information into now we have these freshmen and now you no longer have access.” He also attributed the contention to “just the fact that’s the most volatile year that parents doesn’t know what’s going on with their children.”

One of the faculty identified obstacles with the policy not being clearly communicated. The faculty specified the need to know how FERPA impacts the institution and how to comply. The nonconformity was that both a staff and faculty participant expressed no contention with the policy. The faculty supported the legitimacy

of the policy being the interest of students and the university. One of the staff exemplified obstacles in implementation of the policy itself and contention with the institution's resources and her department's ability to maintain compliance. On the other hand, the other staff found no contention or obstacles but staff asserted that the policy had strict rules and guidelines. In this way we see, both administrators expressed obstacles with FERPA causes in communication with parents while the faculty and staff expressed contention with the implementation of the policy.

Summary

The purpose of the qualitative research conducted was to examine the impact of FERPA from the faculty, staff and administrator perspectives of how policy is communicated, implemented and learned in a Midwest HBCU to ensure compliance. The study examined the communication, institutionalization and implementation and knowledge of FERPA legislation. The study was conducted through interviews with six FERPA users from a Midwest HBCU. Data was analyzed for common and other themes for each area of the research. This chapter contained a presentation of the findings while the next chapter will present a discussion of the findings. In Chapter 5, conclusions to the study will be presented and includes discussion about the findings, recommendations, limitations, implications for practice and future research.

CHAPTER 5

FINDINGS, CONCLUSIONS, AND IMPLICATIONS

This chapter includes a summary of the study, findings, conclusions, recommendations, limitations, implications and future research. The summary presents a brief overview of the study. A review and explanation of the findings and discussion of the conclusions will follow the summary. Lastly, the chapter will present implications to address any issues identified and the rationale for future research. This study explored the institutionalization of FERPA with the element of analysis, to interpret how FERPA policy is communicated, implemented, learned and sustained to ensure institutional compliance.

Summary of the Study

The purpose of the qualitative case study was to gather information to interpret how FERPA is implemented, communicated and how users learned the policy in an effort to explain the impact of FERPA on a Midwest HBCU. The purpose of the qualitative study was to interpret how FERPA has become institutionalized at a Midwest HBCU. The research inquiry explored how FERPA policy was communicated, implemented and learned from the perceptions of faculty, staff, and administrators. The study examined the impact of FERPA on a Midwest HBCU through experiences and practices with privacy of information as it relates to the institution. This study explored familiarity with FERPA laws using administrators, staff, and faculty as the element of analysis, to interpret the understanding, implementation and application of FERPA regulations and policies. There were three research questions to be addressed:

1. How is FERPA information communicated to faculty, staff, and administrators at a Midwest HBCU?
2. How has the right to privacy become institutionalized and implemented by faculty, staff, and administrators at a Midwest HBCU?
3. How do intended FERPA policy users create and sustain knowledge of student rights to privacy to assure that all key stakeholders are in compliance?

The sample included six participants with roles in the implementation of FERPA policy at a Midwest HBCU. The participants included two faculty members, two staff members and two administrators. The information gathered from interviews was analyzed as themes emerged.

Findings

As the information gathered was reviewed, there were several areas with consistent and or inconsistent responses. As the data was analyzed, there was a return of nine themes that were identified. As data was triangulated, commonalities were identified in more than one research question. Further, the findings are presented by theme.

Training

The faculty, staff, and administrators at a Midwest HBCU have received training from many extensions, notably they cited several different resources. According to the faculty, staff, and administrators, training was provided through both formal and informal channels. Formal methods include policies and procedures. The informal methods include situations where FERPA is applicable and can be shared as a lesson. One of the administrators indicated that through informal training, the intent was for faculty and

staff to receive information and connect the experiences with FERPA. In this way, the faculty and staff may apply the lessons to their own experiences. FERPA information is available through many channels, electronically and manually, including websites, bulletins and brochures and other information available in the registrar's office.

Four of six participants had received FERPA training prior to joining the Midwest HBCU. Those with prior knowledge of FERPA indicated that they used those experiences for training. Notably, one of the participants shared how he had violated FERPA and used the experience for training. The participant disclosed information to the wrong parent and uses the experience to signify the importance of not disclosing information without the required consent. Subsequently, another participant expressed that she shared her experiences as training tools for new hires. The faculty, staff, and administrators reported that training was the responsibility of the department heads and the administration. Conversely, learning was an institutional responsibility. For training, the faculty shared the importance of creating the environment for learning.

Practice

As institutions are charged with aligning FERPA policy with FERPA practice, the theme of practice emerged. Notably, the faculty, staff, and administrators reported that their practice for communicating information was through policies and procedures. Further, they used their practices in communicating their policy. Incontestably, each group vowed a practice of not sharing information without consent from the student. The administrators shared the institution's practice of limiting access to the information available to those accessing information. One of the administrators shared the institution's practice of monitoring and limiting access to the student information.

In noting the institutionalization of the right to privacy, the faculty, staff, and administrators cited that they had adopted practices and processes in their departments. The staff noted their practice for verifying student consent for authorization before sharing information. Also noted was the administrator's emphasis on the practice of using information for the purpose that it was primarily intended. In this way, all the participants signified the protection of student information and access to information in their practices for communicating FERPA.

The faculty, staff, and administrators also expressed the impact of the FERPA laws on their practices. The reality that some student issues would likely be assisted with the involvement of others elevated the seriousness of FERPA's impact on practices. One of the administrators expressed stress with the inability to include parents in student retention efforts. FERPA impacts student retention efforts as FERPA limits practices involving student information. The faculty, staff, and administrators duly noted application of their experiences to practice. They implied that they shared their practices promoting the creation of knowledge for others. Notably, while FERPA impeded and impinged practices, the faculty, staff, and administrators had additional practices that would lessen the impact. The faculty, staff, and administrators expressed their practice of encouraging students to sign authorization forms. In addition, one of the faculty members had made her practice to encourage students to share information willingly.

Experience

The faculty, staff, and administrators recounted experiences with third party requests. The faculty, staff, and administrators had significant roles in maintaining student information and therefore had experience with many types of requests. With the

exception of experiences with students, the most commonly shared experience among the participants was requests from parents for information. In commonness, the faculty, staff, and administrators shared that in their experiences, parents believed that they should be able to access student information. In discussing experiences with third party requests, one of the administrators shared that he used FERPA to redirect requests from parents. In this matter, the administrator conveniently used FERPA to not share information but also to aid parents in understanding the regulations.

The faculty, staff, and administrators denoted that they used their experiences as a means to communicate the policy. One of the administrators shared that he used his own experience with violating FERPA and the lesson learned as a communication tool. Not only did the faculty, staff, and administrators use their experiences for communication, but they used them for training and learning. A faculty member shared that she used her experiences to train new faculty and to sustain their knowledge about FERPA, citing the tendency to forget what had been learned. Notably, one of the participants offered a reversed perspective in how experience had impacted knowledge. The staff member articulated that her experiences had not improved her knowledge but that her knowledge improved her experiences.

Barriers

The faculty, staff, and administrators agreed that there were barriers in the communication, institutionalization, implementation and knowledge about FERPA. Half of the participants suggested that there were barriers in the communication of the policy. Notably, the administrators were able to identify no barriers in the communication of the policy as they ensured that information was accessible. The administrators cited that the

barrier was not with communication but with people's willingness to access the information that had been made available. It should also be noted, the participants that expressed no barriers cited that they used their resources to eliminate barriers. In this way, one of the faculty members cited the registrar's office as her resource for information. On the other hand, the other faculty member cited that communication and the lack of knowledge of FERPA was a huge barrier.

The faculty, staff, and administrators expressed challenges with the implementation and institutionalization of FERPA. The participants expressed that the family-like dynamic of institution's culture created barriers and presented challenges as people thought they could access information because they knew someone. FERPA in itself presented barriers for the administrators, staff and faculty as FERPA limited your actions in helping students and hindered involvement of others to assist students.

Institutional Culture

The culture represented how policies are institutionalized for practice. The culture of an institution impacts how they implement policy. The institutional culture of the Midwest HBCU was local in that the stakeholders including community and parents were familiar or acquainted. As explained by an administrator, the Midwest HBCU was an institutional culture of FERPA as people had come to know FERPA through practice. The institutional culture raised awareness of the right to privacy. Institutional culture of FERPA purports that people recognized the right to privacy but may not have known the regulations or the acronym. Being an institutional culture of FERPA, everyone was held to the federal regulations and expected to comply.

Understanding

The faculty, staff, and administrators understood the purpose of FERPA. They understood that students in higher education were considered adults and moreover had the right to privacy. The stakeholders understood that FERPA was a federal policy and therefore required institutional compliance. Notably, one of the administrators expressed that the stakeholders embraced the policy. The stakeholders understood that FERPA was simply a policy that everyone heeded and adhered to.

Influence

While there was no one individual that influenced the policy, the stakeholders influenced the policy. The faculty, staff, and administrators identified several entities with influence. All of the participants of this study had some role of influence with FERPA policy. The administrators role was to provide leadership and ensure institutional compliance, while the staff and the faculty's role was to implement and communicate the policy. Notably, as expressed by one of the participants, the Department of Education also influenced the policy.

Interaction with Parents

The faculty, staff, and administrators expressed that they had some type of interaction with parents. FERPA had impacted and limited their interaction with parents in that they were limited in the information that can be shared. The faculty, staff, and administrators indicated that it was their practice in interacting with parents to encourage parents to secure consent or the information requested from students. Notably, the staff indicated that they had almost daily interaction with parents. One of the staff indicated that although FERPA impeded interaction with parents, she used alternative solutions

such as articulating generic situations to assist a parent without actually disclosing student information. All agreed that interaction with parents required consent from students, however, one of the staff perceived an exception for interaction of parents. The staff member alleged that given a parent provided tax and financial information, limited information could be shared.

Consequences

The faculty, staff, and administrators commonly agreed that while they may not know all that they need to know about FERPA, they would rather avoid the consequences. The stakeholders recognize the seriousness of noncompliance, as the consequences did not impact an individual but the institution as a whole. The stakeholders associated the consequences for violating FERPA with legal issues. The stakeholders perceived consequences to include lawsuits, court proceedings, fines and termination.

Conclusions

Because institutions are required to comply with FERPA, administrators, faculty and department leaders are expected to have processes and practices that are in accord. Qualitative data was gathered and analyzed to interpret how FERPA has become institutionalized at a Midwest HBCU from the perspectives of the faculty, staff, and administrators. Detailed conclusions about how FERPA was communicated, implemented and learned by faculty, staff, and administrators were presented. Findings and interpretations of FERPA will be outlined in this section. There were three research questions addressed by the study and further the conclusions intended to respond. The following research questions were addressed:

1. How is FERPA information communicated to faculty, staff, and administrators at a Midwest HBCU?
2. How has the right to privacy become institutionalized and implemented by faculty, staff, and administrators at a Midwest HBCU?
3. How do intended FERPA policy users create and sustain knowledge of student rights to privacy to assure that all key stakeholders are in compliance?

As a result of the information collected and the results presented by the nine themes, three of the themes were more common with all three research questions. Although not identified in all three research areas, three secondary themes were identified in two research questions. There were three other themes that were found in a single research question.

Communicating FERPA Policy with Stakeholders

Five themes emerged from the interviews with the faculty, staff, and administrators at a Midwest HBCU and the information collected. As found with the results of the interviews, three common themes, training, practice and barriers and two secondary themes, experience and interaction with parents emerged. The themes were used to conclude how FERPA information was communicated from the information gathered from stakeholders.

Communication was essential to disseminating information critical for stakeholder understanding to ensure FERPA compliance. Per the perspective of stakeholders was that FERPA was communicated both formally and informally. Information was accessible to stakeholders both electronically and in print.

Communication facilitates institutional learning about policies whereas people can incorporate information to fit their own understanding enhancing decision making behavior (Preskill and Torres, 1999). The conclusion was that communication and impacted their practices, experiences and interaction with parents.

The faculty, staff, and administrators provided several channels for communication. Although having many channels establishing how FERPA is communicated may be advantageous, the inconsistency may be questioned. Dissonances in stakeholder responses lead to the conclusion that while information was distributed through many channels, some people may not be receiving the information. Hence, we see one faculty having indicated that she had not received any training while other participants made mention of training upon hire, faculty institutes, Department of Education, institutions website and other channels.

Institutionalization and Implementation of FERPA Policy by Stakeholders

Seven themes emerged with the data collected regarding the institutionalization and implementation of FERPA policy. The primary themes, training, practice and barriers, and one secondary theme, consequences, were evident in the data. In addition to the primary and secondary themes, there were three other themes that emerged, understanding of FERPA, institutional culture, and influence. Stakeholders drew the following conclusions about the institutionalization and implementation of FERPA.

The faculty, staff, and administrators at the Midwest HBCU understood FERPA, but the institutional culture was the driving force in the institutionalization and implementation of policy. Shrader et al. (2008) attested that the institutionalization process required that research and service-based learning be adopted and practiced by an

institution's community. The significance of the institutional culture of the Midwest HBCUs was due in part because the institution was small in enrollment size, the stakeholders knew people, parents and others roles. Yet, the institutional culture sometimes presented challenges. The institutional culture of the Midwest HBCUs sometimes presented barriers because the institution was small, people thought that they could access information because they knew people. In conclusion, stakeholders must align the institutional culture and practices with FERPA policy.

While the faculty, staff, and administrators had a role in enforcing and implementing FERPA, there was no one individual responsible for the institutionalization and implementation of FERPA. All the stakeholders influenced the policy. The stakeholders were responsible for implementing the policy and played a significant role in what is known about policy and how what is known becomes practice. The faculty and staff are policy users. Given the stakeholders responsibility for the policy, FERPA and its consequences had influenced their practices. The stakeholders may not have been fully aware of the consequences but they wanted to avoid them. Per the stakeholder perspectives, the best approach in implementing FERPA policy was involvement from others and ensuring that others understood the policy, gray areas and consequences.

Creating and Sustaining Knowledge with Stakeholders

Six themes became evident in analyzing the data gathered from the stakeholders regarding creating and sustaining knowledge. There were three primary or common themes, training, practices and barriers and three secondary themes. The secondary themes included consequences, interaction with parents and experiences. The themes

were used to conclude how intended users created and sustained knowledge of the rights to privacy to ensure compliance with key stakeholders.

Based on the stakeholder perspectives knowledge was created and sustained through training, practice, experience and interaction with parents. The stakeholders were responsible for departmental practices that secured information protected by FERPA. Knowledge creation of FERPA policy requires a recasting of commitment to student rights and action taken to ensure privacy and what is understood but not easily explained about the regulations (Nonaka & Takeuchi, 1995). Moreover, not only having the essential knowledge but also the ability to interpret and explain, whereas others may learn and retain, was necessary. From the information presented by the participants, the stakeholders understood the policy and made an effort to ensure that others understood the policy. This conclusion was evident in the stakeholder attempts to explain the policy to parents why information could not be disclosed and the stakeholders encouragement of the parents to secure consent from students.

Another conclusion is that the implementation of FERPA was impacted by the consequences. Even though some of the stakeholders did not have a clear understanding of the consequences, they knew that they wanted to avoid them. To ensure compliance, institutions must create the environment for learning. Nonaka and Takeuchi (1995) attested that no one person or group assumed sole responsibility for new knowledge creation as responsibility lied with all parties involved. The stakeholders are responsible for learning and creating new knowledge. Yet, the roles and responsibilities of faculty, staff, and administrators in implementation must to be defined. Another conclusion is that the staff and administrators had created the environment for learning because they were

able to articulate generic overviews or scenarios to assist students and parents without violating FERPA. Stakeholder abilities to use their knowledge to create scenarios are evidence of the conversion of explicit to tacit knowledge.

Recommendations

As evidenced by the information received throughout the course of this study, FERPA has impacted the Midwest HBCU. There were some areas expressed by the stakeholders as concerns, further recommendations were provided to improve FERPA practices. The faculty, staff, and administrators found interaction with parents to be challenging as parents sometimes did not understand the policy or became upset. The institution may consider customer service or other training to assist the stakeholders in their FERPA practices with parents. Customer service training could potentially improve experiences and interaction with parents.

As also found throughout the data analysis, the stakeholders discussed encouraging parents or students to complete consent forms to share information. Some of the participants expressed dissent with the law and they felt that parent involvement would improve student success. Institutions may attempt to close the gap between parent involvement and student success by bringing FERPA to the forefront. The institution may introduce FERPA and consent near the beginning in the student enrollment process. Early in the process, students may be more welcoming of involvement from their parents, prior to negative or other information that students typically would not want their parents to know. Also in an effort to avoid conflict, the institution may also want to include additional information about FERPA in the packets of documents provided to parents.

Limitations

There were limitations with the study and the information gathered from the study. The primary limitation was that data was gathered from one institution. Given only one institution was the object of the study, there are no other institutions to compare the results. The study may have yielded additional or different results had other Midwest HBCUs been included. Another limitation was that data was gathered from six participants. The study may have yielded different results had additional faculty, staff, and administrators participated. While there were limitations, the limitations did not compromise the data that was presented by the six participants from one Midwest HBCU.

Implications

The study provides implications for HBCU practices. There has been limited information available about the right to privacy from the HBCU perspective. There has been research conducted about how FERPA is communicated and implemented but research has been limited with the institutionalization of FERPA. The research study may be applicable to practice or future research in that there remains to be more to explore. The study sought the perspectives including experiences and practices of FERPA stakeholders that can be used to stimulate additional discussion with other FERPA users. The study also can be used as an evaluative tool to help institutions identify areas in the implementation, and knowledge creation processes that may need clarification or improvement. The research is applicable to future research about FERPA's impact on other HBCUs or the comparison of HBCUs and other institutions.

Future Research

Based on the findings and conclusions of this study, the following recommendations are made regarding further study:

Research should be conducted to examine the application of impact of FERPA and how parents interpret and understand the policy. In focusing on the impact of FERPA on the HBCU, there is a need for additional research to be conducted of institutions of other enrollment sizes. Research should be conducted to examine the impact of FERPA on HBCUs in other geographic regions or comparing institutional data. Another interest may be to interpret the understanding of FERPA and the knowledge creation process from the perspective of HBCU adjunct faculty and support staff. A final suggestion for future research is to determine the frequency of FERPA violations for HBCUs and resolutions imposed or consequences cited by the Family Policy Compliance Office.

Summary

This qualitative case study at a Midwest HBCU was introduced with an overview of how the right to privacy as FERPA was established and has been studied. Information was gathered for the purpose of interpreting the stakeholder perspectives about FERPA. Faculty, staff, and administrators were the element of analysis with the focus of the study was to interpret the institutionalization, implementation, communication and knowledge creation of the right to privacy. Relevant literature about each including a brief history of HBCUs to provide of significance for the institutional culture was organized for the study. Stakeholders were interviewed whereas the data was analyzed and interpreted for nine themes, some reciprocated throughout each research question. The research

concludes with this chapter outlining key findings as presented in the data and conclusions.

Appendix

Interview Protocol

The study examines the impact of FERPA on a mid-west HBCU through experiences and practices as well as written policy about privacy of information as it relates to the institution. This study explores levels of familiarity with FERPA laws using administrators, staff, and faculty as the element of analysis, to interpret the understanding, implementation and application of FERPA regulations and policies. The following research questions will be addressed:

How is FERPA information communicated to faculty, staff and administrators at a mid-west HBCU?

1. From whom and to what extent is FERPA training received? Are you familiar with where you may access information?
2. Considering your practices for communicating, how is information (FERPA or other policy) distributed to your faculty or staff?
3. How is information pertaining to students communicated to those having authorization to access or others with legitimate interest?
4. What has been your experience with sharing student information to third parties?
5. How do you apply your experiences to communicating institutional policy?
6. Are you aware of exceptions when information may be communicated to parents or others?
7. Are you able to identify any barriers with communication and the right to privacy?
8. What information is necessary to improve your clarity or alleviate confusion with FERPA?

How has the right to privacy become institutionalized and implemented by faculty, staff and administrators at a mid-west HBCU?

1. What is your understanding of the purpose of FERPA? Explain your institution's policy and who influences the policy.
2. When you started working here, how did you learn about FERPA?

3. What is your Department's responsibility regarding FERPA and your role in implementation?
4. How have you incorporated the right to privacy with your departmental practices and processes? What is common practice for maintaining, accessing or disclosing information?
5. Are you able to identify any barriers or challenges in the implementation of your institution's FERPA policy? What weaknesses are there in your understanding of FERPA?
6. How does your knowledge of FERPA regulations and consequences impact your reception to implementing policy?
7. How has FERPA impacted your practices involving students and protected information of your and the functions of your department?
8. What is your belief for the best approach in implementing policy adaption by staff/faculty? How has FERPA been adopted by your faculty and staff?

How do intended FERPA policy users create and sustain knowledge of student rights to privacy to assure that all key stakeholders are in compliance?

1. Who is responsible for learning and creating new knowledge about policy?
2. What type of student information do you/your department maintain? How have you used available resources to improve practices for securing and protecting information maintained by your department?
3. What are the perceived institutional consequences for violating FERPA?
4. How does FERPA impact your interaction and or communication with parents or students? Can you recall an experience where you asked by a parent for information?

5. What is your department's practice for sharing information about students to other faculty staff or administrators?
6. How have your experiences with FERPA issues or concerns improved your knowledge of the policy?
7. Have you encountered an experience when you were able to address and prevent a violation of a student's right to access or nondisclosure?
8. What is your biggest obstacle or contention with FERPA policy?

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