



## Student Data Protection on LMS

### Question:

What steps does your college or university take to protect student data when faculty engage the services of third party vendors? The biggest concern is when faculty use an LMS other than the one designated by the university, i.e., one provided by the textbook vendor, so that grades and other information may not be secure.

- Beth René Roepnack, Ph.D., Associate Director of Online Faculty Development, UWG | Online
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### Answers:

For the big vendors/publishers, we have signed agreements to cover things like FERPA, accessibility, etc., even if the integration/product is free, as was the case with Pearson, McGraw-Hill, Cengage, W.W. Norton, etc. We are now working to capture more of the free/freemium tools/services (e.g. VoiceThread) in the process as well.

Our current process really only comes into play when departments are purchasing software/services, so we are expanding that to cover the free/freemium services as well (again, like VoiceThread). The revised process involves IT first running through a checklist of items covering areas from FERPA, to how data is stored, as well as support issues. They then consult with our instructional design group—here at the Center for Teaching and Learning—to determine whether or not the tool is functionally distinct enough from our currently supported tools to warrant continuing with the approval/agreement process. Next, they consult with our accessibility group. Finally, if needed—based on the checklist I mentioned earlier—they will involve our purchasing group. Purchasing will draft a standard agreement, and will review any terms of service agreements to which users must agree before using the tool.

Often the hang up is with the latter, as we find that there is verbiage in these terms of service agreements that is out of compliance with state laws/policies (e.g. indemnification), so we've asked companies to change this verbiage before we approve the use of the tool. Some are willing to do so, others have not



been. If they are not willing to change it, obviously, we cannot approve the tool/service, but we will inform instructors of this, just so they know that it is the company that has prevented us from moving forward.

Once the tool has been approved, we plan on adding it to a directory of compliance-approved, but unsupported tools. In that way, instructors will have an easy reference to consult, when they are looking to incorporate such tools into their courses. It will also be a nice reference list to show them what kinds of tools are available to them, saving them from having to do a bunch of research on their own.

This is all in the very early stages and is very much a work in progress. Our goal is to make it as unobtrusive to instructors as possible, but also to ensure that we are compliant.

- Eric Mosterd, Assistant Director, Center for Teaching & Learning, The University of South Dakota

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We are a 3rd party who consumes information like LMS data to help schools identify students who may be at risk. When we engage with a school, if they don't already have some sort of a standard agreement about data, we offer up a Data Sharing Agreement. This has a few points to it:

- First, it acknowledges that we are an agent of the institution which allows us to access student data and not be in violation of FERPA
- It says that we won't do anything with the data other than use it for our agreed purposes (no selling to 3rd parties or marketing to students)
- It also makes an exception for research studies that are done in coordination with the institution

One additional suggestion. In addition to making sure the data are safe, you might want to make sure that contractually, you (the institution) have access to the data. Some vendors make it difficult/impossible for you to get the data back. I'd suggest putting wording in the vendor contract that the institution has programmatic access to all student activity data at least on a 24-hour basis. By programmatic, I mean a way that the institution can fetch the data with a program (at least once a day) and not rely on human intervention. If you're not there already, there will come a time when you want access to those data.

- Mike Sharkey, President, Blue Canary

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We funnel all requests for integrations with the LMS through our Scholarly Services office. Before we integrate any third party vendors, we have the vendor execute a contract with the university which covers FERPA, Data Security, Accessibility, etc. If the vendor will be processing payment cards for students, the controllers office evaluates their compliance with PCI/DSS. Finally, our Manager for Digital content and Accessibility conducts a brief accessibility review of the third party app.

- Dave Goodrich, Instructional Designer, Michigan State University

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