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**FERPA: An investigation of faculty knowledge levels and  
organization practices at three land-grant universities.**

**by**

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**A dissertation submitted to the graduate faculty  
in partial fulfillment of the requirements for the degree of**

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## **CHAPTER I**

### **INTRODUCTION**

#### **Problem and Significance**

Faculty face many challenges in today's increasingly complex academic environment. Pressure to research, publish, teach, mentor, and play the college and university political game combines with technology and an information-based society to blur roles and provide numerous opportunities for miscommunication and mistakes. One arena drawing intermittent attention involves student privacy rights, and the occasional violation by faculty of those rights.

Student privacy and confidentiality are protected by the Family Educational Rights and Privacy Act of 1974 (FERPA), also known as the Buckley Amendment. A Federal law, FERPA was born of student and parent concerns regarding confidentiality of records and, thus, is often considered the domain of the office of the registrar or student services, who often disseminate information about the law and field complaints. Four specific rights are granted to students who have reached the age of 18 or who attend a post-secondary institution:

- to view the information that the institution is keeping on the student,
- to seek amendment to those records and, in certain cases, append a statement to the record,
- to consent to disclosure of his / her records, and
- to file a complaint with the FERPA office in Washington (Rainsberger, 1998).

Faculty most commonly violate the third item, “consent to disclosure of records,” by allowing others, such as students or faculty, to view an individual student’s graded work. Examples of behaviors in violation include but are not limited to posting of grades via social security number (considered identification, similar to a name), leaving graded student work in a public place, passing stacks of papers around a room for individuals to sort through (others are able to view confidential grades), and discussing student grades or performance with a colleague possessing “no legitimate need to know” (often considered gossip).

The significance of this problem is three-fold. First, student rights guaranteed by Federal law are being violated. Additionally, violations of the law may result in costly litigation, even if the defending university wins. When pursued in the courts, both civil and Federal remedies may apply. Gonzaga University, in a case recently argued before the United States Supreme Court, was accused of releasing details of a former student’s record to a potential employer without the student’s consent. The University admitted it should not have released the student’s records, and a jury ordered the University to pay the plaintiff \$1.1 million for defamation and other claims, including violations of FERPA. Gonzaga has already paid nearly \$600,000 for claims not connected to the federal law, and awaits the Supreme Court’s decision before releasing the remaining settlement (“Justices weigh student privacy,” 2002).

Second, most institutions have internal policies and procedures regarding treatment of student records, some of which are broader than the law. Abuse of student confidentiality may lead to sanctions of the accused by their employing university. Third, and to some most important, FERPA is a Federal law subject to Federal enforcement and punishment.

Institutions in violation of FERPA may lose their Federal funding – a significant incentive for most to comply. According to Keith Bystrom, Iowa State University Legal Counsel,

“Federal punishment can be severe, they can take away Federal funds if there’s a persistent problem. They start by sending compliance letters requiring the institution to investigate, correct, and report. The government can issue cease and desist orders, terminate eligibility to receive funding for programs, and withhold further payments under any applicable program.”

### **Nature of the Problem**

The right to privacy represents a fundamental tenet of our society (Hendricks, Hayden, & Novik, 1990). Amendments to the Constitution (e.g., First Amendment, Fourth Amendment) guarantee general and specific rights to freedom and privacy, which have been interpreted and tested by citizens and courts at local, state, and federal levels (*Olmstead v. United States*, 1928).

Educational and student privacy rights were first specifically addressed by the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. This act, referred to as FERPA, was born of parent and student concerns for confidentiality of records and subsequent privacy protection. Educational institutions that receive Federal funding administered by the Secretary of Education must comply with the law (Rainsberger, 1998).

Preliminary discussions with registrars and faculty members indicated that university faculty allegedly violate students’ rights to privacy and confidentiality of records frequently. As a result, universities are at risk of federal sanctions due to possible abuse of FERPA. Recent cases before the United States Supreme Court (*Owasso Independent School District*

v. Falvo, Gonzaga University v. John Doe) are testimony to the frequency with which violations of FERPA occur. Defendant universities may spend hundreds of thousands of dollars on defense costs and plaintiff awards (“Justices weight student privacy,” 2002) when violators are brought to court.

In recent discussions, university registrars, legal counsel, and faculty indicated that faculty members are frequent violators of FERPA. Examples of common faculty violations include:

- posting of grades with student names, full Social Security numbers (SSNs), actual class lists, or alphabetically,
- sending class lists containing student SSNs around the room for students to indicate attendance (class lists and SSNs are confidential),
  - leaving graded student work in a public place (e.g., in a box in the hall, on the instructor’s desk),
  - allowing graded work to be picked up / handed out in a manner that allows others to view the grade,
  - using list serves and providing students with feedback publicly,
  - not securing informed consent of the student, and
  - faculty discussion of students with others (deemed not to have “need to know”), particularly off-site.

Inappropriate or non-compliant behavior on the part of faculty members may stem from lack of planning on behalf of universities for the growth and development of their faculty (Galbraith, 1991; Gilley, 1992). Inadequate training and transfer of learning strategies on the part of universities, in the opinion of recently interviewed registrars, legal

counsel, and faculty members, contribute to the problem. Occasionally, “training never quite connects with results” (PWCIT, 1996, p. 219).

Adequate training and development activities incorporate and cater to varied adult learning styles; facilitators must be aware of how learners experience learning (Brookfield, 1991). According to Galbraith (1991, pp. 19-20), “the important point is to recognize the diversity of adult learners and their styles and to utilize diverse learning methods that best fit a collaborative, challenging, and critically reflective educational encounter.”

Thus the issues are complex and intertwined. FERPA is a Federal privacy law that demands compliance. Faculty may be violating the law due to their lack of understanding of its tenets. Universities are responsible for educating their employees on the law, yet, because they do not understand or incorporate individual faculty member learning styles into communications and training, the message is often lost. Consequences may include violated rights and, in the extreme, costly litigation.

### **Research**

The rigorous approach to training Ph.D.'s for careers in academia focuses on research, while largely ignoring issues that arise due to interpersonal relations between faculty and students. In spite of the proliferation of training and adult education literature and the growing investment being made in faculty training activities, it appears that the law, particularly privacy components, remains an underdeveloped element. Without attention being given to this important aspect of teaching, faculty development fails to reach its full potential. In an environment characterized by litigation, technology, and free-flowing

information, this casts suspicion on whether colleges and universities are adequately preparing their faculty for the challenges they'll face with students.

This study examined university faculty members' knowledge of FERPA, current university sources of information and the methods by which it is shared, and faculty ideas for more effective means of communication that suit their individual learning styles. The results of this study will enable universities to gain insight into the gaps between what faculty should know about FERPA and actual knowledge, and how information is being shared versus what means of dissemination are most effective and therefore appropriate.

### **Research Goals**

The purpose of this study was to determine faculty knowledge levels of FERPA, how this information was received, how it should be disseminated to be effective given varied faculty learning styles, and who or which department within the university should provide FERPA information and updates. A combined quantitative and qualitative research approach yielded rich information and greater understanding of faculty depth and breadth of knowledge of FERPA at three universities, along with strategies to increase their knowledge levels via effective means of communications or training that enhance learning transfer.

For this project, I interviewed university registrars and attorneys for information regarding student privacy law (FERPA), resources, and common methods of dissemination. This qualitative approach provided a baseline of critical information necessary for development of a preliminary faculty survey instrument. Faculty members were then surveyed via written questionnaires to determine their level of understanding, providers of



and methods used to disseminate FERPA information, and ideas for more effective sharing of student privacy law (FERPA) information.

### **Research Questions**

Three main research questions framed this study:

1. What are faculty member knowledge levels of FERPA?
2. How is FERPA information currently shared within universities, and by whom?
3. To ensure adequate learning transfer and improved performance, who should be responsible for providing university faculty members with information regarding FERPA, and via what means?

### **Survey Questions**

Survey questions sought basic demographic data, such as participant rank, status, gender, and years of experience teaching. Additional questions addressed knowledge levels of FERPA, and opinions as to how and by whom FERPA information should be shared on campus. Finally, participants were asked about their preferences with regard to how information on students' rights should be shared. These preferences lend insight on faculty members' learning styles and how best to help them process new information.

### **Research Site**

For this study three public land-grant universities were chosen, which comprise a representative sample of their peer group: Colorado State University, Iowa State University, and Michigan State University (Colorado State University Fact Book, 2001; Iowa State

University Fact Book, 2000-2001). According to the Colorado Commission of Higher Education, “The CCHE Peer Group was established in the 1980’s and consists of land-grant universities with veterinary medicine programs” (Colorado State University Fact Book 2001, p. i); this group is used primarily for the purpose of historical data and trends. The CCHE lists peer institutions as:

- Colorado State University
- Iowa State University
- Michigan State University
- North Carolina State University
- Ohio State University
- Oklahoma State University
- Oregon State University
- Purdue University
- Texas A & M University
- University of California, Davis
- University of Illinois, Urbana
- Washington State University (Colorado State University Fact Book 2001, p. i).

For each university, faculty include tenured, tenure eligible, non-tenure track, adjuncts (full- and part-time), and instructors.

Colorado State University, founded in 1870, was originally the Agricultural College of Colorado. Doors opened to students in 1879. The university has eight colleges; its Equine Science Teaching and Research Center is the largest in the country (Colorado State University Fact Book 2001).

Iowa State University was chartered as the Iowa Agricultural College and Model Farm. The college opened in 1868 and graduated its first class in 1872. ISU was the first state college to host a veterinary school, and currently has eight colleges. Distinguished

graduates include George Washington Carver and Carrie Chapman Catt (Iowa State University Fact Book 2000-2001).

Michigan State University was founded in 1855, the nation's first land grant university under the Morrill Act of 1862. Curriculum includes 200 programs in undergraduate and graduate studies in 14 degree-granting colleges (Michigan State University Facts in Brief, 2001).

### **Summary**

The intent of this research was to examine faculty members' understanding of the Family Educational Rights and Privacy Act. Additionally, the study aimed to reveal on-campus sources of information and what, if any, ideas faculty have regarding the most effective means by which they should receive information on the rights of students.

Research questions were:

- What is university faculty members' understanding of FERPA?
- Who or what has been the source of this information on campus, and via what means?
- Who should be responsible for providing university faculty members with information regarding FERPA, and via what means, to ensure learning?

## **CHAPTER II**

### **LITERATURE REVIEW**

Faculty members' knowledge of the Family Educational Rights and Privacy Act is the result of university obligation and efforts to provide them with necessary training on the subject. Hence, an examination of FERPA, privacy law in general, and learning / learning styles appropriately frames our understanding of the problem.

A review of privacy law establishes the base upon which acts such as FERPA surface. Faculty members' learning style preferences influence the success of university training efforts related to privacy laws such as FERPA and, ultimately, the learning that occurs. Training that fails to promote learning is wasted effort, resulting in insufficient faculty members' knowledge of important laws impacting education and teaching. The following review begins with privacy law and FERPA, then briefly explores learning and learning styles.

#### **Privacy Law and FERPA**

Organizations cannot escape the long arm of the law. Government regulations pervade all aspects of working life, including the human resource realm. High-profile human resource-related lawsuits of the past few decades have dealt with issues related to discrimination, sexual harassment, and privacy. Costly court actions highlight organizations' needs to protect individuals' rights to privacy, provide employees with information, and establish and enforce appropriate compliance policies and procedures.

Many organizations respond to government laws and regulations by establishing policies and procedures to ensure compliance, providing employees with training on the law and organizational requirements, monitoring employee behavior, and punishing offenders. For example, nationwide surveys by *Training* magazine in 1996 and 1997 revealed that 80% of United States companies have a formal sexual harassment policy, and 74% have training programs targeting sexual harassment.

Consequences are painful for organizations that fail to adhere to federal law: costly court battles and negative media attention are examples. Why do employees (faculty) continue to violate the law and jeopardize their organizations? Commonly cited reasons include that they don't know what they're supposed to do, lack of training, or lack of organizational or managerial support for transfer of learning to the job (Fournies, 1988; Gilley, Boughton, & Maycunich, 1999).

A review of the literature yielded no specific body of research that delved into the study of faculty knowledge of FERPA. Although the legislative body of literature regarding FERPA is immense (including statutes, regulations, and court cases), topics often address problems with the registrar, grades, and corresponding parental attempts to gather information about their college-age children.

For purposes of this study, the literature review focused fundamentals of FERPA, history of privacy law, and learning styles (a component of learning transfer). Privacy can mean many things to many people, although many simply consider it "the right to be left alone" in any number of contexts. The Family Educational Rights and Privacy Act deals with information privacy in an academic setting (20 U.S.C. § 1232g; 34 F.C.R. § 99).

### **Historical Perspective of Privacy Law**

Many people view privacy laws as the individual's main defense against undue encroachment by large institutions. The support of Americans for legal safeguards remains steady despite living under the influence of a variety of institutions that are hostile to privacy. Many large corporations have opposed legislation that would have bolstered privacy rights for customers and employees, viewing such proposals as nuisances rather than as steps to fundamental fairness (Hendricks, Hayden, & Novik, 1990).

The importance of information privacy has increased with the advent of the computer age and the information society (Hendricks et al., 1990). Technological advances, manifested by control of personal data by large institutions, often clash with the American tradition of privacy and with desirable limits on institutional intrusion into private lives.

The desire to safeguard individuals against government intrusion gave rise to early notions of the American right to privacy. The Fourth Amendment, for example, which prohibits unreasonable searches and seizures, was described by Justice Brandeis as the constitutional expression of the "right to be let alone" (*Olmstead v. United States*, 1928). The privacy protection in the First Amendment suggests that personal autonomy focuses not on what the government can do, but rather on the individual's freedom to be. Another important aspect of privacy is the right to exercise some measure of control over information about oneself.

The emergence of a distinct body of law dealing with privacy generally is credited to an influential law review article written by Samuel Warren and Louis Brandeis in 1890. Thereafter, courts and legislatures first accepted, and then defined and enforced, a number of different principles that were described generally as a "right to privacy."

During the first half of the twentieth century, the Supreme Court began to explore constitutional principles relating to privacy. In 1923, for example, the Supreme Court invalidated a state law prohibiting the teaching of a language other than English because it interfered with personal autonomy (*Meyer v. Nebraska*, 1923). The Court stated that individuals have the right to contract, engage in an occupation, acquire useful knowledge, marry, establish a home, and worship, among others, all of which are essential to the orderly pursuit of happiness by free men.

In a 1958 decision (*NAACP v. Alabama*, 1958), the Court recognized the values of personal autonomy and information control, as well as First Amendment associational privacy, by refusing to allow a state to compel the disclosure of organizational membership lists. The decision articulated the “right of the members to pursue their lawful private interest privately and to associate freely with others without the deterrent effect ... which disclosure of membership lists is likely to have” (*NAACP v. Alabama*, 1958).

In *Griswold v. Connecticut* (1965), the Supreme Court for the first time held that the Constitution protected a right of sexual privacy. The case involved a Connecticut statute prohibiting married couples from using contraceptives. This closely followed the Civil Rights Act of 1964, passed by Congress on July 2, 1964.

In 1967, in *Katz v. United States*, the Court applied privacy principles to a new sphere, ruling that warrantless wiretapping was unconstitutional, and in the process created a standard known as “the reasonable expectation of privacy.” The Court established criteria for determining constitutionally protected “zones of privacy,” which determined whether the expectation of privacy in the area to be searched outweighs the government’s interest in searching the area, considering the degree of intrusion involved. *Katz* and other cases

suggested an interpretation of the Fourth Amendment and the Bill of Rights as a whole that provided constitutional protection to tangible property as well as an individual's communications, personality, politics, and thoughts.

A marked shift occurred in 1974, when banks and the ACLU challenged the Bank Secrecy Act's requirement that banks maintain copies of customer records for up to six years and give authorities virtually unlimited access to them to help fight money laundering. The Supreme Court held that the law's domestic record-keeping requirements did not deprive banks of due process by imposing heavy burdens on them. Further, the Court did not render unconstitutional the banks' government agents conducting surveillance on customers (*California Bankers Association. v. Shultz*, 1974). Similarly, in *U.S. v. Miller* (1976), the Court held that the Constitution did not give individuals a right to privacy in their bank records. Instead, the Court reasoned, people surrendered their privacy when they opened a bank account because they delegated record-keeping to a third party.

*Miller* became a flagship decision, as the Court in subsequent cases applied its reasoning to other forms of personal records held by third parties. In *Smith v. Maryland* (1979), a target in a criminal probe objected to the police getting his long distance toll records. However, the court held that the telephone company could provide the information to the police without notifying the customer.

Congress passed The Privacy Act of 1974 as part of the Watergate-era reforms. The act regulates virtually all government handling of personal data. In practice, the Privacy Act is a weak and poorly enforced statute; consequently, there are only minimal restrictions on federal agencies' collection, use, and disclosure of personal data (Sybouts & Wendel, 1994). The Privacy Act, intended to set up a code of fair information practices between individuals



and the government, obligates agencies to the greatest extent practical to collect only “necessary” information directly from an individual. It also requires agencies to inform individuals of the agency’s authority to collect data, how it will be used, and of any consequences to individuals of not providing data (Sybouts & Wendel, 1994).

The Privacy Act applies only to federal agencies. The law grants individuals the right to see, copy, and correct their records, and to restrict unconsented disclosures occurring between different agencies and those outside the government. Section V of the Privacy Act established the Privacy Protection Study Commission (PPSC), which concluded that a range of new laws was required to strengthen legal safeguards for personal records. The areas recommended for new coverage included medical, banking, insurance, credit, employment, and retail records (Privacy Protection Study Commission, *Personal Privacy in an Information Society*, 1976). The commission also concluded that the Privacy Act needed to be strengthened.

Variations in the provisions recommended among different kinds of records rested on the so-called Code of Fair Information Practices, which formed the core of the Privacy Act. Fair information practices ensure:

- The right to obtain a copy of one’s record.
- The right to dispute or correct information that is believed to be inaccurate.
- The right to limit disclosures to outsiders who have not first received consent, and the right to know how one’s personal information is used and who has access to it.

- The right to know what institutions and record systems contain personal information.
- Information obtained for one purpose may not be used or made available for another purpose without the individual's consent.
- An agency or organization that collects, maintains, uses, or disseminates personally identifiable records is responsible for the timeliness, accuracy, completeness, and relevance of the records, and for protecting against their improper use or illegal disclosure.
- The right to legal recourse to enforce expectations of confidentiality.

In 1988, the Court extended the 1976 Miller decision, holding that Americans do not have a constitutional right of privacy in their garbage. "Respondents exposed their garbage to the public sufficiently defeat their claim to Fourth Amendment protection," said Justice White, representing a six to two majority. "It is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops and other members of the public" (California v. Greenwood, 1988).

The Supreme Court has often adopted an anti-privacy stance. In the case of Owasso Independent School District v. Falvo, for example, a dispute concerned paper-swapping and grading among students, and the alleged violation of student rights as defined by FERPA (Biskupic, 2001, Gearan 2001). The original case was filed in 1998, and the defendants won both locally and at the appellate level. The Supreme Court also ruled in favor of the defendant, asserting that peer grading was a "learning experience" for students, and not a violation of their privacy rights.

Privacy has fared better in some states. Ten states have amended their constitutions to include an explicit right to privacy; these are: Alaska, Arizona, California, Florida, Hawaii, Illinois, Louisiana, Montana, South Carolina, and Washington (Hendricks et al., 1990).

### **University Legal Environment**

According to Goonen and Blechman (1999, p.1), “When making decisions against a backdrop of interacting and conflicting needs, the academic administrator must first meet the requirements of law.” Further, the courts generally have found an implied contractual relationship between the student and the college or university. The terms of the contract are not in a single document that the parties have executed; they are illustrated in the institution’s published materials, such as catalogs, handbooks, and policy manuals, and the oral and written representations of students, teachers, and administrators. The meaning of the terms of the contract is what the institution may reasonably expect the students to understand them to be. Although a student may terminate this contract with the institution at any time, the institution’s termination of the contract or other adverse academic action may be subject to examination by the courts (Goonen & Blechman, 1999).

Public institutions are deemed to be arms of the state and, as such, are subject to federal and state constitutional restrictions as well as to state and federal statutes. For example, many federal laws (e.g., FERPA) are applicable to any public or private institution that accepts federal funds, grants, or contracts. Other statutes, such as those involving employment and student records, generally are applicable to all public and private institutions as well.

A primary responsibility of an institution of higher education is to provide instruction to its students. In support of this undertaking, the institution keeps an official record of the student's progress in the form of a transcript. When the student successfully completes a course of study, the institution also awards a diploma that certifies to the world at large the recipient's educational achievement and fulfillment of the institution's standards.

### **FERPA Legislative History**

The Department of Health, Education, and Welfare issued the initial regulations for FERPA (20 U.S.C. § 1232g—read title 20 of the United States Code, Section 1232g) in the *Federal Register*. Upon establishment of the Department of Education, FERPA regulations were transferred to the Department of Education and codified in Part 99 of Title 34 of the Code of Federal Regulations (34 C.F.R. § 99) (McDonald, 2000; Rainsberger, 1998; Van Tol, 1989). Numerous amendments and revisions have occurred over the years, with new law and interpretation surfacing regularly.

### **General Overview of FERPA**

The Family Educational Rights and Privacy Act governs student education records, which include information directly related to students and maintained by a school or party acting for the institution. Students are given the right to inspect and review their records, request amendment if errors are found, have control over disclosure of personal information, and file complaints with the FERPA office in Washington.

Privacy and confidentiality are the main thrust of the act. Complaints, legislation, and never-ending interpretations address issues such as parental right to know, treatment of disciplinary records, and faculty abuses and sharing of information.

FERPA "... applies to all schools that receive funding under most programs administered by the Secretary of Education" (34 C.F.R. § 99.1). Most post-secondary institutions, both public and private, generally receive such funding and must, therefore, comply with FERPA (Rainsberger, 1998, p. 11).

Schools are required to notify current students of their rights on an annual basis, using any reasonable means, such as publication in the student handbook, catalog, newspaper, etc. They may not, however, disclose student record information without written consent of the student (34 C.F.R. § 99.3).

### **Specifics of FERPA**

The Family Educational Rights and Privacy Act governs academic institutions' behavior with regard to student privacy of records. FERPA grants four specific rights to students:

- to view the information that the institution is keeping on the student,
- to seek amendment to those records and, in certain cases, append a statement to the record,
- to consent to disclosure of his/her records, and
- to file a complaint with the FERPA office in Washington (20 U.S.C. § 1232g; 34 C.F.R. § 99).

In spite of the recent cases before the United States Supreme Court, FERPA has witnessed little litigation (Hendricks et al., 1990). High-profile cases are rare, yet often are the sole source of information readily accessible to and embraced by individuals and organizations. Legalese confuses most lay people, and the media tend to sensationalize while providing superficial detail.

A few states have statutes that expand or clarify the rights of access and confidentiality provided by FERPA. The federal statute established minimum standards for the maintenance and dissemination of student records, and any further protection available under state legislation takes precedence. State freedom of information laws and privacy (fair information practices) laws contain provisions applicable to the records of students, particularly those personally identifiable records maintained by state and local agencies other than schools (Hendricks et al., 1990).

According to McDonald (2000, p. i), “One of the greatest of FERPA frustrations has been that the most useful and relevant materials concerning it are among the most difficult to find.” Indeed, most resources are in the form of legislative and regulatory notes and proceedings, technical assistance letters from the U.S. Department of Education’s Family Policy Compliance Office (FPCO), and college or university registrars’ interpretations and communiques to staff. Immense legal documentation on FERPA yields a wealth of information in 20 U.S.C. § 1232g and 34 C.F.R. § 99. The main topics addressed by FERPA include academic records, what may or may not be viewed, who may view information, hearings, enforcement, and complaints. Each of these is addressed next.

## **Academic Record**

An individual's academic record may include transcripts, political and religious preferences, details about family members, physical appearance, hobbies and extracurricular interests, ethnic background, economic circumstances, attitudes toward teachers and other students, psychological test scores, criminal history, and even personal secrets confided to a friendly teacher or counselor. The University of North Texas, for example, interprets elements of records to be handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche, or email of an institution that (1) contains information directly related to the student and (2) is maintained by an agency or institution or party acting in its behalf (University of North Texas FERPA Training, 2001).

Students have a right to see their own school records if they are either eighteen years old or attend a college, university, or other post-secondary institution, and if the school receives federal money from the U.S. Department of Education (34 C.F.R. § 99.5).

FERPA also designates what is known as "directory information," which includes the student's name, address, telephone number, date and place of birth, major field of study, participation in school sports and activities, weight and height (of athletic team members), dates of attendance, degrees and awards, most recent previous school attended, and similar descriptive information (34 C.F.R. § 99.37). Directory information may be released without first obtaining student or parental permission; however, emancipated students or parents of dependent children must be given notice of the intent to disclose such information and have the opportunity to refuse the release of same. Students and their parents, however, do not have the right to access all records (34 C.F.R. § 99.12).

**Information Not Subject to Inspection**

The following are not considered educational records, and therefore are not open to parental or student inspection:

- records of instructional, supervisory, and administrative personnel that are kept in the sole possession of the maker and are available only to a substitute,
- records of a law enforcement unit of the educational institution made by the law enforcement unit for law enforcement purposes,
- records that relate to a person solely in his or her capacity as an employee of the institution, and
- medical and psychological records of a student 18 years of age or older or one who is in attendance at a post-secondary institution, which are made in connection with treatment and are only available to persons providing treatment (34 C.F.R. § 99.10; § 99.12; and § 99.3).

The medical and psychological records described can be reviewed by a doctor or appropriate professional of the student's choice.

FERPA does not cover so-called "desk-drawer notes," which are the informal notes about students kept by teachers and other school personnel solely for their own use, as long as these are not accessible or revealed to any other person except an official substitute teacher or administrator (34 C.F.R. § 99.12).



## **Access to Student Records**

FERPA provides that parents and students have a right to access student records and be heard if they wish to challenge their contents. School officials must provide students and their parents or guardians access to records and restrict access to those who possess no legitimate right to the information. Eligible students or their parents may review, copy, correct errors, and restrict release of student records. Parents and adult students must be informed of their rights, including the right to review, to a fair hearing, and to have procedures for deleting information (34 C.F.R. § 99.4; § 99.5).

Academic records may be viewed internally by school officials, including faculty, who have “legitimate educational interests” in the academic record of a student. Records may be provided to officials of other schools or school systems in which the student seeks to enroll; to accrediting agencies and certain organizations conducting studies for the institution; to certain government officials; to the parents of a dependent student; to persons designated in a federal grand jury subpoena or other subpoena issued for law enforcement purposes; and to third parties at the parents’ or student’s request (34 C.F.R. § 99.31).

## **Consent**

FERPA requires that consent to disclose records must be written, and signed and dated by the eligible student or parent. Consent must specify what records are to be disclosed, the purpose of the disclosure, and the person or class of persons to whom the records are to be disclosed (34 C.F.R. § 99.3). Further, the eligible student or parent must be given a copy of any record disclosed with consent upon request (34 C.F.R. § 99.3).

## **Enforcement, Hearings, and Complaints**

The Department of Education enforces the Family Educational Rights and Privacy Act through the Family Policy Compliance Office in Washington, DC (34 C.F.R. § 99.65; 20 U.S.C § 1232g(g)). This office investigates alleged violations of the law and processes complaints. A review board adjudicates cases not resolved by the FERPA Office. The department is also responsible for the regulations that establish standards for the record-keeping procedures of educational institutions subject to FERPA.

Any parent or eligible student may complain, in writing, to the Department of a violation of any provision of FERPA (34 C.F.R. § 99.64). Such a violation may include: a denial of access to records, a refusal to correct inaccurate information, an unreasonable delay in granting access or correction, or a disclosure made without the student's or parent's consent. The complaint may concern the record-keeping practices of the institution as they affect the student community as a whole, such as by failure to establish procedures for access to records, to compile lists of records maintained, to provide for a hearing, to publish descriptions of directory information, to log disclosures, to protect records from unauthorized disclosure, to give students and parents annual notice of the fact that they have certain rights under the FERPA, or to comply with any other obligation imposed by the statute (34 C.F.R. § 99.64).

The FERPA Office will acknowledge receipt of the complaint and will inform the school that a complaint has been filed against it, inviting the school to respond. A period of investigation and negotiation will follow, in which the FERPA Office will determine whether a violation has taken place and, if so, exactly what steps the institution must take to rectify its

practices within a specified period of time. The complainant will be notified of the office's findings (Family Policy Compliance Office, 2000). No time limit exists for investigations.

If the FERPA office determines that a violation has occurred, remedies are numerous. The institution may be required to cease and desist the violating procedure immediately, and report back on progress. Repeat offenders may be subject to loss of federal funding through withholding U.S. Department of Education funds.

Under FERPA, each educational institution is free to formulate its own procedures for conducting a hearing on a challenge to information in a record, so long as it meets the following requirements:

1. The hearing must be held within a reasonable period after the request is filed.
2. The eligible student or parent must be given reasonable advance notice of the date, time, and place of the hearing. These must be reasonably convenient for the complainant.
3. Although the hearing may be conducted by an official of the institution, the official may not be a person who has "a direct interest in the outcome of the hearing" (20 U.S.C. § 1232g).

The Family Educational Rights and Privacy Act specifies students' privacy rights, along with institutional responsibilities and obligations regarding informing students and staff, enforcement, and complaint handling.

Next is an exploration of learning and learning styles, both critical elements to faculty member receipt, understanding, and implementation of FERPA.

## **Learning And Learning Styles**

The following review addresses specifics of learning and learning styles, important elements that shed light on faculty knowledge. A brief overview of learning frames the context for learning styles. Faculty learning styles, and universities' abilities to understand and accommodate them, impact the degree of success of training efforts, the learning that occurs, and the resultant knowledge of faculty members.

### **Learning**

Learning has been the subject of much research. Learning has been defined as a relatively permanent change in an attitude or behavior that occurs as a result of repeated experience (Kimble & Garnezy, 1963). Sims (1995) defines learning as a relatively permanent change in the probability of exhibiting a specific behavior. Similarly viewing learning as a relatively permanent change in behavior, Gagne (1985, p. 2) states, "The change may be, and often is, an increased capability for some kind of performance. It may also be an altered disposition of the sort called attitude or interest or value." Kidd (1973, p. 24) writes, "Learning results in certain kinds of changes, the most common being the committing to memory of facts, the acquiring or improvement of a skill or process, the development of a changed attitude."

Expanding on the concept further, Harris and Scwahn (1961) point out that learning essentially is change due to experience. They then distinguish between learning as a product, which explains the end result, or outcome, of the learning experience; learning as a process, which emphasizes what happens during the course of the learning experience in attaining a given learning product or outcome; and learning as a function, which emphasizes certain

critical aspects of learning, such as motivation, retention, and transfer, and which makes behavioral changes in human learning possible.

To Dewey (1933, 1938), “Thinking is initiated only when a person perceives a problem, the person then tries to clarify the exact nature of the problem in order to determine possible solutions” (1938, p. 39). In this endeavor, a person seeks to find relevant solutions and tries to use prior knowledge to understand the problem. If the problem is solved, Dewey maintains, learning has taken place.

In essence, then, learning is the acquisition of additional information, skills, or attitudes. Sheal (1989) offers another dimension, that of activity versus passivity: learning involves an active rather than a passive process; and thus increasingly is defined as an activity in which learners participate and are involved directly.

### **Approaches to Learning**

Prior to the 1970s, behavior theorists attempted to explain the fundamental nature of learning (Guthrie, 1935, 1959; Hull, 1943; Skinner, 1938, 1954, 1968; Tolman, 1932, 1959). Hull and Skinner emphasized reinforcement mechanisms for the acquisition of behavior, Tolman suggested that cognitions were learned during an animal’s exploration of its environment, and Guthrie proposed that contiguity was sufficient for learning to occur (Klein & Mowrer, 1989).

Contemporary theorists have tended to investigate and describe specific aspects of the learning process (Bandura, 1977; Bolles, 1979; Gagne, 1985; Knowles, 1980; Kolb, 1984), with emphasis shifting from the teacher to the learner, and how best to promote learning.

Traditional approaches to training and learning have been criticized widely for failing to support higher-order thinking and problem solving while cultivating compliant (McCaslin & Good, 1992; Mezirow, 1981, 1991) and superficial understanding (Spiro, Feltovich, Jacobson, & Coulson, 1991). Contemporary constructs likewise have been criticized for allegedly propagating approaches that are unproven, atheoretical, and impractical (Dick, 1991; Merrill, 1992).

Perkins (1993) criticized traditional environments, maintaining that participants often are denied opportunities to develop the decision-making, self-monitoring, and attention-checking skills necessary to optimize learning experiences. Learners become increasingly compliant in their learning, matching learning meanings to those expected by instructors, according to McCaslin & Good (1992). In contrast, successful learners employ a variety of cognitive strategies and procedures to plan and pursue goals, integrate new knowledge with existing information, formulate questions and inferences, and continually review and reorganize their thinking (Bereiter & Scardamalia, 1989).

According to Jonassen and Land (2000), a renewed interest in student-centered teaching and learning aims to support individual efforts to negotiate meaning while engaging in authentic activities. "Student-centered, learner-centered environments provide interactive, complimentary activities that enable individuals to address unique learning interests and needs, study multiple levels of complexity, and deepen understanding" (Hannafin & Land, 1997, p. 168).

## **Adult Learning Theory**

Learning is one of the most important individual processes that occurs in organizations. Whether learning takes place in an institution of higher education or in a private, public, or not-for-profit organization, participants are expected to learn and apply their learning.

Malcolm Knowles and Associates (1984) claim that adults will learn “no matter what”—learning is as natural as rest or play. In their view, adults will learn with or without books, visual aids, inspiring trainers, or classrooms. Jensen (1996) concurs, claiming that the brain’s main function is survival; therefore, learning occurs constantly as the brain processes sight, sound, color, texture, weight, symbols, and a host of data and stimuli present in the environment.

Among the major theories of learning, behaviorism is fairly well-defined due to the efforts of its leading proponent, B. F. Skinner (1938). This is not the case in adult learning theory. Many adult learning theorists, researchers, and practitioners each have contributed to its development (Houle, 1961; Kidd, 1978; Tough, 1979).

Malcolm Knowles (1980; Knowles & Associates, 1984) originally defined andragogy as “the art and science of helping adults learn,” (1980, p. 43). Later, he came to view andragogy as “simply another model of assumptions used alongside the pedagogical model ... most useful when seen not as dichotomous but rather as two ends of a spectrum” (p. 43). The principles and practices of andragogy are based on several crucial assumptions about how adult learners are different from children.

Margolis and Bell (1984) summarized those assumptions, distilled from Knowles’ major works:

- Adults are motivated to learn as they develop needs and interests that learning will satisfy. Therefore, learners' needs and interests are the appropriate starting points for organizing adult learning activities.
- Adult orientation to learning is life- or work-centered. Therefore, the appropriate frameworks for organizing adult learning are life- or work-related situations, not academic or theoretical subjects.
- Experience is the richest resource for adult learning. Therefore, the core methodology for adult learning programs involves active participation in a planned series of experiences, the analysis of those experiences, and their application to work and life situations.
- Adults have a deep need to be self-directing. Therefore, the role of the instructor is to engage in a process of inquiry, analysis, and decision making with learners.
- Individual differences among adult learners increase with age and experience. Therefore, adult learning programs must make optimum provision for differences in style, time, place, and pace of learning (p. 17).

Draves (1984) views adult learning similarly. He asserts that an adult's motivation to learn is a function of readiness to learn, problem orientation, and time perspective. A readiness to learn implies that adult learning is voluntary – they learn because they want to. One cannot force adults to learn. Much of true adult learning occurs as the result of self-study, personal inquiry, or self-directed study.



According to Sisco & Hiemstra (1991, p. 57), two circumstances magnify adult learning: “(a) adults possess diverse levels of education, experience, and expectations, and (b) when given the opportunity most adults prefer to be in charge of their own learning.”

Adult learning is problem centered. “Adults want to learn to solve or address a particular problem, and are more satisfied with their learning if it applies to their everyday experiences, is practical, or is current” (Draves, 1984, pp. 10-11). Finally, he argues, an adult’s time perspective influences one’s propensity to learn. As one ages, time becomes less expendable, more limited and thus more important. Draves (1984) continues that adult preferences for short-term oriented learning stem from their desire to solve immediate problems. That which can be learned and applied today or in the near future is preferable to what can be learned over a longer time-frame.

**Teaching Techniques and Their Impact on Adult Learning.** Draves (1984) discussed five types of learning formats commonly used with adults: group discussion, over-the-shoulder demonstration, show-and-do involvement, formal classroom discussion, and project format.

“Group discussion has replaced the formal classroom procedure as the most common format for adult learning” (p. 62). This format is particularly effective for idea-related topics including current events, philosophy, personal growth, and academic subjects involving reading and discussion. Jensen (1996, p. 10) disagrees, stating “We learn so differently that group learning needs to be dramatically minimized. Learning is generally too individualized and complex to get much value out of traditional group instruction.”

Over-the-shoulder demonstrations are most often used with physical, practical skills. The teacher begins by talking about the topic, then quickly moves to a demonstration. The advantage of this format is that it brings the subject material into the learning situation.

Show-and-do involvement revolves around the participants rather than the teacher. The teacher initially demonstrates, then participants take over, often creating unique, individualistic results. The teacher's role is to provide feedback and interject new ideas or suggestions throughout the process (Draves, 1984).

The traditional approach, formal classroom instruction, provides the instructor with maximum control and authority. A classroom setting may be appropriate for brief, basic education classes. Jensen (1996, p. 8) states that the brain is a multi-processor, simultaneously operating on numerous levels as it assembles patterns and composes meaning of color, movement, shape, sound, intensity, weight, and more. This multi-processor can be starved for input in a typical classroom, often resulting in frustration or boredom. "The brain is poorly designed for formal instruction. It is not at all designed for efficiency or order. Rather, it develops best through selection and survival" (p. 5).

Projects involve simultaneous group learning and doing – participants produce something while they learn. The benefits are twofold: 1) the group learns by doing, and 2) participants experience a sense of accomplishment (Draves, 1996, p. 63).

## **Principles of Learning**

Principles of learning frame those factors that affect participant learning and the success of teaching/training efforts. Researchers attempting to understand influencers of participant learning have examined design / instructional methods, environmental factors (job

and organization related), and trainee characteristics. Among the myriad of potential frameworks and their components, the most commonly mentioned will be discussed. To some extent, recent research indicates that effective training and learning incorporate motivation, goal setting, behavior modeling, participation, feedback, organization, repetition or practice, reinforcement, and application (Baldwin & Ford, 1988; Cascio, 1989; Hilgard & Bower, 1966; Tracey, Hinken, Tannenbaum, & Mathieu, 2001). Following is a brief summary of the way learning principles can be applied to training / learning transfer.

**Motivation.** To learn, one must want to learn. In the context of learning, motivation influences a participant's enthusiasm for learning, keeps attention focused on the learning activities, and reinforces what is learned. Employees who are motivated to change and acquire different behavior report that learning is easier and more successful (Cascio, 1987). Latham and Locke (1979) state that an effective way to motivate learners is to help them understand how and why learning will help accomplish organizational and personal goals.

Wlodowski (1985) suggests that four factors influence motivation to learn:

1. success – adults want to be successful learners,
2. volition – adults want choice in their learning,
3. value – adults want to learn something they value, and
4. enjoyment – adults want the learning experience to be pleasurable.

According to Draves (1984), an adult's internal motivation to learn depends on readiness to learn, problem orientation, and time perspective. Cantor (1992) adds that adults are motivated by the ability to make and maintain social relationships, meet external

expectations, serve others, advance professionally, out of pure interest, and to escape or be stimulated intellectually.

McClelland, Atkinson, Clark, and Lowell's (1953) concept of achievement motivation involves individual differences in patterns of planning and striving for some internalized standard of excellence. Individuals with high achievement motivation are interested in excellence for its own sake rather than for any rewards it may bring. McClelland et al.'s proposed strategies for developing individuals with high need for achievement where there is no fear of success are reported in Gibson, Ivancevich, and Donnelly (1997):

- Arrange job tasks so that employees receive periodic feedback on performance, providing information that enables them to make modifications or corrections.
- Point out to employees models of achievement.
- Identify and publicize the accomplishments of achievement heroes, the successful people, the winners, and use them as models.
- Work with employees to improve their self-image.
- High need for achievement people like themselves and seek moderate challenges and responsibilities.
- Introduce realism into all work-related topics: promotions, rewards, transfers, development opportunities, and team membership opportunities.
- Employees should think in realistic terms and think positively about how they can accomplish goals (Gibson, Ivancevich, & Donnelly, 1997, p. 160; Wooldridge 1995, p. 58).

**Goal Setting.** Goal theory is founded on the premise that an individual's conscious goals or intentions regulate her or his behavior (Locke, 1968). Knowles, Holton, and Swanson (1998, p. 189) report, "the learner's own internal desire for goal attainment and personal achievement motivates one to learn." Goal setting has a proven track record of success in improving employee performance in a variety of settings and cultures (Matsui, Kakuyama, & Onglatco, 1987; Mento, Steel, & Karren, 1987). On average, goal setting leads to a 10 percent improvement in productivity, and it works best with tasks of low complexity (Wood, Mento, & Locke, 1987). Research indicates that once a goal is accepted, difficult but attainable goals result in higher levels of performance than do easy goals or a generalized goal (Sims, 1990).

**Behavior Modeling.** Bandura (1986) reports that much of what one learns is acquired by observing others. Individuals imitate the actions of others when those actions are perceived to lead to desirable outcomes (e.g., a better golf swing, or a promotion). The models' actions are cues as to what constitutes appropriate behavior. Modeling is reported to increase when the model is rewarded for behavior and when the rewards are meaningful to the observer (Sims & Manz, 1982).

**Participation.** Active participation via engagement and discussion inspires trainees to become involved directly in the act of learning. Learning tends to occur more quickly and last longer when learners can participate actively. Further, Sims (1990) states that participation improves motivation and apparently engages more senses that help reinforce the

learning process. Jensen (1996) describes group discussion, show-and-do involvement, and project-based learning as the most effective participative learning engagements for adults.

**Feedback.** Feedback is any form of information about individual or group performance or attempts to improve, and may come in a variety of forms (Gilley & Boughton, 1996; Kreitner & Kinicki, 2001). Feedback on progress in a training program or learning activity reduces anxiety and lets trainees know what they must do to improve. Most employees want to know how they are doing and how their progress compares to objectives (Gilley & Boughton, 1996; Ilgen, Fisher, & Taylor, 1982). Feedback promotes learning and motivation by providing direct information to participants about the correctness of their responses, thereby allowing them to make adjustments in their subsequent behavior. Further, the learning process becomes more interesting and improves one's willingness to learn when feedback providers demonstrate concern about learner success (Erez, 1977; Matsui, Kakuyama, & Onglatco, 1987).

**Organization.** Effective training must be presented so that segments of materials build on one another; gaps, contradictions, or ambiguities in the material must be avoided (Gilley & Maycunich, 2000). Material must be organized to maximize meaningfulness: material that is rich in associations for the trainees and therefore is understood easily. Factual material is learned more easily and remembered better when it is meaningful (McGehee, 1979).

**Repetition or Practice.** Practice proves essential for successful training and learning transfer (Broad & Newstrom, 1992). Frequent practice during training helps the learner

process and absorb information. Cascio (1989) asserts that practice has two aspects: active practice and overlearning. Active practice involves direct instructor oversight as the trainee practices, thus allowing for immediate correction in the event of errors. Overlearning occurs when trainees practice far beyond the point where the task has been performed correctly; thus the task becomes “second nature.”

**Reinforcement.** To be acquired, modified, and sustained, behavior must be rewarded, or reinforced (Fersten & Skinner, 1957; Skinner, 1969). Similarly, according to LeBoeuf (1995, p. 9), “the things that get rewarded get done.” The principles of reinforcement postulate that people will do what is rewarded and avoid doing what is not rewarded or is punished. Reward encourages the learner to repeat what has been done; punishment encourages one to stop the behavior (Bowles, 1972; Fersten & Skinner, 1957; LeBoeuf, 1995). Jensen (1996) adds that learners require reinforcement numerous times, typically 1-20, depending on the person.

**Application.** Gilley (1998, p. 65) maintains, “Before learning can be translated into value for the organization, it must be applied to the job.” Training efforts are useless unless learning can be applied at work. Broad and Newstrom (1992, p. ix) concur, stating, “Most of the investment in organizational training and development is wasted because most of the knowledge and skills gained in training (well over 80%, by some estimates) is not fully applied by those employees on the job.” The validation process must last for a certain amount of time, typically from seconds to several hours (Jensen, 1996).

Cantor (1992) also points out that adults encounter barriers to their learning. Some of these potential barriers include a multitude of other responsibilities (family, career, social commitments), lack of time, scheduling problems, insufficient confidence, being “forced” to learn (as when told by a supervisor), and lack of interest in the subject.

Principles of learning provide the foundation for individual learning styles, discussed next.

### **Learning Styles**

The challenge facing organizations involves how to teach an increasingly diverse population of learners. People are different in fundamental ways even though we have similar instincts (Jung, 1923). People learn in different ways, depending on who they are, where they are, how they see and feel about themselves, and how they perceive their roles in life.

The notion that all cognitive skills are identical among faculty or in different training programs indicates arrogance or ignorance on the part of those responsible for training, learning, and effective performance on the part of faculty. Effective teaching and training are not limited to the delivery of information; rather, it is based on a model of minds at work. Effective instructors and their organizations understand the importance of involving all students in learning how to learn.

According to Sims (1995, p. xii), “effective learning occurs when instructors affirm the presence and validity of diverse learning styles and maximize the climate or conditions for learning in and out of the classroom through the deliberate use of instructional design



principles that take account of learning differences and increase the possibilities of success for all learners.”

At every age, people learn more, do so more easily, and retain it better when they use their learning styles, which actually are their strengths (Dunn, 1988). Differences in how individuals learn explain why no single instructional method or resource “works” well for everyone. Although each approach helps some learners achieve, that same strategy inhibits learning for others.

Learning style can be defined as the usual or characteristic manner in which a learner goes about the task of learning (More, 1987). Learning styles are the result of a complex interaction of age, educational experience, and cultural background. Dunn & Dunn (1993, 1999) define learning style as the way in which each person begins to concentrate on, process, internalize, and remember new and difficult academic content.

Keefe (1979) defined learning styles as characteristic cognitive, affective, and psychological behaviors that serve as relatively stable indicators of how learners perceive, interact with, and respond to the learning environment. An individual’s learning style reveals the way one absorbs and retains information and / or skills; regardless of how that process is described, it is dramatically different for each person (Sims, 1990).

*Cognitive* styles are information processing habits that represent the learner’s typical mode of perceiving, thinking, problem solving, and remembering (see Modality Preferences). *Affective* styles refer to those motivational processes viewed as the learner’s typical mode of arousing, directing, and sustaining behavior. Affective learning styles include those dimensions of personality dealing with attention, emotion, and valuing (Keefe, 1979).

*Physiological* styles are biologically-based modes of response that are founded on sex-related differences, personal nutrition and health, and accustomed reactions to the physical environment (Keefe, 1979). Some researchers believe that the concept of learning style “is the most important concept to demand attention in education in many years and is the core of what it means to be a person” (Guild & Garger, 1985, p. viii). Studies have shown that identifying a student’s learning style and providing appropriate instruction in response to that style can contribute to more effective learning (Claxton & Murrell, 1987; Wooldridge 1995).

The cognitive learning style dimension measures a learner’s “preferred reliance on one of the sensor modes of understanding experience. The modes are kinesthetic or psychomotor, visual or spatial, and auditory or verbal” (Keefe, 1979, p. 9). According to Jensen (1996), learning must be reinforced by one’s dominant modality (visual, auditory, or kinesthetic). One must see, hear, or feel it. When learning in our preferred modality is reinforced the proper number of times and for the right length of time, the brain accepts it as true. Absent the appropriate reinforcement the information is merely data without meaning.

A brief elaboration of each of the elements that comprise this learning style dimension – visual, auditory, and kinesthetic - is provided next. Proportionately, 60-60% of learners are visual, 25-30% are auditory, and 10-15% are kinesthetic (Kolb, 1985a; Learning to Learn, 2002).

**Auditory.** Auditory describes individuals who learn best when listening to (hearing) a verbal instruction such as a lecture, discussion, or recording, talking things through and listening to what others have to say (Keefe, 1979; Wooldridge, 1995). Auditory learners interpret the

underlying meanings of speech by listening to tone of voice, pitch, speed, and other nuances. Written information may have little meaning to these learners until it is heard. As a result, auditory learners often benefit from reading text aloud or using a tape recorder.

**Visual.** Individuals whose primary perceptual preference is visual can recall what has been read or observed. Visual learners, when asked for information from printed or diagrammatic material, often close their eyes and envision what they have read or seen earlier (Keefe, 1979; Wooldridge, 1995). These learners process a facilitator's body language and facial expression to fully understand the subject matter, and tend to prefer to sit at the front of the room to avoid visual obstructions. Visuals may think in pictures and learn best from visual displays such as diagrams, charts, illustrated text books, overhead transparencies, PowerPoint presentations, videos, and hand-outs. During a lecture or classroom discussion, visual learners often take detailed notes to absorb the information.

**Tactile.** Tactile individuals like to touch and use their hands. Learners with tactile perceptual preferences like to underline as they read, take notes when they listen, and keep their hands busy (Keefe, 1979; Wooldridge, 1995). Via touch, tactiles process information such as texture, depth, temperature, and more to gain a thorough understanding.

**Kinesthetic.** Learners with kinesthetic preferences require whole body movement and real-life experiences to absorb and retain material to be learned. They are most successful when allowed to be totally engaged in the learning activity (Farwell, 2002). These individuals learn most easily when they are involved—often by building, designing, or playing. Acting,

puppetry, and drama are other examples of kinesthetic learning (Wooldridge, 1995).

Kinesthetic learners find it difficult to sit still for long periods and may become distracted by their need for activity and exploration (Keefe, 1979).

### **Approaches to Learning Style**

The approaches to learning style represent different ways of viewing complex phenomena. Among the processes are:

- global / analytical (More, 1984)
- impulsive / reflective (More, 1987)
- field dependence / field independence (Witkin et al., 1977)
- simultaneous / sequential processing (Kirby, 1984)

As style is concerned with very complex issues involving cognition, conceptualization, affect, and behavior (Guild & Garger, 1985), it is not surprising that various learning style models exist. Each model typically focuses on a single aspect within this multidimensional set of factors. The result is a diverse set of learning styles models and instruments (see Learning Styles Assessment Tools).

According to Kolb (1984), effective learning involves four phases: from getting involved (concrete experience), to listening / observing (reflective observation), to creating an idea (abstract conceptualization) to making decisions (active experimentation). In his opinion, a person may become better at some of these learning skills than others, and as a result, a learning style develops.

McCarthy (1980) expanded Kolb's learning style theories further, convinced that each person's learning style is a combination of perceiving and processing information. Her four major styles include:

- **Innovative Learners:** seek personal meaning, function through social interaction, and want to make the world a better place.
- **Analytic Learners:** seek intellectual competence, function by adapting to experts, and want to add to the world's knowledge.
- **Common Sense Learners:** seek solutions to problems, function through kinesthetic awareness, and want to make things happen.
- **Dynamic Learners:** seek hidden possibilities, function by synthesizing various parts, and enjoy challenging complacency.

According to Dunn, Denig, and Lovelace (2001), a great deal of empirical evidence supports learning style models. For example, research on the Dunn & Dunn Model conducted at more than 116 institutions of higher education indicates that implementing learning style approaches yielded statistically significant higher standardized achievement test scores than traditional teaching methods.

### **Personality Type and Multiple Intelligences**

The idea that people are born without predispositions to act in a certain way, and are therefore malleable, is an early 20<sup>th</sup> century notion (Kiersey, 1998). Pavlov saw behavior as nothing more than mechanical responses to environmental stimulation (People and Discoveries, 2002). Freud (1920) believed that people are fundamentally alike and driven by a singular motive. Behaviorists such as B. F. Skinner (1938) claimed behavior could be

shaped by conditioning. Jung (1923) disagreed, stating that people are different in essential ways, from natural inclinations toward introversion or extraversion to ways that individuals process information, make decisions, or learn.

Jung (1923) explored *personality* type as an indicator of how one processes information and makes decisions. He saw patterns in behavior that others deemed random. These patterns in the way people prefer to perceive information and make judgments he called “psychological types.” Jung theorized that all conscious mental activity can be classified into four mental processes: two perception processes, sensing and intuition, and two judgment processes, thinking and feeling. Learners use perceptions to sort, weigh, analyze, and evaluate information (Jung, 1923).

Expanding on Jung’s work, Isabel Briggs Myers and Katharine Briggs, a mother-daughter team, explained the four dimensions of type (EI, SN, TF, and JP) in their research and development of the Myers-Briggs Type Indicator (MBTI), a paper and pencil research instrument, which lent type theory practical applications (Lawrence, 1979). This widely used test created international interest in Jung’s theory of psychological types that continues today. Researchers such as Kiersey and Bates (1978), Lawrence (1979), Hirsh and Kummerow (1992), and Kiersey (1987, 1998) recognize that much is to be gained by acknowledging and appreciating differences in personality types among people.

Gardner (1993) believes that there are many ways by which we know, perceive, learn, and process information. He coined the phrase “multiple intelligences” to describe these multi-knowing capacities and ways of solving problems. His research suggests that we possess at least seven intelligence areas, or ways of knowing; three (visual, verbal, kinesthetic) align with learning styles.

The provocative nature of Gardner's early work inspired others (Armstrong, 1993; Campbell, Campbell, & Dickson, 1998; Lazear, 1994, 1998) to explore and expand the concept of multiple intelligences. Following is a brief overview of the different types of intelligences compiled from the works of the above authors: verbal/linguistic, logical/mathematical, visual/spatial, body/kinesthetic, musical/rhythmic, interpersonal, and intrapersonal, existential, and naturalistic.

**Verbal / Linguistic Intelligence.** Verbal / linguistically intelligent people are “wordsmart.” Armstrong (1993) calls this the intelligence of words. Individuals engage this intelligence when they speak to others (whether through a formal speech or informal conversation), tell stories, put their thoughts down on paper, create poetry, write letters, invoke humor (puns, tongue twisters, plays on words), use metaphors, similes, or analogies, and in learning proper grammar and syntax in speaking and writing. Some who are particularly talented in this area can argue, persuade, entertain, or instruct effectively through the spoken word. Some read voraciously, write clearly, are trivia experts due to their ability to retain facts, and gain meaning from print media. These individuals are often writers, journalists, comedians, attorneys, and teachers.

**Logical / Mathematical Intelligence.** Also called numbers or reasoning smart, these individuals rely on numbers and logic. They are often considered the “scientific thinkers,” engaging this intelligence when the situation requires problem-solving or meeting a new challenge. They recognize abstract patterns and notice relationships between seemingly separate and distinct pieces of information. This intelligence is manifested in list making,

prioritizing, and planning for the future. Traits include the ability to reason, sequence, think in terms of cause and effect, create hypotheses, and look for conceptual or numeric patterns. These individuals are often scientists, accountants, or computer programmers, to name a few.

**Visual / Spatial Intelligence.** Visual / spatially intelligent people think in pictures and images. They have the ability to perceive, transform, and re-create different aspects of the visual world. This intelligence surfaces when one draws pictures, day-dreams, imagines a future event, uses a map, or paints a room. These individuals, often architects, pilots, photographers, artists, and mechanical engineers, have acute sensitivity to visual details, and can orient themselves in three-dimensional space with ease.

**Body / Kinesthetic Intelligence.** Individuals with body / kinesthetic intelligence exhibit proficiency with the physical self. This involves the ability to use the body to do things that are not necessarily known by the conscious mind (e.g., riding a bike or catching a football), to express emotion (as through dance and other body movement), and to convey ideas through charades and mime. These individuals possess talent in controlling their own body movements and in building objects skillfully. They are often skilled at sewing, model building, carpentry, and physical activities such as swimming, hiking, or dancing. Athletes, craftspeople, mechanics, and surgeons possess body / kinesthetic intelligence.

**Musical / Rhythmic Intelligence.** This intelligence is used when we play music to calm ourselves when stressed, stimulate ourselves when bored, create an appropriate mood to study, or attain a steady rhythm when jogging. Those with musical / rhythmic intelligence,



often musicians, song-writers, and singers, are able to perceive, appreciate, and produce rhythms and melodies, and use tones and rhythmic patterns to communicate how they are feeling. They typically have a good ear, can sing in tune, and keep time to music.

**Interpersonal Intelligence.** Interpersonal intelligence is the ability to understand and work with others. It is used when we are part of a team effort, committee, or task force, and enables individuals to be responsive to the moods, temperaments, intentions, and desires of others. It utilizes our ability to engage in verbal and non-verbal communication and to notice distinctions among others with regard to contrasts in mood, temperament, motivations, and intentions; allows us to develop a genuine sense of empathy and caring for others. Those with interpersonal intelligence make good networkers, negotiators, and teachers.

**Intrapersonal Intelligence.** Those with intrapersonal intelligence have a tremendous sense of the inner self. This is the capacity to be introspective and self-reflective, and involves an awareness of the internal aspects of self, such as feelings, thinking processes, intuition, or spirituality. This intelligence includes self-identity and the ability to transcend self. Those who are intrapersonally intelligent enjoy meditation and contemplation. They easily access their own feelings, and are able to distinguish different kinds of inner emotional states. Intrapersonally intelligent individuals are often counselors, theologians, and self-employed persons.

**Existential Intelligence.** Existential intelligence is the ability to understand philosophically and theoretically. Individuals with this intelligence are comfortable with the abstract, and

able to construct theories to unravel mysteries or explain the currently unexplained. They are willing to abandon physical facts in pursuit of higher or more complex thinking. Practical is not necessarily essential; the mind is challenged by what might be. Those with existential intelligence may be scientists, detectives, philosophers, or artists.

**Naturalistic Intelligence.** Those with naturalistic intelligence have a talent for discriminating among plants, animals, rocks, and the world around us. They seek meaning in the relationships between elements of the natural world, as well as relationships between humans and nature. Naturalistics often perceive themselves as stewards of nature; further, they view nature as providing solutions to many of the ills of society. Those with naturalistic intelligence are often naturalists, game wardens, geologists, and gardeners.

### **Learning Style Assessment Tools**

Assessment of learning style has been the subject of much research (Knowles, Holton, & Swanson, 1998). Following is a brief description of some of the more common instruments used to assess individual learning styles, and the theory behind each. Each instrument incorporates its own unique indicators or components of learning style. The instruments include the Myers-Briggs Type Indicator (MBTI), Experiential Learning Model (ELM), Learning Model Instrument (LMI), Learning Style Inventory (LSI), Learning Styles Questionnaire (LSQ), Grasha-Reichmann Learning Style Questionnaire (GRLSQ), and Productivity Environmental Preferences Survey (PEPS).

**Myers-Briggs Type Indicator (MBTI).** Brightman (2002) claims that the 126-item Myers-Briggs Type Indicator (MBTI), Form G, is the most reliable method for assessing individual learning style. Developed by Katharine Cook Briggs and Isabel Briggs Myers, the MBTI examines four sets of preferences that yield 16 learning styles, or types. A type (e.g., ISTJ) is the combination of four preferences.

The Myers-Briggs model's four preferences answer the following questions:

1. Where, primarily, does one direct his/her energy?

Extraversion (E) versus Introversion (I)

2. How does one prefer to process information?

Sensing (S) versus Intuition (N)

3. How does one prefer to make decisions?

Thinking (T) versus Feeling (F)

4. How does one prefer to organize one's life?

Judging (J) versus Perceptive (P)

**Extraversion (E) versus Introversion (I).** Extraverts (E) glean energy from the outer world of activity and spoken words, things, and people. They are action oriented and prefer interaction with others. Extraverts learn by explaining to others, and they enjoy working in groups. Introverts (I) focus on the inner world of thoughts and emotion. They prefer to develop frameworks that integrate or connect the subject matter. To introverted learners, knowledge involves interconnecting material and seeing the "big picture." Flowcharts, concept maps, and comparison/contrasting tables help introverts process information (Brightman, 2002). The Center for Applications of Psychological Type (CAPT)

reports that almost 55% of university faculty are introverts (Center for Applications of Psychological Type).

**Sensing (S) versus Intuition (N).** Sensing (S) learners prefer to process information in the form of known facts and familiar terms. As a result, they are detail and fact oriented; they trust data. Sensing learners prefer organization and linear, structured instruction. Intuitive (N) learners absorb information through their “sixth” sense by seeking patterns and relationships among previously gathered facts. They process information in the form of possibilities or new potential; they trust hunches and their intuition. Intuitives thrive when they have the big picture or an integrating framework to understand a subject (Brightman, 2002). Nearly 64% of university faculty are intuitive (Center for Applications of Psychological Type).

**Thinking (T) versus Feeling (F).** Thinking (T) learners make decisions based on logic and objective considerations. They rely on impersonal analysis, logic, principle, and fairness. Thinkers like clear, action-oriented course and topic objectives. Feeling (F) learners focus on human values and harmony. Feeling learners enjoy working in small groups, particularly if they are harmonious (Brightman, 2002). Approximately 54% of university faculty have a preference for thinking (Center for Applications of Psychological Type).

**Judging (J) versus Perceptive (P).** Judging (J) learners make quick decisions, and are decisive, organized, and regimented. They focus on planning their work and completing the task in lieu of sacred deadlines. Judgers often utilize time-saving techniques such as

speed reading or color coding in their learning. Perceptive (P) learners are curious, flexible, adaptable, and spontaneous. They enjoy gathering information in order to make the best possible decision. Perceptives start many tasks but often have difficulty completing tasks, hence, establishing deadlines may keep them on target (Brightman, 2002). Almost 65% of faculty prefer judging (Center for Applications of Psychological Type).

Combining the four preferences results in one of 16 types (e.g. INFP, ESFJ) profiled by the Myers-Briggs model. Myers-Briggs highlights general themes or similarities in learning, processing, energizing, and decision-making among people.

Kiersey and Bates (1978) built on the work of Myers-Briggs in development of the Kiersey Temperament Sorter. The format of the report is the same as the MBTI questionnaire, however, no validation research supports their questionnaire – hence it is not discussed here.

**Experiential Learning Model (ELM).** Kolb's (1984) experiential learning model seeks to accommodate, within each learning event, the principal styles that individual students bring to the event. Kolb (1984) advanced the ELM, a model rooted in psychological literature that describes the four-stage learning cycle that individuals move through to learn and apply concepts effectively. This learning theory states that individuals have two major competing dimensions of learning: the concrete/abstract and the active/reflective. The concrete/abstract dimension indicates how individuals process experience and information. Over time and as a result of personal experiences, most individuals develop preferences for a specific dimension by selecting one of the two competing dimensions of learning style: concrete versus abstract and active versus reflective.

The four stages of the ELM are the polar points of the two learning dimensions: *concrete experience, reflective observation, abstract conceptualization, and active experimentation*. Kolb assigned titles to the learning styles in each group: *divergers, convergers, assimilators, and accommodators*.

Sims, Veres, and Shake (1989) also used Kolb's (1984) experiential learning model (ELM) as a framework for understanding ways in which the learning process and individual learning styles can affect learning. Their work supports the premise that the effective management of learning requires creating environments that facilitate a productive learning climate.

B. McCarthy (1980) took Kolb's learning style descriptions and amplified these to construct the 4-matting system of developing lesson plans for grades K-12. This system, the 4MAT model (see Learning Styles, this chapter), incorporates Kolb's four learning constructs and recent research on right/left brain hemispheric processing.

**Learning Model Instrument (LMI).** Murrell's (1987) Learning Model Instrument (LMI) was designed exclusively for managers, and, similar to Kolb (1984), introduces four domains of learning based on one's preference for cognitive or affective learning and for concrete or abstract experiences. The LMI seeks responses to twenty items, resulting in four learning domains: feeling planner, participative implementer, task implementer, and thinking planner. *The feeling planner* enjoys learning situations that provide concrete situations but does not permit others to get too close. *Participative implementers* prefer learning situations that allow them to interact with people in hands-on experiences that allow them to keep busy. *Task implementers* prefer task-focused learning situations that emphasize details and specifics in a thoughtful manner. The *thinking planner* shows a preference for learning through task-oriented experiences in an abstract environment.

**Learning Style Inventory (LSI).** Kolb's (1976, 1985a, 1985b) Learning Style Inventory built on the work of the ELM. Prior research by Kolb and others has shown an association between the states of the learning cycle and the type of instructional strategy that is most effective in that state (Kolb, 1984). Work by others (Sims, 1995; Sims, Veres, & Shake, 1989) has shown that Kolb's (1984) ELM and accompanying learning styles (1985) assists those interested in better understanding individual learning differences.

**Learning Styles Questionnaire (LSQ).** Honey and Mumford (1982a, 1982b, 1986a, 1986b) developed an 80-item Learning Styles Questionnaire (LSQ) to help respondents (primarily managers) determine their learning styles. The LSQ is designed to probe the relative

strengths of four different learning styles: activist, reflector, theorist, and pragmatist.

*Activists* prefer to learn from immediate experiences and new challenges; they are bored with implementation and longer-term consolidation. *Reflectors* prefer observing data and people before making conclusions. They like to consider possible angles and implications before making a move, and tend to be cautious. *Theorists* adapt and integrate information in an objective manner. They prize rationality and logic, tend to be detached and analytical, and are unhappy with subjective or ambiguous experiences. *Pragmatists* prefer to test ideas and theories in practice, and respond to problems and opportunities as challenges.

**Grasha-Reichmann Learning Style Questionnaire (GRLSQ).** The Grasha-Reichmann Learning Styles Questionnaire (GRLSQ) classified three styles of learning: dependent, collaborative, and independent (Reichmann, 1974). The GRLSQ consists of ninety items with a self-report scale. *Dependent* learners generally prefer highly structured, teacher-directed courses with explicit reading assignments, explicit class assignments, and a predetermined number of tests. They prefer a straightforward lecture without term papers; however, if a term paper is assigned, the dependent learner would want the topic to be assigned by the teacher, with fairly detailed instructions.

Persons who score high as *collaborative* learners prefer a discussion class with as much interaction as possible. The collaborative learner prefers group projects and collective assignments, such as case studies. Independent learners like to have some influence on the content and structure of the course. This style of learner prefers some role in the determination of the material covered, the number of tests given, topics for papers, and so



forth. Independent learners prefer that the facilitator serve as a resource person rather than as a formal lecturer (Reichmann, 1974).

**Dunn and Dunn Learning Style Model (D & D).** Dunn and Dunn (1978, 1993, 1999) suggest that learning style is based on an individual's response to five categories of "elements," which are environmental, emotional, sociological, physical, and psychological. An individual's needs or preferences in each category indicate his or her learning style. The Dunns' model is a complex, comprehensive picture of the needs and preferences that influence how or whether one learns something. It acknowledges that learners differ in their reliance on auditory, visual, tactile, and kinesthetic perception processes; in their orientations of self, peers, and authorities; in the power of their motivation to learn; and in the strength of their sense of responsibility of the results of the process. The model reflects that individuals differ in their needs for mobility, their daytime and nighttime energy levels, and their "intake" needs (desire to smoke, chew gum, or drink something when concentrating).

The D & D model solicits responses to one hundred Likert-type items and produces a profile clustered around twenty-one different elements. The D & D model identifies and analyzes the conditions that encourage an individual's best performance in areas such as problem solving, decision making, and learning. It is concerned with how one prefers to learn, not why, and reveals the pattern of needs and preferences that constitute one's learning style scale (Price, Dunn, & Dunn, 1982).

## Processing Styles

Many of the above instruments address aspects of learner processing styles; hence, a brief discussion is warranted. The terms analytic and global describe how individuals begin to take in and process information. *Analytics* learn most easily when information is presented in a sequential, step-by-step manner that allows for gradual development and cognitive understanding of a concept. Conversely, *globals* learn more easily either when they understand the overriding concept first and are then exposed to details, or when they are introduced to the information with a humorous story replete with examples, applications, and graphics related to their lives (Dunn, 1998).

Jensen (1996) and McCarthy (1980) relate the concepts of analyticals versus globals to research on left- and right-brain function. McCarthy (1980) suggests that the two halves of the brain process information differently. Although both are equally important, they perform differing functions. For instance, speech resides primarily in the left hemisphere while spatial capability is in the right. At the same time, the two hemispheres differ in terms of the way they process information. For instance, linear, sequential processing occurs in the left whereas more global processing takes place in the right hemisphere. Due to the differences in processing information, the two hemispheres share equal importance in learning.

In the learning context, says Jensen (1996), both left and right brain learners have their advantages. In reality, he says, we are whole brain learners; we engage different sides of our brain continuously. Characteristics of right and left brain dominance follow:

**Left Brain Dominance**

Prefers sequence

Learns from part to whole

Phonetic reading system

Likes words, symbols, letters

Prefers reading about it first

Unrelated factual information

Detailed orderly instruction

Prefers internal focus

Wants structure, predictability  
(Jensen, 1996, p. 16)**Right Brain Dominance**

Comfortable with randomness

Learns whole then parts

Whole language reader

Wants pictures, graphs, charts

Prefers seeing or experiencing it

Relationships in learning

Spontaneous, go with the flow

Prefers external focus

Open-endedness, surprises

**Summary**

Organizations are responsible for continuous training and development of employees. One topic commonly addressed includes compliance with federal, state, or local laws – such as the Family Educational Rights and Privacy Act.

FERPA guarantees students' rights to privacy of academic records. Without student consent, preferably written, colleges and universities are prohibited from sharing student information with anyone not possessing "legitimate need to know." Failure to adhere to federal, state, and local privacy laws often has costly consequences for violating institutions in the form of federal sanctions, lawsuits, and monetary judgments. University and faculty member compliance with privacy laws, thus, presents an important issue. As a result, it

behooves colleges and universities to adequately inform their employees of the specifics of privacy law, proper implementation, and consequences of non-compliance.

According to Wood and Thompson (1993), university faculty member training programs often are ill-conceived, ineffectively executed, and poorly received. One possible reason involves institutions' lack of understanding of the importance of learning style preferences on participant learning.

Universities must incorporate learning style research into their training and faculty development processes to ensure learning and, ultimately, improve on-the-job performance by faculty. Manifestations of such action can take the form of integrating the results of learning style research into the design and delivery of faculty development activities.

This study highlights the importance of faculty learning style preferences with regard to faculty learning – as indicated by knowledge levels of privacy law (FERPA). Research questions asked respondents their preferences of media (written, verbal, etc.) and format (training sessions, meetings, one-to-ones, etc.) in an attempt to understand faculty learning styles and effective means by which to accommodate their preferences. This understanding will provide a basis for suggestions for improved university training approaches that lead to enhanced learning and performance on the part of faculty members.

### **CHAPTER III**

### **METHODOLOGY**

The purpose of this study was to collect data about faculty member knowledge of the Family Educational Rights and Privacy Act (FERPA), how and from whom universities disseminate information about student privacy law, and how and from whom faculty members prefer to receive this information. The following sections are included: (1) type of research conducted, (2) population, (3) instrument development, (4) data collection, and (5) methods of data analysis.

#### **Type of Research Conducted**

This study consisted of the collection and analysis of faculty member perceptions of their knowledge of the Family Educational Rights and Privacy Act (FERPA), the effectiveness of the provider(s) or source(s) of information related to this law, and their preferences for provider(s) or source(s) of this information. The intent was to understand conditions as they exist within the three universities; hence, the study is descriptive. “Descriptive statistics are used to classify and summarize numerical data; i.e., to describe data” (Hinkle, Wiersma, & Jurs, 1998, p. 17).

A combination of quantitative and qualitative methods were appropriate for this study. Quantitative data explains the “what” while qualitative responses frame the “why.” University registrar and legal counsel interviews were used to provide a baseline for development of a structured survey and data analysis. At each of the three universities, the

registrar and legal counsel were interviewed in person and via the phone to glean information, history, and resources about FERPA, along with their ideas for dissemination of information and improvements to the information sharing or training process. Interview sessions lasted approximately an hour. These interviews yielded substantive data regarding FERPA and the means by which the universities currently disseminate information regarding the law to faculty members.

The faculty member data for this study were collected from a systematic sample using a written questionnaire. A written questionnaire was used because it can be given to a large number of people in a fairly short time, it provides data that are easily tabulated and analyzed, this format is familiar to most respondents, subjects can respond when it is convenient for them, respondents have ample time to think about their responses, it permits anonymity, and allows the researcher to cover a large geographic area.

The survey instrument was sent to randomly selected faculty members at three land grant institutions: Colorado State University, Iowa State University, and Michigan State University.

A significant portion of the data gathered was perceptual data; that is, data based on the perceptions of the respondents. The possibility that the facts may not be the same as perceptions in any particular situation must be considered a limitation of this study.

### **Population**

Four criteria were used to determine the population of this study: type of institution, location, size of institution, and accessibility to faculty lists. Three universities were selected based on their membership in the land-grant system as defined by the Morrill Act, and “peer”

status as reported by the Colorado Commission of Higher Education (CCHE). This peer group consists of land-grant universities with veterinary medicine programs.

The list was narrowed based on location in the Midwest and size of the institution based on number of students (25,000-50,000 students). Finally, institutions were chosen that listed faculty members on their web-site.

### **Instrument Development**

The survey instrument was derived from interview responses, testing by a select group of faculty and administrators, and pilot testing at four colleges / universities. Development occurred in two phases over the course of a year: (1) initial survey and testing, and (2) final instrument.

The initial pilot survey instrument was constructed based on the results of a comprehensive literature review, interviews of university registrars and legal counsel, and personal interviews of faculty members. The initial questionnaire was approximately two pages and took less than five minutes to complete. The survey instrument was designed in three sections: (1) demographics, (2) FERPA knowledge level and sources of information, and (3) preferred methods of communication.

Part I of each pilot questionnaire sought demographic data such as type of institution (community college, public / private university), faculty member teaching rank, and number of years teaching experience. Part II asked for respondents' perception of their knowledge level of FERPA, source of this information, communication medium, desired frequency with which FERPA information should be shared and by whom, and whether respondents' felt

they needed additional information on the topic. Part III asked respondents to indicate which means of communication were most effective for them personally, and why.

Cover letters and test surveys (Appendix A) were then delivered via email or in hard copy format to faculty members at four colleges / universities for pilot testing. The colleges / universities included two private schools (Davenport University and Faith Baptist College) a community college (West Shore Community College), and a public 4-year institution (Iowa State University) whose randomly chosen faculty provided valuable feedback. Respondents were given the choice of returning questionnaires via email or regular mail, by whichever method they were most comfortable. To enable constant refining and reliability of the instrument, responses were examined continually for errors, trends, and other key indicators. Also included was a section for respondent “comments” regarding the instrument.

The final survey instrument was reviewed by experienced faculty and researchers at Colorado State University and tested by a Ph.D.-level class of administrators (Educational Leadership course) who deal with faculty and FERPA issues. This group was asked to evaluate the questionnaire and identify questions that were ambiguous, inappropriate, or absent. Recommendations were encouraged and incorporated into the final draft of the instrument. The revised questionnaire was expanded based on reviewer comments. Part I demographic additions included gender, tenure status, and number of years at current university. Part II was modified to include rankings for current source of FERPA information and current form of information. Part III was also modified to include rankings of faculty member preferences for most effective means of sharing information. The revised questionnaire (Appendix C) received committee members’ approval prior to dissemination to faculty and institutions.



### **Data Collection**

The survey questionnaire and accompanying cover letter were emailed to faculty members at Iowa State University, Colorado State University, and Michigan State University in January, February, and March of 2002, respectively. Email format was chosen due to its ease of mailing, wide use by faculty members, speed of response, ability to respond electronically or by printing a hard copy, and availability of faculty email addresses via the Internet and university web sites. Mailings were staggered to allow for systematic organization, review, and filing of information from each university's faculty members.

Surveys were emailed to 541 faculty members at Iowa State University, 1321 faculty at Colorado State University, and to 958 faculty at Michigan State University. Fewer surveys were sent to Iowa State University than its peer institutions as this school's faculty members had been the subject of pilot testing; questionnaires were not emailed to faculty members who had been previously surveyed. Colorado State University represents the greatest number of faculty surveyed as a single email distribution list containing all faculty member names was available and therefore utilized to send the questionnaires.

One emailed survey and cover letter were sent to each faculty member; no additional follow-up questionnaires were sent. Upon receipt, a work-study student removed any respondent identifiers, thus ensuring anonymity and confidentiality.

With a standard 95% confidence level, 80% power level, and effect size of .5, the necessary sample size per institution was 78 (Hinkle, Wiersma, & Jurs, 1998, p. 653-655); see Table 1. Raising confidence levels to 99%, all things being equal, requires a sample size of 112. Raising the power level to 90%, for example, necessitates a sample size of 101 with

a 95% confidence level. Increasing the effect size lowers the numbers required for sample size. For example, a confidence level of 95% with power of 99% and effect size of .75 requires a sample of 77.

**Table 1**  
**Sample Size Required for Each University**

Power	Confidence Levels			
	$\alpha = 95\%$	$\alpha = 99\%$	$\alpha = 95\%$	$\alpha = 99\%$
	ES .5		ES .75	
.75	69	103	31	53
.80	78	112	35	53
.85	87	124	39	56
.90	101	142	45	64
.95	124	167	56	76
.99	173	222	77	100

Source: *Applied Statistics for the Behavioral Sciences*, Hinkle, Wiersma, & Jurs, 1998.

### **Methods of Data Analysis**

Interviews were analyzed to allow for identification of common themes and patterns necessary to develop a database of FERPA information and the survey instrument.

“Comparing, contrasting, aggregating, and ordering” registrar and legal counsel responses generated a baseline for this study’s questionnaire (Goetz & LeCompte, 1984, p. 171).

The survey methodology used produced primarily nominal and ordinal data. Given this level of measurement, limited analyses were appropriate. Frequencies and percentages were calculated for all questions and data.

The dependent variable in this study was the extent to which faculty members understood the provisions of FERPA. Knowledge level was indicated on an ordinal scale: “no,” “slight,” “moderate,” or “extensive” understanding. The remaining independent variables represented by each survey question were classified into different groups (nominal, ordinal) according to how they were measured. The way in which the data were analyzed depended on how each variable was measured.

Nominal data were coded numerically, with frequencies and percentages calculated. Examples of nominal data included rank, gender, current source of FERPA information (e.g., registrar, human resources, etc.), medium used to share information, the need for additional information (yes / no), frequency with which information should be shared (annually, with important changes, other), best or preferred source of FERPA information, and preference for most effective communication medium (e.g., verbal, written, etc.).

Ordinal data were gathered on scales ranging from “none” to “extensive” and from “not at all important” to “very important.” Examples of ordinal data included questions

indicating knowledge level of FERPA and importance of faculty member compliance with privacy law. Additionally, asking respondents to rank order their responses for certain questions (source of FERPA information, form in which it was shared, best or desired source, and most effective form of communication) yielded ordinal data for which frequencies and percentages were calculated.

All questions and data had associated frequencies and percentages calculated.

Correlations were run between and among ordinal data sets seeking relationships and / or impact on the dependent variable (faculty knowledge of FERPA). Analysis of variance was used to determine whether group means were significantly different from each other.

Pearson's Chi-square was also used as appropriate to test for relationships between categorical variables. These statistics were chosen because they were appropriate to the data collected.

## **CHAPTER IV**

### **FINDINGS AND ANALYSIS**

This chapter presents an analysis and discussion of the data collected for the study. It is comprised of the following sections: (1) subjects of the study, (2) analysis and discussion of interviews, (3) analysis and discussion of survey questions, and (4) summary.

Data analysis focuses on the three primary research questions:

- What is university faculty member understanding of FERPA?
- Who or what has been the source of FERPA information, and what means was used to share information?
- Who should be responsible for providing faculty with information regarding FERPA, and via what means?

#### **Subjects of the Study**

Questionnaires were sent to 2,820 faculty members at three peer land grant universities. A total of 390 usable responses were received.

Surveys were sent to 1,321 faculty at Colorado State University; 184 responded. Fifteen of the responses were blank and three indicated they were no longer teaching and therefore did not complete the survey; thus, usable responses were reduced to 166, for a response rate of 12.6%. Forty-three responses were received via campus mail and 123 surveys were received via email.

Surveys emailed to 541 faculty members at Iowa State University yielded 108 responses, for a total response rate of 20.0%. Six of the questionnaires were blank and four

were received with notes indicating the respondents were not familiar with FERPA and therefore chose not to complete the survey; thus, 98 responses were usable, for a response rate of 18.1%. One survey was received via United States Postal Service mail delivery, eight were received via campus mail to a specified location on Iowa State University's campus, and 89 were received via email.

Surveys sent to 958 faculty at Michigan State University yielded 146 responses, 20 of which were unusable; 15 were blank, two were received with notes indicating the faculty members had retired, and three were received after the due date and statistical processing had been completed. Eight surveys were received via regular U. S. Postal Service mail, and 118 were received via email. The resulting MSU response rate based on 126 usable surveys was 13.2%. See Table 2.

**Table 2**

**Distribution and Receipt of Survey Questionnaires**

<b>School</b>	<b>Number of Faculty</b>	<b>Surveys Sent (email)</b>	<b>Usable Surveys Received</b>	<b>Response Rate</b>	<b>Month Sent</b>
Colorado State University	1,518	1,312	166 Total	12.6%	February, 2002
Iowa State University	1,779	541	98 Total	18.1%	February, 2002
Michigan State University	2,718	958	126 Total	13.2%	March, 2002
<b>Totals</b>	<b>6,015</b>	<b>2,820</b>	<b>390</b>	<b>13.8%</b>	

Sources: CSU Fact Book, 2001; ISU Fact Book, 2000-2001; MSU Facts In Brief

### **Analysis and Discussion of Interviews**

Interviews of three registrars, one assistant registrar and three legal counsel yielded similar responses, perspectives, and understanding of the Family Educational Rights and Privacy Act. These participants were asked to provide the fundamentals of the Family Educational Rights and Privacy Act, also known as FERPA, the current university source or provider of information to faculty members, whether they felt that University personnel fully understand FERPA, the most effective means by which faculty should receive FERPA information and updates, the best university source of information, the frequency with which FERPA information should be shared, common FERPA complaints they have fielded, what type of research, information, or support is needed by university administrators regarding FERPA, and, in their opinion, the best resources. Their responses are summarized below. Complete transcripts of interviews are available in Appendix D.

- FERPA addresses issues of confidentiality and privacy regarding student information and records.
- FERPA is typically administered by the office of the registrar, student services, or similar office.
- Faculty members do not possess a thorough, or often even appropriate, level of understanding of FERPA. Comments surfaced such as “faculty don’t read,” “faculty ignore things,” and “some faculty are completely ignorant.”
- Effective means of distribution include “faculty meetings,” “email and posting on the website,” and “new faculty orientation.” Further, some expressed the need for mandatory meetings and / or training.
- FERPA information / updates should be shared at least annually.

- Universities need help sharing information about FERPA. Resources for training seem to constitute a large need. As one registrar said, “We need someone to commit to spending two to three years to do training on campus.”
- At this point, the best resources on FERPA are college registrars, the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and the National Association of College and University Attorneys (NACUA). No research or researchers were mentioned.
- Faculty members are frequent violators of FERPA, with technology leading the way. Examples of common violations include:
  - Sending the class list around with the social security number to check off attendance (class lists are confidential, sharing with all students is a violation).
  - Posting of grades with names, social security numbers, or actual class lists.
  - Faculty members distribute or allow students to pick up graded work in a manner that allows others to see the grade.
  - Faculty members leave confidential student information in a public place (e.g. file drawer or in the hall).
  - Faculty members fail to secure informed consent from students prior to revealing or sharing confidential information.
  - Faculty members use list serves, chat rooms, or the Internet to provide students with feedback publicly.



- Faculty members discuss students with others who have no “need to know,” particularly off-site (e.g., at social gatherings).

Registrar and legal counsel responses were strikingly similar, although not unexpected given the nature of their positions and the precision of the law. One legal counsel was also a former faculty member, thus his insight was the result of administrative, legal, and faculty experience.

### **Analysis and Discussion of Survey Questions**

The low response rates at these public institutions may be due to a number of factors. One influencer may be delivery method. Although convenient and widely used, email may not be the preferred method of communications for some faculty members. Further, faculty had the option to print the survey, yet some may have perceived this as too much of an effort on their part. Those who didn't want to print the form may not have been comfortable responding via email, which would have indicated their names as senders.

The low response rate may be an indication of lack of interest in or knowledge of the topic. Additionally, some individuals simply don't like to complete surveys.

Timing may have been a factor in all surveys. January questionnaires were mailed at the beginning of the semester, which is a very busy time. February and March surveys arrived just before spring break at CSU and immediately after spring break for MSU. Again, all busy times.

Randomly selected faculty members at the three institutions received one emailed cover letter and survey; no additional or follow-up questionnaires were sent. Also, response

was requested within 10 days of mailing of the instrument, which further limited the response rate from faculty members.

Previous pilot testing of public, private, and community colleges yielded a wide range of response rates. Surveys sent to 329 Iowa State University faculty members yielded 48 surveys for a response rate of 14.4%. Thus, relatively low response rates were anticipated from the land grant universities. Eighteen of 62 community college faculty members returned questionnaires, for a response rate of 29%. Faculty members at the private four-year college returned 23 of 31 questionnaires, for a response rate of 74%. This large response rate was most likely due to the additional cover note of encouragement to faculty included by the executive vice president.

Faculty member surveys yielded an intriguing range of responses. Following are summaries for each question.

### **Faculty Member Rank**

Respondents were asked to check one of the following categories for rank: “full professor,” “associate professor,” “assistant professor,” “instructor,” “adjunct faculty member,” or “other.” The “other” option included space for respondents to indicate specifically their title or rank. Responses were categorized by university as shown in Table 3. When specified, “other” responses include:

- Administrative professional
- Administrator
- Teaching assistant
- Doctoral candidate
- Specialist
- Professional, instructor
- Senior research specialist

The largest group of respondents (36.6%) was full professors, which is consistent with faculty demographics / populations within each of the three universities. Each institution reports full professors comprise just over a third total faculty: CSU 35.1%, ISU 35.6%, MSU 41.7% (CSU Fact Book, 2001-02, ISU Fact Book 2001-2002, MSU Facts in Brief 2001). Figures for associate and assistant professors are also consistent. Additionally, discussions with full professor colleagues lead me to believe that full professors are less mobile career-wise than associates and assistants, may empathize with and “take pity” on Ph.D. candidates, or even experience a “parental” or “mentor” feeling as they take the time to help with research. Additionally, full professors typically lack the pressures placed on other ranks: to become tenured, get promoted, publish, and so forth. As a result, they have more time to respond to survey requests.

Instructor and adjunct response numbers, while consistent with university populations, are lower at 25 (6.6%) and 21 (5.5%) respectively. Accreditation criteria typically limit the number of allowable non-tenure-track faculty, hence universities restrict instructor and adjunct numbers. Additionally, temporary or part-time teaching staff are often not included in web-site lists of current faculty, and may not have a university office or email address.

### **Faculty Tenure Status**

Respondents were asked to indicate their status as “tenured,” “tenure track,” or “non-tenured” faculty. Overall, 61.4% of respondents were tenured, 15.8% tenure track, and 24.7% non-tenure track. For each university, tenured faculty comprise more than

**Table 3**

**Distribution of Respondents by University and Teaching Rank**

University	Full		Associate		Assistant		Instructor		Adjunct		Other		Row Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
CSU	49	30.4	45	28.0	27	16.8	12	7.5	7	4.3	21	13.0	161	100.0
Column %		35.3		50.0		35.5		48.0		33.3		72.4		
ISU	37	38.1	19	19.6	25	25.8	5	5.2	6	6.2	5	5.2	97	100.0
%		26.6		21.1		32.9		20.0		28.6		17.2		
MSU	53	43.4	26	21.3	24	19.7	8	6.6	8	6.6	3	2.5	122	100.0
%		38.1		28.9		31.6		32.0		38.1		10.3		
Totals	139	36.6	90	23.7	76	20.0	25	6.6	21	5.5	29	7.7	380*	100.0
%		100.0		100.0		100.0		100.0		100.0		100.0		

\*Missing = 10

half of respondents. Responding MSU faculty members reported a high of 68% (actual 64.3%) with tenure, ISU had 62.1% (actual 60.2%), and CSU had the lowest at 55.8% (actual 51.2%). Again, these figures are consistent with actual populations within these universities, and not surprising given the nature, mission, and faculty demographics of land grant institutions. See Table 4.

### Faculty Gender

Respondents were asked to indicate their gender as “male” or “female.” Fifty-nine point seven percent of respondents were male, 40.3% were female. For each university, male

**Table 4**  
**Distribution of Respondents by Tenure Status**

University	Tenured		Tenure Track		Non-tenured		Row Total	
	N	%	N	%	N	%	N	%
CSU	87	55.8	19	12.2	50	32.1	156	100.0
Column %		38.0		32.2		58.8		
ISU	59	62.1	22	23.2	14	14.7	95	100.0
%		25.8		37.3		16.5		
MSU	83	68.0	18	14.8	21	17.2	122	100.0
%		36.2		30.5		24.7		
Totals	229	61.4	59	15.8	85	24.7	373*	
%		100.0		100.0		100.0		

\* Missing = 17

faculty comprise approximately 60% of respondents (range is 57.9% to 61.2%). Faculty gender distribution at the three land grant institutions is skewed, with each reporting more male than female faculty in tenured, tenure eligible, and non-tenured ranks. Males comprise 74.8% of total faculty at CSU, 74.1% at ISU, and 70% at MSU (CSU Factbook, 2001, p. 110). Females responded at a slightly greater rate than was expected. Is this difference significant? A Chi-Square test confirms these figures may be statistically significant. The P Value is less than .05, which indicates a relationship exists. See Table 5.

**Table 5**  
**Distribution of Respondents by Gender**

University	Male		Female		Row Total	
	N	%	N	%	N	%
CSU	96	59.6	65	40.4	161	100.0
Column %		42.7		42.8		
ISU	55	57.9	40	42.1	95	100.0
%		24.4		26.3		
MSU	74	61.2	47	38.8	121	100.0
%		32.9		30.9		
Totals	225	59.7	152	40.3	377*	100.0
		100.0		100.0		
Expected	263.90		113.1		377*	
Residual	-38.90		38.90			

Chi-Square  $P < .0001$ ;  $DF = 1$

\* Missing = 13

### **Years of Teaching Experience at the University Level**

Survey participants were asked to indicate how many years of teaching experience they possessed at the University level. A compilation of their answers is given in Table 6.

Sixteen point four percent of all respondents have been teaching four years or less, 16.9% between five and nine years, 13.1% between 10 and 14 years, 11.2% possess 15 to 19 years of teaching experience, 12.6% between 20 and 24, and 27% have 25 or more years of experience.

Nearly one-half of respondents (46.4%) possess 14 years or less of teaching experience; 50.8% have 15 or more years teaching experience. Those with less than one year comprise a mere 0.8% of responses. Inexperienced or new staff may not be included in university email distribution lists possibly due to recency of hiring, or may be engrossed in their own pressure to publish or teaching responsibilities.

### **Years Teaching at Current Institution**

Respondents were asked to indicate the number of years experience they possess teaching at their current universities. Table 7 lists responses.

Twenty-nine point seven percent of respondents indicate they have been at their current institutions four years or less, 14.6% have been at their institutions 5-9 years, 14.6% for 10-14 years, 10.8% for 15-19 years, 10.8% for 20-24 years, and 16.1% for 25 years or longer. Forty-four point three percent of respondents have been with their current institutions for nine years or less.

**Table 6**  
**Years of Teaching Experience at the University Level**

<b>Years</b>	<b>CSU</b>	<b>ISU</b>	<b>MSU</b>	<b>Row Total</b>	<b>Aggregate %</b>	<b>Range%</b>
0	2	0	1	3	.8	
1	9	2	5	16	4.2	
2	4	7	7	18	4.7	
3	8	0	5	13	3.4	
4	6	2	6	14	3.7	16.4
5	6	5	5	16	4.2	
6	5	4	3	12	3.2	
7	4	6	3	13	3.4	
8	10	3	6	19	5.0	
9	2	1	3	6	1.6	16.9
10	6	1	3	10	2.6	
11	6	1	4	11	2.9	
12	2	3	2	7	1.8	
13	4	3	3	10	2.6	
14	6	3	4	13	3.4	13.1
15	5	2	8	15	4.0	
16	4	3	2	9	2.4	
17	1	3	1	5	1.3	
18	3	2	4	9	2.4	
19	2	0	4	6	1.6	11.2
20	11	5	4	20	5.3	
21	2	2	3	7	1.8	
22	6	1	3	10	2.6	
23	3	4	1	8	2.1	
24	2	1	1	4	1.1	12.6
25	6	6	6	18	4.7	
26	3	4	1	8	2.1	
27	5	4	1	10	2.6	
28	2	1	3	6	1.6	
29	2	0	4	6	1.6	
30	4	9	2	15	4.0	
31	3	0	2	5	1.3	
32	3	2	2	7	1.8	
33	1	1	1	3	.8	
34	1	2	3	6	1.6	
35	5	1	1	7	1.8	
36	3	1	0	4	1.1	
37	1	0	1	2	.5	
38	2	0	1	3	.8	
39	0	0	1	1	.3	
45	1	0	0	1	.3	
46	0	1	0	1	.3	
48	0	1	0	1	.3	
53	0	0	1	1	.3	27.0
Totals	161	97	121	379	100.0	
* Missing = 11						



**Table 7**  
**Faculty Member Years at Current Institution**

Years	CSU	ISU	MSU	Row Total %	Aggregate %	Range %
0	0	0	0	0	0	
1	20	5	11	36	9.6	
2	12	14	11	37	9.8	
3	5	9	8	22	5.9	
4	9	5	7	21	5.6	29.7
5	8	4	3	15	4.0	
6	6	4	5	15	4.0	
7	1	2	5	8	2.1	
8	8	2	4	14	3.7	
9	2	0	3	5	1.3	14.6
10	5	1	3	9	2.4	
11	6	2	9	17	4.5	
12	5	3	3	11	2.9	
13	9	2	2	13	3.5	
14	4	2	1	7	1.9	14.6
15	5	2	6	13	3.5	
16	4	2	3	9	2.4	
17	2	3	0	5	1.3	
18	7	2	3	12	3.2	
19	1	0	2	.3	.8	10.8
20	7	2	6	15	4.0	
21	1	2	2	5	1.3	
22	2	1	3	6	1.6	
23	2	4	2	8	2.1	
24	2	3	3	8	2.1	10.8
25	4	2	1	7	1.9	
26	4	2	1	7	1.9	
27	2	4	0	6	1.6	
28	3	1	3	7	1.9	
29	1	0	3	4	1.1	
30	2	7	1	10	2.7	
31	4	0	1	5	1.3	
32	3	0	0	3	.8	
33	2	0	0	2	.5	
34	0	1	2	3	.8	
35	2	0	0	2	.5	
36	1	1	0	2	.5	
37	0	0	1	1	.3	
48	0	1	0	1	.3	
49	0	0	1	1	.3	16.1
Totals	161	95	120	376	100.0	

\* Missing = 14

### **Faculty Member Knowledge Levels of FERPA**

Surveyed faculty members were asked to indicate their perceptions of their understanding of the Family Educational Rights and Privacy Act. Choice of responses included: “not familiar,” “slight familiarity,” “moderate familiarity,” and “extensive familiarity.” See Table 8.

Each category included a brief description of the qualifier. Those not familiar with the law were instructed to skip to question 7. Slight familiarity was described as “I am aware that FERPA addresses student privacy issues.” Moderate familiarity included “I can cite common do’s and don’ts of FERPA compliance.” Extensive familiarity included “I can name the four primary student rights ensured by FERPA, along with common violations of the law and faculty strategies for compliance.”

Forty-one point eight percent of total responding faculty indicated a lack of familiarity with FERPA. Of those not familiar with this law, 36% were from CSU and 26.1% were from ISU. Last year’s pilot testing at ISU yielded similar results, with 33% not familiar with the law. MSU’s responding faculty not familiar with FERPA comprise 37.9% of total respondents unfamiliar with the law.

Of CSU faculty who submitted surveys, 35.2% indicated moderate understanding of the provisions of FERPA and 3.6% said they were extensively familiar. These figures represent the highest levels of understanding in this survey, most likely due to emails sent by the provost’s office and all deans’ offices at the end of fall semester (December, 2001). These communications stressed the importance of confidentiality and outlined appropriate

**Table 8**  
**Faculty Member Understanding of FERPA**

University	None		Slight		Moderate		Extensive		Row Total	
	N	%	N	%	N	%	N	%	N	%
CSU	58	35.2	43	26.1	58	35.2	6	3.6	165	100.0
Column %		36.0		38.1		56.9		66.7		
ISU	42	43.3	24	24.7	29	29.9	2	2.1	97	100.0
%		26.1		21.2		28.4		22.2		
MSU	61	49.6	46	37.3	15	12.2	1	.8	123	100.0
%		37.9		40.7		14.7		11.1		
Totals	161	41.8	113	29.4	102	26.5	9	2.3	385*	
%		100.0		100.0		100.0		100.0		

\* Missing = 5

procedures for posting of grades in compliance with FERPA. See Appendix E for a copy of this emailed message.

#### **Source of FERPA Information**

Respondents were asked to indicate the source or provider of previous information they have received on FERPA. Categories included “registrar,” “student services,” “department chair,” “dean,” “provost or Vice President,” “human resources or training and

development office,” and “other.” Space was provided with “other” and respondents were encouraged to specify the source. If more than one source provided information, participants were asked to rank the effectiveness of each source on a scale of 1 (best) to 7 (worst).

Results of this question are in Table 9.

The three most frequent responses regarding providers of FERPA information are other (45.7% of #1 rankings), department chair (17.4%), and registrar (14.6%). These figures contradict the pilot study, in which 50 % of respondents cited the registrar as the primary provider of FERPA information and 28% listed “other.” “Other” responses ran the gamut of newspapers and mass media to discussions with colleagues and personal inquiry. A sampling of “other” responses are: “Learned about FERPA and student privacy law when I served on my college’s academic standards committee,” “University new faculty meeting,” “In a memo when the act was first enacted,” “I read it in the newspaper,” and “From my associate chair.” See Appendix F for entire list.

### **Form of Information Received**

Survey respondents were asked to indicate the form in which they had received information on FERPA. Categories included “written,” “verbal,” “email,” “web site/online,” “HR/T&D sessions,” and “other.” Space was provided with “other” and respondents were encouraged to specify the type of media used. If more than one form was used, respondents were asked to rank the effectiveness of each on a scale of 1 (best) to 7 (worst). Aggregate results of this question are in Table 10.

The most frequently cited method of current information receipt is verbal (22.1% of # rankings), followed by written (31.1%), other (14.2%), email, web/online (10.7), HR or T&D sessions (3.1%), and web site / online (2.7%). These figures contradict the pilot

**Table 9**

**Distribution of Respondents by Information Source**

Source	Ranking							Row Total
	1st	2nd	3rd	4th	5th	6th	7th	
Registrar	32	7	6	0	1	1	1	48
% of ranking	14.6	14.3	27.2		14.3	10.0	11.1	14.7
Student Services	9	4	3	2	2	0	1	21
% of ranking	4.1	8.2	13.6	18.2	28.6		11.1	6.4
Department Chair	38	8	5	1	2	1	1	56
% of ranking	17.4	16.3	22.7	9.1	28.6	10.0	11.1	17.1
Dean	13	8	2	4	1	1	1	30
% of ranking	5.9	16.3	9.1	36.4	14.3	10.0	11.1	9.2
Provost or VP	16	14	1	2	1	2	0	36
% of ranking	7.3	28.6	4.5	18.2	14.3	20.0		11.0
HR or T&D	11	5	2	2	0	4	4	28
% of ranking	5.0	10.2	9.1	18.2		40.0	44.44	8.6
Other	100	3	3	0	0	1	1	108
% of ranking	45.7	6.1	13.6			10.0	11.1	33.0
Totals	219	49	22	11	7	10	9	327*

\* Missing = 185

**Table 10**  
**Distribution of Respondents by Information Form**

Form	Ranking						Row Total	Col. %
	1st	2nd	3rd	4th	5th	6th		
Written	70	30	6	1	0	1	108	30.9
% of ranking	31.1	41.1	23.1	9.1		14.3		
Verbal	86	17	6	1	0	2	112	32.1
% of ranking	38.2	23.3	23.1	9.1		28.6		
Email	24	18	8	2	1	1	54	14.5
% of ranking	10.7	24.7	30.7	18.2	14.3	14.3		
Website / Online	6	4	1	1	5	1	18	5.2
% of ranking	2.7	5.5	3.8	9.1	71.4	14.3		
HR or T&D Sessions	7	3	5	2	1	2	20	5.7
% of ranking	3.1	4.1	19.2	18.2	14.3	28.6		
Other	32	1	0	4	0	0	37	10.6
% of ranking	14.2	1.4		36.7				
Totals	225	73	26	11	7	7	349*	100.0

\* Missing = 189

study, in which the majority of respondents (70%) cited the most frequent method of information receipt was written, followed by verbal (22%).

“Other” forms in which information had been received by responding faculty members included via newspapers and the media, talking with colleagues, doing their own research, and in books.

Regarding which form or method of communication was most effective for their learning styles, faculty member responses were as diverse as their demographics. Their statements included: “email or handouts,” “print material is best,” “verbally,” “email and online, because I always know where to find the information,” “hands on HR workshops,” “well-structured presentations,” “email combined with verbal discussion,” “both verbal and written reinforce each other for me,” and “hearing it from lawyers gives credibility and allows us to ask questions.”

### **Need for Additional Information**

Survey participants were asked to indicate whether they felt they needed additional information regarding student privacy law (FERPA). Response options were “yes,” “no,” or “not certain.” Results are in Table 11.

A large percentage, 48.1%, of faculty members feel they need additional information on FERPA, while 27.9% stated “no.” Not certain responses (24%) are expected of those with limited understanding of the law and its implications. The large number of missing responses occurs because respondents were directed to skip to question seven if they were not familiar with FERPA.

**Table 11**  
**Distribution of Respondents by Need for Additional Information**

School	Yes		No		Not Certain		Row Total	
	N	%	N	%	N	%	N	%
CSU	72	45.3	52	32.7	35	22.0	159	100.0
Column %		41.4		51.5		40.4		
ISU	42	47.2	25	28.1	22	24.7	89	100.0
%		24.1		24.8		25.3		
MSU	60	52.6	24	21.2	30	26.3	114	100.0
%		34.5		23.8		34.5		
Totals	174	48.1	101	27.9	87	24.0	362*	
		100.0		100.0		100.0		

\* Missing = 28

Chi-square P = .33880; DF = 4

CSU respondents, at 41.4%, represent the highest number and percentage of faculty members who expressed the need for additional information regarding FERPA, in spite of their recent (December, 2001) receipt of information on the subject.

### **Frequency with Which Information Should be Disseminated**

Respondents were asked their opinion as to how often information and updates on privacy law (FERPA) should be shared with faculty members. Options included “annually,”



“whenever important changes in the law occur,” and “other.” Respondents were encouraged to elaborate on “other.” Results are in Table 12.

The majority of responding faculty, 52.4%, prefer annual updates of information, 37.7% stated whenever important changes in the law occur, and 9.9% cited “other.” By school, 49% at CSU prefer annually, followed closely (41.7%) by “whenever important changes in the law occur.” The same is true for ISU and MSU at 48.3%/41.6% and 60.2%/29.2% respectively.

Nine point nine percent of respondents listed “other” as an appropriate time frame for dissemination of FERPA information. Their specific responses include: “when hired,” “at new faculty orientation,” “each semester – new faculty come on board every semester,” and “periodically.”

### **Faculty Preferences for Source / Provider of FERPA Information**

Respondents were asked to rank order (1 = best, 7 = worst) their preferences for most appropriate or best provider of information regarding student privacy law. Options were “registrar,” “student services,” their “department chair,” their “dean,” their “provost or Vice President,” “office of Human Resources or Training & Development,” and “other.” Results are in Table 13.

Twenty-four percent of responding faculty cited their department chair as the best source of information, which contrasts the nearly two-thirds (64.8%) of pilot respondents who indicated the registrar’s office as the best source. The provider

**Table 12**  
**Frequency with Which Privacy Law Information Should be Shared with Faculty**

School	Annually		With Important Changes		Other		Row Total	
	N	%	N	%	N	%	N	%
CSU	74	49.0	63	41.7	14	9.3	151	100.0
Column %		40.0		47.4		40.0		42.8
ISU	43	48.3	37	41.6	9	10.1	89	100.0
%		23.2		27.8		25.7		25.2
MSU	68	60.2	33	29.3	12	10.6	113	100.0
%		36.8		24.8		34.3		32.0
Totals	185	52.4	133	37.7	35	9.9	353*	
* Missing = 37								

receiving the second highest #1 votes was “other.” The registrar received 18.5% of first-place rankings, followed closely by student services at 15.5%. Those who explained indicated the registrar’s interaction with students as the primary reason. Human Resources / Training & Development is seen as a valuable resource by a limited number of faculty (6.7%), while the “dean” generated 4.8% of first place rankings. “Other” preferences for best source of information included classes / class work, the financial aid office, and new faculty orientation.

**Table 13**  
**Distribution of Respondents by Best Source of Information**

Source	Ranking							Row Total
	1st	2nd	3rd	4th	5th	6th	7 <sup>th</sup>	
Registrar	61	22	12	12	22	26	7	162
% of Column	18.5	12.9	8.6	11.4	22.4	27.3	20.6	16.7
Student Services	51	36	21	19	13	3	3	146
% of Column	15.5	21.0	15.1	18.1	13.3	3.2	8.8	15.0
Department Chair	79	26	24	16	10	15	2	172
% of Column	24.0	15.2	17.3	15.2	10.2	15.8	5.9	17.7
Dean	16	54	31	15	16	5	2	139
% of Column	4.8	31.6	22.3	14.3	16.3	5.3	5.9	14.3
Provost or VP	36	14	32	22	20	14	5	143
% of Column	10.9	8.2	23.0	21.0	20.4	14.7	14.7	14.7
HR or T&D	22	14	17	20	17	32	7	129
% of Column	6.7	8.2	12.2	19.0	17.3	33.7	20.6	13.3
Other	65	5	2	1	0	0	8	81
% of Column	19.7	2.9	1.4	.01			23.5	8.3
Totals	330	171	139	105	98	95	34	972*

\* Missing = 76

### **Preferred Means to Receive Information**

Respondents were asked to rank order their preferences for media type used when receiving information. Choices included “written,” “verbal,” “email,” “web site/online,” “HR/T&D training sessions,” and “other;” with 1 = highest, 6 = lowest. Table 14 highlights aggregate responses.

Thirty-two point six percent of responding faculty ranked as number one their preference to receive information and updates on student privacy law via email, 29.2% of responding faculty prefer to receive information in writing, 22.3% verbally, 9.5% via the web / online, 3.1% favor training sessions, and 2.3% list “other.”

These results contradict research that indicates adults learn primarily through dialogue / verbal exchange (Galbraith, 1990). Faculty may well be conditioned to the technology age and receiving a host of information via email. These results do not concur with pilot test figures, in which 55% of responding faculty members preferred to receive information in writing, 16% verbally, 14% favored HR/T&D training sessions, and 11% listed web site / online.

As to why their first ranked medium was most effective for responding faculty, those in favor of written communications cited the need for legal documentation or a reference source, the ability to read at their convenience and minus the distraction of others, and the desire for “tangible” information.

**Table 14****Distribution of Respondents by Preferred Means to Receive Information**

Medium	Ranking						Row Total	Col. %
	1st	2nd	3rd	4th	5th	6th		
Written	114	70	57	23	7	3	274	22.2
% of Column	29.2	17.9	14.6	5.9	1.8	.8		
Verbal	87	48	51	36	15	8	245	19.8
% of Column	22.3	12.3	13.1	9.	3.8	2.1		
Email	127	76	41	21	4	3	272	22.0
% of Column	32.6	19.5	10.5	5.4	1.0	.8		
Website / Online	37	43	42	48	48	8	226	18.3
% of Column	9.5	11.0	10.8	12.3	20.3	3.3		
HR or T&D Sessions	12	15	25	48	79	13	192	15.5
% of Column	3.1	3.8	6.4	12.3	20.3	3.3		
Other	9	1	0	0	2	15	27	2.2
% of Column	2.3	.3			.5	3.9		
Totals	386	253	216	176	155	50	1236*	

\* Missing = 39

Verbal respondents mentioned the ability to “share,” discuss scenarios and examples of violations of the law, lack of time to read, and the general value of training sessions that “force” one to listen yet allow questions and answers. Faculty members with a preference to receive information via email cited convenience, the ability to save and retain emails, as well as access from home or remote locations.

Respondents with a preference for web site or online information valued their ability to research and investigate at will, the convenience of online information, and links to additional sites.

Those who prefer Human Resource / Training & Development sessions stated that they appreciated the opportunity to ask questions of experts and clarify material and discuss scenarios they may face in the “real world.” One respondent mentioned that those facilitating the training sessions “take it seriously.”

### **Importance of Faculty Compliance With The Fundamentals of FERPA**

Respondents were asked to indicate the importance of faculty compliance with student privacy law (FERPA). They were asked to choose from “very important,” “somewhat important,” “undecided,” “not very important,” and “not at all important.” Their responses are in Table 15.

A majority of respondents, 80.6%, indicate that compliance with student privacy law and FERPA is very important; 11.4% cite somewhat important. The undecideds, 6.9%, are understandable given many faculty are not familiar with FERPA and, thus, unaware of its importance or lack thereof. One respondent who indicated “not very” cited lack of consequences as a reason.

**Table 15****Importance of Faculty Compliance with Student Privacy Law (FERPA)**

Univer- sity	Very Important		Somewhat Important		Un- decided		Not Very Important		Not at All Important		Totals
	N	%	N	%	N	%	N	%	N	%	N
CSU	123	79.9	17	11.0	12	7.8	1	.6	1	.6	154
Column %		42.4		41.5		48.0		50		50	
ISU	72	80.0	10	11.1	7	7.8	0		1	1.1	90
Column %		24.8		24.4		28.0				50.0	
MSU	95	81.9	14	12.1	6	5.2	1	.9	0		116
Column %		32.8		34.1		24.0		50.0			
Totals	290	80.6	41	11.4	25	6.9	2	.6	2	.6	360

\* Missing = 30

The results are similar across universities. "Very important" was reported by CSU, ISU, and MSU by 79.9%, 80.0%, and 81.9% respectively; somewhat important surfaced at 11.0%, 11.1%, and 12.1% respectively.

**Student Understanding of FERPA**

Faculty members were asked to rate student levels of understanding of privacy law (FERPA) as either "high," "moderate," "low," or "non-existent." Results are in Table 16.

Responding faculty members perceive student understanding of their privacy rights to be low (67.6%) or non-existent (10.9%). Seventeen point nine percent of faculty indicated student understanding is moderate, and only 3.6% stated student knowledge of this topic is high. Results are similar by school. The most notable difference is faculty perception of “moderate” understanding by students, which is 12% at MSU, 18.8% at CSU, and 23.8% at ISU.

**Table 16**  
**Student Understanding of Privacy Law**

University	Student Understanding								Totals	
	High N	%	Moderate N	%	Low N	%	Non-existent N	%		
CSU	6	4.3	26	18.8	93	67.4	13	9.4	138	41.8
Column %		50.0		44.1		41.7		36.1		
ISU	4	4.8	20	23.8	49	58.3	11	13.1	84	25.5
Column %		33.3		33.9		22.0		30.6		
MSU	2	1.9	13	12.0	81	75.0	12	11.1	108	32.7
Column %		16.7		22.0		36.3		33.3		
Totals	12	3.6	59	17.9	223	67.6	36	10.9	330*	100.0

\* Missing = 60



### **Additional Comments About FERPA**

Respondents were encouraged to record any additional comments they felt were appropriate about FERPA. Typical responses included: “I am not certain what FERPA is,” “faculty violate these regularly,” “Where can I get information on FERPA?” “This is a timely reminder,” “neither faculty nor students seem to be well informed,” and “will you share results of this survey?” A complete list of comments is included in Appendix G.

### **Questions or Comments About This Survey Instrument**

Respondents were encouraged to make comments or ask questions about the survey instrument. Quite a few faculty members wished me luck with this research; many again stated that they were not familiar with the law. A few comments about the instrument were: “too long,” “ranking was cumbersome,” and “too many open ended questions.” A complete list of comments is included in Appendix H.

### **Summary**

In summary, the above responses address the primary research questions. What is faculty members’ knowledge of FERPA? Faculty knowledge of FERPA is low, with 41.8% of respondents indicating they are not familiar with the law. How is FERPA information being shared, and by whom? At the three subject land grant institutions, most FERPA information is currently being shared verbally (22.1%) and by “other” means (25.6%). What are faculty member preferences for effective sources and means of receiving FERPA information? According to responding faculty members, the preferred provider of FERPA information is their department chair (24.0%), followed by “other” (19.7%), registrar

(18.5%) and student services (15.5%). As expected, differences in learning styles and faculty preferences vary: 32.6% prefer information via email, 29.2% prefer information in writing, and 22.3% state a preference for verbal communications.

### **Statistical Analysis**

What influences a faculty member's knowledge of the Family Educational Rights and Privacy Act? To shed light on this question, the data was processed via SPSS and included statistical tests appropriate for nominal and ordinal data: correlations, Chi-Squares, and analysis of variance tests.

A correlation is the measure of the relationship between two variables. A correlation coefficient's value lies between  $-1.0$  and  $+1.0$ , with the sign indicating the direction (negative or positive) of the relationship. This test is appropriate for ordinal data and was run on Questions 1a (faculty member rank), 3a (faculty member years of teaching at the college/university level), and 3b (faculty member years at current institution)

Analysis of variance (ANOVA) tests the hypothesis that independent sample population means are equal at a predetermined confidence level (e.g., 95%). Appropriateness of ANOVA testing lies on three assumptions: 1) samples are random and independent, 2) the dependent variable is normally distributed, and 3) the variances of the distributions in the populations are equal (Hinkle, Wiersma, & Jurs, 1996, p. 367). Analysis of variance was used for questions 3a (faculty member years teaching) and 3b (faculty member years at current institution).

Chi-Square, which compares observed versus expected frequencies, is most frequently used to analyze nominal data. A Chi-Square P value of greater than .05 implies

any noticeable difference may be attributed to random fluctuation in the sample population. A Chi-Square P value of less than .05 implies a relationship exists between the variables. The questions and corresponding data appropriate for the Chi-Square test were knowledge of FERPA (question 4) by faculty member tenure status (question 1b), gender (question 2), current source of FERPA information (question 5), current provider of FERPA information (question 6), faculty need for additional information (question 7), and frequency with which privacy law information should be shared with faculty members (question 8).

The following analysis addresses the three primary research questions, and each individual survey questionnaire in order.

### **Relationships Among Data**

What is the relationship between faculty member rank (e.g., full professor, assistant, etc.), faculty years of experience teaching, or length of time at current institution and knowledge level of FERPA? Correlations were run between these independent variables and faculty knowledge; none were significant – hence, no significant relationships exist between these variables and understanding of FERPA. See Table 17.

### **Relationship Between Faculty Member Rank and Knowledge of FERPA**

The correlation coefficient is -.0241, which indicates little, if any, negative relationship between faculty member rank and knowledge of FERPA. A Chi-Square test with 14 degrees of freedom yields a P value of .00721, which does indicate an association. However, more than 20% of cells have expected values of less than five, hence the Chi-

**Table 17**  
**Correlations**

	Faculty Member Rank	# Years Teaching	# Years at Current University
Knowledge Of FERPA	-.0241	.2644	.2332

Square significance is suspect. As a result, the conclusion is that faculty member rank and knowledge of FERPA are not significantly associated (see Tables 17 and 18).

#### **Relationship Between Faculty Member Tenure Status and Knowledge of FERPA**

Does one's tenure status influence one's knowledge of student privacy law? Of non-tenured respondents, 57.6% report no familiarity with FERPA and 14.1% indicate only slight understanding. Non-tenured faculty are typically comprised of instructors and adjuncts who interact with other faculty members infrequently and typically are not invited to or included

**Table 18**

**Faculty Member Understanding of FERPA by Teaching Rank**

Knowledge Level	Full N %	Associate N %	Assistant N %	Instructor N %	Adjunct N %	Other N %	Row Total N %
Not Familiar Column %	53 33.1 38.1	31 19.4 34.4	37 23.1 49.3	16 10.0 64.0	11 6.9 52.4	12 7.6 41.4	160 42.2
Slight %	41 36.6 29.5	33 29.5 36.7	25 22.3 33.3	3 2.7 12.0	7 6.3 33.3	3 2.7 10.3	112 29.6
Moderate %	43 43.9 30.9	25 25.5 27.8	12 12.2 16.0	4 4.1 16.0	2 2.0 9.5	12 12.2 41.4	98 25.9
Extensive %	2 22.2 1.4	1 11.1 1.1	1 11.1 1.3	2 22.2 8.0	1 11.1 4.8	2 22.2 6.9	9 2.4
Total	139 36.7	90 23.7	75 19.8	25 6.6	21 5.5	29 7.6	379*

Chi-Square P = .00721; DF = 14; Cells with fewer than 5 expected responses = 29.2%

\*Missing = 11

in faculty meetings. As a result, they are not privy to many of the rules, regulations, and information shared with tenured or tenure-track faculty members.

Fifty-eight point six percent of tenure track faculty also report no familiarity with FERPA, and another 29.3% indicate only slight understanding. No tenure track faculty declare extensive knowledge of this law. Tenure track faculty are often new to the college level teaching profession and may not have had opportunities to be exposed to student privacy law. Tenured faculty are almost evenly split among not familiar, slightly familiar, and moderately familiar categories, with responses at 32.8%, 34.9%, and 30.6% respectively. See Table 19.

Are these figures statistically significant? Chi-Square with six degrees of freedom and a P value of .00001 (which is less than .05) indicates yes; tenure status and knowledge of FERPA are related. However, the number of cells with fewer than five expected responses is 25.0%, which is above the acceptable threshold of 20%; thus, these results are suspect and we cannot conclude with certainty that faculty member tenure status and knowledge of FERPA are related.

### **Relationship Between Faculty Member Gender and Knowledge of FERPA**

Twenty-five point nine percent of male faculty respondents reported moderate or extensive knowledge of FERPA, compared to 33.5% of women. Men reported higher percentages of lack of familiarity (43.8%) and slight familiarity (30.4%) with the law than women, who reported 39.5% and 27.0% respectively (see Table 20). Is this greater understanding on the part of female faculty members significantly different? The Chi-Square test indicates no. With three degrees of freedom the significance level of .4576

**Table 19**  
**Faculty Member Understanding of FERPA by Tenure Status**

<b>Status</b>	<b>Not Familiar</b>		<b>Slight Familiarity</b>		<b>Moderate Familiarity</b>		<b>Extensive Familiarity</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Tenured	75	32.8	80	34.9	70	30.6	4	1.7	229	61.6
Column %	47.5		73.4		72.5		50.0			
Tenure Track	34	58.6	17	29.3	7	12.1	0		58	15.6
%	21.5		15.6		7.2					
Non-tenured	49	57.6	12	14.1	20	23.5	4	4.7	85	22.8
	31.0		11.0		20.6		50.0			
Total	158	42.5	109	29.3	97	26.1	8	2.2	372*	100.0

Chi-Square P = .00001; DF = 6; Cells with fewer than five expected responses = 25.0%

\* Missing = 18

is well above the critical threshold of .05, indicating no statistically significant relationship between gender and knowledge of FERPA.

#### **Relationship Between Tenure Status and Faculty Knowledge of FERPA, Controlling for Gender**

Gender, in the aggregate, does not appear related to faculty members' knowledge of FERPA. However, tenure status and familiarity with the law may reveal a relationship when

**Table 20**  
**Faculty Member Understanding of FERPA by Gender**

<b>Gender</b>	<b>Not Familiar</b>		<b>Slight Familiarity</b>		<b>Moderate Familiarity</b>		<b>Extensive Familiarity</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Male	98	43.8	68	30.4	54	24.1	4	1.8	224	59.6
Column %	62.0		62.4		53.5		50.0			
Female	60	39.5	41	27.0	47	30.9	4	2.6	152	40.4
%	38.0		37.6		46.5		50.0			
Total	158	42.0	109	29.0	101	26.9	8	2.1	376*	100.0

\* Missing = 14

controlled for gender. In each category (tenured, tenure-track, non-tenured), male faculty members responded with the greatest percentage as not familiar with the law (36.9%, 54.8%, and 61.8% respectively). Tenured female faculty, to the contrary, reported highest rankings in slight (37.9%) and moderate (36.4%) understanding.

A Chi-Square test on male faculty / tenure status / knowledge with six degrees of freedom yields a P value of .00086, which is less than the .05 threshold and indicates some relationship between male gender, tenure status, and understanding of FERPA. Similarly, the Chi-square test on female faculty/tenure status/knowledge of FERPA has a P value of .00052, again indicating a relationship exists between these variables. In each case, the number of cells with fewer than five expected responses exceeds 20%, so results may be



suspect. Examination of each cell, however, indicates fewer than five responses in the “extensive” knowledge cells – which is expected. Hence, we do not automatically reject this test, and may conclude that more tenured women have slight or moderate understanding of student privacy law than their male counterparts. See Tables 21 and 22.

**Table 21**

**Male Faculty Member Understanding of FERPA by Tenure Status**

Status	Not Familiar		Slight Familiarity		Moderate Familiarity		Extensive Familiarity		Total	
	N	%	N	%	N	%	N	%	N	%
Tenured	58	36.8	53	33.8	45	28.7	1	.6	157	70.7
Column %	60.4		77.9		83.3		25.0			
Tenure Track	17	54.8	9	29.0	5	16.1	0		31	14.0
%	17.7		13.2		9.3					
Non-tenured	21	61.8	6	17.6	4	11.8	3	8.8	34	15.3
	21.9		8.8		7.4		75.0			
Total	96	43.2	68	30.6	54	24.3	4	1.8	222*	100.0

Chi-Square  $P=.00086$ ;  $DF=6$

Number of cells with fewer than five expected responses = 25%

**Table 22**  
**Female Faculty Member Understanding of FERPA by Tenure Status**

Status	Not Familiar		Slight Familiarity		Moderate Familiarity		Extensive Familiarity		Total	
	N	%	N	%	N	%	N	%	N	%
Tenured	15	22.7	25	37.9	24	36.4	2	3.0	66	46.5
Column %	25.4		65.8		57.1		66.7			
Tenure Track	16	64.0	7	28.0	2	8.0	0		25	17.6
%	21.5		15.6		7.2					
Non-tenured	28	54.9	6	11.8	16	31.4	1	2.0	51	35.9
	47.5		15.8		38.1		33.3			
Total	59	41.5	38	26.8	42	29.6	3	2.1	142*	100.0

Chi-Square P = .00052; DF=6

Number of cells with fewer than five expected responses = 25%

### **Relationship Between Faculty Member Years of Teaching and Knowledge of FERPA**

The correlation coefficient is .2644, which indicates little, if any, positive relationship between the two, although one would expect faculty with more experience to possess greater knowledge and /or understanding of the education law (and thus, a higher positive correlation; see also Table 17).

**Table 23**  
**Years Teaching at the College / University Level by University**

<b>Source</b>	<b>Degrees Of Freedom</b>	<b>Sum of Squares</b>	<b>Mean Squares</b>	<b>F Ratio</b>	<b>F Prob.</b>
Between Groups	2	265.1148	132.5574	1.1043	.3325
Within Groups	376	45134.0831	120.0375		
Total	378	45399.1979			

  

<b>School Count Mean</b>			<b>Standard Deviation</b>	<b>Standard Error</b>	<b>95% Conf. Interval for Mean</b>
CSU	161	16.0870	10.9393	.8621	14.3843 to 17.7896
ISU	97	17.7423	10.9671	1.1135	15.5319 to 19.9526
MSU	121	15.6116	10.9699	.9973	13.6371 to 17.5861
Total	379	16.3588	10.9592	.5629	15.2520 to 17.4657

This study was conducted at three universities, thus it is appropriate to test whether the sample groups are similar or statistically different in this category. To do so, an analysis of variance (ANOVA) was run that revealed that no two groups were significantly different at the .05 level. See Table 23.

Within-group variation reflects random sampling fluctuation. Between group variation reflects variation due to treatment effect plus random process fluctuations. The difference between the two means is expected and insignificant; further, the F ratio falls below the critical value of 9.49; thus, we don't reject the hypothesis that the means are equal. Finally, means for each school fall within their respective confidence intervals for means.

Underlying assumptions about ANOVAs are: (1) observations are random and independent, (2) the dependent variable within the population is normally distributed, and (3) variances in the population are equal. This particular test does violate the second assumption in that the dependent variable is not normally distributed; it is definitely skewed in that a relatively large percentage of faculty members are not familiar with FERPA. As a result, no firm conclusions may be drawn regarding this data.

### **Relationship Between Faculty Member Years At Current Institution and Faculty Member Knowledge of FERPA**

Does the number of years at one's current university influence faculty member knowledge of FERPA? The correlation coefficient is .2332, which indicates little, if any, positive relationship between the two. One would expect faculty with more experience at their current institutions to possess greater knowledge of FERPA since they've been teaching longer and thus, should have been exposed to education law (see Table 17).

Are "years teaching at your current institution" similar for each University? Another analysis of variance indicates no significant difference exists among faculty at the three universities. See Table 24. As discussed above, the data violate the assumption of normal distribution; therefore, results of this test may not be valid.

**Table 24**  
**Years Teaching at Current College / University by University**

<b>Source</b>	<b>Degrees Of Freedom</b>	<b>Sum of Squares</b>	<b>Mean Squares</b>	<b>F Ratio</b>	<b>F Prob.</b>
Between Groups	2	44.8256	22.4128	.2120	.8090
Within Groups	373	39430.5787	105.7120		
Total	375	39475.4043			

  

<b>School Count Mean</b>			<b>Standard Deviation</b>	<b>Standard Error</b>	<b>95% Conf. Interval for Mean</b>
CSU	161	12.7267	9.9499	.7842	11.1781 to 14.2753
ISU	95	13.2526	10.9913	1.1277	11.0136 to 15.4917
MSU	120	12.3333	10.1396	.9256	10.5005 to 14.1662
Total	376	12.7340	10.2600	.5291	11.6936 to 13.7745

**Relationship Between Current Source of Information and Faculty Member Understanding of FERPA**

Does the “source” or provider of FERPA information to faculty relate to faculty member understanding of the law? A Chi-Square test was run for each category within this

variable. Information from student services, department chairs, deans, and “other” reveal no association with faculty knowledge of FERPA; in each case their P values are greater than .05, which indicates no relationship between the independent (provider of FERPA) and dependent (faculty knowledge) variables. The Chi-Square test does imply a relationship between information received from registrars, provosts or Vice-presidents, and the office of Human Resources / Training and Development. Their P values, at .00065, .04542, and .03679, respectively, are below the critical value of .05 for this test. However, also in each case, the number of cells with fewer than five responses exceeds the allowable 20%, at 82.1%, 75%, and 82.1% respectively. Hence these results are suspect and we cannot conclude that a relationship exists between these independent variables and faculty knowledge of FERPA. See Table 25.

#### **Relationship Between Current Method of Communication and Faculty Member Understanding of FERPA**

Does the “form” or method of communication used to provide faculty members with information regarding FERPA relate to faculty member understanding of the law? A Chi-Square test was run for each category within this variable. In each case the Chi-Square P Value was greater than .05, the critical threshold, and thus indicates no association between the independent and dependent variables. As a result, the conclusion is that the means used to share FERPA information and updates has not significantly influenced faculty member understanding of the law. See Table 26.

**Table 25**  
**Relationship Between Current Source of Information and Faculty**  
**Member Understanding of FERPA**

<b>Source</b>	<b>Chi-Square P Value</b>	<b>Significant if &gt; .05</b>	<b># cells with &lt; 5 responses</b>
<b>Registrar</b>	.00065	yes	82.1%
<b>Student Services</b>	.67560	no	n/a
<b>Department Chair</b>	.24012	no	n/a
<b>Dean</b>	.46845	no	n/a
<b>Provost or VP</b>	.04542	yes	75.0%
<b>HR / T &amp; D</b>	.03679	yes	82.1%
<b>Other</b>	.99943	no	n/a

\* Missing = 186

**Table 26**  
**Relationship Between Current Method of Communication and Faculty**  
**Member Understanding of FERPA**

<b>Communication Form</b>	<b>Chi-Square P Value</b>	<b>Significant if &lt; .05</b>	<b># cells with &lt; 5 responses</b>
<b>Written</b>	.18298	no	n/a
<b>Verbal</b>	.33984	no	n/a
<b>Email</b>	.91739	no	n/a
<b>Website / Online</b>	.99341	no	n/a
<b>HR / T &amp; D Sessions</b>	.17566	no	n/a
<b>Other</b>	.16679	no	n/a

\* Missing = 190

**Relationship Between Familiarity with FERPA and Desire for Additional Information**

Forty-eight point six percent of faculty members who were not familiar with FERPA and 53.8% who possessed slight familiarity indicated they would like additional information on the law. The highest percentage (42.6%) of those moderately familiar with FERPA stated no desire for additional information, while 41.6% would like more. Not surprisingly, 62.5%



of those with extensive knowledge of the law desired no additional information, while 37.5% would like more. No one with extensive understanding marked “not certain” as a response. See Table 27.

The Chi-Square  $P$  of .0005 suggests an association between degree of familiarity with FERPA and desire for additional information. Although the number of cells with fewer than five observations exceeds 20%, this is not unusual in that those possessing extensive knowledge of the law are not expected to request additional information in great numbers (total of three responses for 37.5%), nor should they be uncertain (0 responses). Thus the Chi-Square test is not disregarded, and the conclusion is that a relationship does exist between familiarity with the law (or lack thereof) and need for more information.

#### **Relationship Between Frequency with Which Information Should be Disseminated and Faculty Member Understanding of FERPA**

The majority of respondents in all categories indicated their preference to receive updates and information on an annual basis: those not familiar 47.9%, slightly familiar 56.7%, moderately familiar 53.1%, and extensively familiar 75%. “Whenever important changes in the law occur” was cited by 41.5% of those not familiar, by 36.5% of those slightly familiar, 33.7% moderately familiar, and 25.0% extensively familiar. The Chi-Square test indicates no relationship between these variables ( $P = .41370$ ). See Table 28.

**Table 27****Faculty Need for More Information by Familiarity with FERPA**

	Need More Information							
Familiarity	Yes		No		Not Certain		Total	
	N	%	N	%	N	%	N	%
Not Familiar	71	48.6	26	17.8	49	33.6	146	40.4
Column %		41.0		25.7		56.3		
Slight	57	53.8	27	25.5	22	20.8	106	29.4
%		32.9		26.7		25.3		
Moderate	42	41.6	43	42.6	16	15.8	101	28.0
%		24.3		42.6		18.4		
Extensive	3	37.5	5	62.5	0		8	2.2
%		1.7		5.0				
Totals	173	47.9	101	28.0	87	24.1	361	100.0
* Missing = 29								
Chi-Square P = .00005	DF = 6		Cells < 5 = 25%					

**Table 28**  
**Preferred Frequency of Information Dissemination by**  
**Faculty Member Familiarity with FERPA**

Familiarity	Frequency						Total N %	
	Annually N %		Whenever N %		Other N %			
Not Familiar Column %	68	47.9 36.8	59	41.5 44.7	15	10.6 42.9	142	40.3
Slight %	59	56.7 31.9	38	36.5 28.8	7	6.7 20.0	104	29.5
Moderate %	52	53.1 24.3	33	33.7 42.6	13	13.3 18.4	98	27.8
Extensive %	6	75.0 3.2	2	25.0 1.5	0		8	2.3
Totals	185	52.6	132	37.5	35	9.9	352	100.0
* Missing = 38								
Chi-Square P = .41370	DF = 6		Cells < 5 = 25%					

### Summary

Faculty members from three land grant Universities participated in this study. Three hundred and ninety respondents indicated their perceptions of their understanding of the

Family Educational Rights and Privacy Act, along with preferences for effective providers and methods of communication of privacy law information.

More than a third (36.6%) of responding faculty had achieved the rank of full professor; 61.4% were tenured and 59.7% were male. These figures are consistent with typical faculty demographics at research-oriented, land grant institutions.

Approximately one-half of respondents (46.4%) possessed fewer than 15 years of teaching experience. The range of years teaching was from zero to 53. Twenty-nine point seven percent of responding faculty members had been with their current institutions less than five years, and 16.1% had been with their current employers for 25 years or more.

Of responding faculty members, 41.8% indicated they were not familiar with the Family Educational Rights and Privacy Act (FERPA), 29.4% expressed slight familiarity, 26.5% claimed moderate familiarity, and 2.3% cited extensive familiarity.

At the three subject land grant institutions, “other” sources such as colleagues, the news media, and professional associations have provided information on FERPA for 45.7% of responding faculty members. Department chairs were cited as the second most common provider, 17.4%, and the university registrar was cited by 14.6% of respondents. These results contradict a previous study in which faculty indicated the registrar was the primary provider (52%) of privacy law information. Survey participants, at a rate of 38.2%, also stated that verbal forms of communication prevail, followed closely by communications in writing (31.1%). “Other” means constituted 14.2% of responses.

Forty-eight point one percent of survey participants indicated they needed additional information on student privacy rights law; 27.9% declined, and 24.0% were not certain. The majority of respondents (52%) preferred annual updates of information, compared to 37.7%

who wanted information whenever important changes occurred in the law and 9.9% who preferred “other” time frames such as at new faculty orientation or at the end of each semester.

Faculty members were asked to state their preferences and opinions regarding the best source or provider of FERPA information, along with most effective means of communication. Twenty-four percent of respondents cited their department chair as an effective source of privacy law information, followed by “other” (19.7%), the registrar (18.5%) and student services (15.5%). Desired methods of communication were via email (32.6%), in writing (29.2%), and verbally (22.3%). Web sites, HR/T&D sessions, and “other” were preferred by 9.5%, 3.1%, and 2.3% of respondents respectively.

Of those who responded to the survey, 80.6% indicated that compliance with student privacy law is very important while 11.4% replied somewhat important. In addition, 77.6% feel that student understanding of their privacy rights is low and 10.9% stated that student understanding is non-existent. Seventeen point nine percent of survey participants believe student understanding of the law is moderate, while 3.5% believe student understanding of FERPA is high.

To determine if relationships exist between and among the independent and dependent variables, correlations, analysis of variance, and Chi-Square tests were conducted. Results indicate that any relationship between faculty member rank, tenure status, gender, years teaching, and number of years at current university is non-existent or slight, if any. Teaching rank may have a slight, if any, negative relationship with knowledge of FERPA. Tenure status may have a slight, if any, positive relationship with knowledge levels of FERPA.

Gender may be an indicator of faculty member knowledge of FERPA. More tenured men were not familiar with FERPA (60.4%) than tenured women (25.4%). The Chi-Square test indicates some association between gender and knowledge levels.

Faculty member number of years teaching and years at their current institutions reveal no significant relationship with knowledge. Correlation coefficients of .2644 and .2332 respectively indicate little, if any positive association exists.

Faculty members understanding of FERPA is not significantly impacted by the current provider of information at their universities. Neither the registrar, student services, department chair, dean, provost or VP, nor HR/T&D are associated with enhanced understanding of law. Similarly, current methods of communication such as written, verbal, email, web site, and HR/T&D sessions do not significantly influence faculty member understanding of the law.

Forty-eight point six percent of faculty members who were not familiar with student privacy law and 53.8% of those who were only slightly familiar indicated they would like additional information on FERPA. A Chi-Square P value of .0005 suggests a relationship between level of familiarity with FERPA and desire for additional information. Those who were not familiar with the law, or only slightly so, would like information on the topic. Conversely, no relationship exists between frequency with which this information should be shared and faculty member knowledge of the law.

The data suggests that very few current university procedures significantly influence faculty member understanding of student privacy law, also known as FERPA. As such, university expenditures of human, material, and financial resources devoted to faculty member training and updating in this area have proven fruitless.

## **CHAPTER V**

### **SUMMARY, CONCLUSIONS, IMPLICATIONS, AND RECOMMENDATIONS**

The purpose of this chapter is to summarize the research problem, methodology, procedures, and results of the study. On the basis of results, general conclusions, implications, and recommendations are stated.

#### **Summary**

Privacy law impacts virtually every aspect of society, and education is no exception. The Family Educational Rights and Privacy Act is one law that guides the actions of administrators, faculty members, and students on a regular basis. To faithfully adhere to the tenets of the law requires a fundamental understanding of its components. Universities, as employers, are obligated to provide their employees (faculty members, administrators, staff) with information and guidelines pertaining to the law. Employees, likewise, assume some responsibility for understanding this information and abiding by the law. As the saying goes, "Ignorance of the law is no excuse."

Faculty members' understanding and resultant execution of appropriate privacy law depends on their ability to receive, absorb, synthesize, and apply the information provided to them. This ability stems from many factors, including university methods of communications and faculty members' individual learning styles or intelligences. Understanding and catering to these learning styles via appropriate communications will allow universities to more effectively share needed information on privacy law with their faculty members.

To build a foundation for this study, a comprehensive literature review explored the history of privacy law, the specifics of the Family Educational Rights and Privacy Act (FERPA), learning, and adult learning styles.

The purpose of this study was to gather information regarding the three research questions. This was accomplished by studying the perceptions of two stakeholders: administrators (registrars and legal counsel) and faculty members. Interviews of the administrators along with a literature review on FERPA yielded sufficient information to construct a survey questionnaire. This instrument sought information regarding faculty member demographics and knowledge level of FERPA. Respondents were then asked to rank order the effectiveness of ways in which privacy law information had been received (e.g., in writing, verbally, via email, in training sessions, meetings, or other) and by whom (e.g., registrar, office of student services, dean, department chair, human resources/training and development, or other), and preferences for communication methods by which to receive information and by whom.

The survey questionnaire was then reviewed by a panel of experts and pilot tested on faculty members at four institutions of higher education. The pilot population was asked to respond to the survey and cover letter, and identify aspects or questions that were ambiguous, inappropriate, or missing. Recommendations and suggestions were encouraged and incorporated into the final draft of the questionnaire and cover letter.

Administrators who shared their perceptions of FERPA during personal interviews included three registrars, one assistant registrar, and three legal counsel. Three hundred and ninety faculty members at three land grant institutions responded to the final survey. Faculty members were chosen at random from peer universities in the Midwest.



The demographic data, faculty member perceptions of their understanding of FERPA, need or lack thereof for additional information on the topic, and suggestions for frequency of updates and information about FERPA were reported in frequencies and percentages. Rank ordering was reported to indicate current providers of FERPA information, means by which this information was communicated, faculty preferences regarding effective providers of privacy law information and forms of communication.

Correlations and Chi-Square tests were used to measure the association between the various independent variables (demographics, current and preferred sources of information, current and preferred communication methodologies) and the dependent variable (faculty knowledge level).

The findings revealed that nearly half of faculty members at all institutions are not familiar with FERPA, about a quarter possess minimal or slight understanding, and 15% are moderately or highly familiar with the law. Nearly half feel they need additional information regarding student privacy rights, and most believe that students are not aware of their own rights. No statistically significant associations exist between demographics and faculty knowledge levels.

Faculty members who reported having received information on this law indicate having done so from a variety of sources, many of which were "other," such as from the news media, colleagues, or the Chronicle of Higher Education. Current forms of communication are primarily verbal and written. Responding faculty prefer to receive information from their department chairs, "other," the registrar, and student services. Thirty-two point six percent expressed a preference for communication via email, followed closely by preferences for written and verbal methods.

## **Conclusions**

The findings indicate that faculty members at the three subject universities are not well informed about student privacy law, and FERPA in particular. Hence, the conclusion is that these universities are not adept at sharing important privacy law information with faculty members.

The following conclusions are related to each research question. Conclusions one through four support research question one; conclusions five through seven support research question two, and conclusions eight through ten support research question three. These conclusions are related to the three land grant universities studied; no inferences are made to any other universities.

For purposes of discussion, the term “learning styles” will refer to both the learning styles and multiple intelligences discussed in the literature review. Visual, auditory, and kinesthetic learning styles correspond to visual / spatial, verbal / linguistic, body / kinesthetic multiple intelligences.

### **Conclusions Related to Research Question 1: What is faculty member knowledge of FERPA?**

Overall, 41.8% of responding faculty members at the three subject land grant institutions lack understanding of FERPA, and 29.4% expressed only slight familiarity, defined as awareness that FERPA addresses student privacy issues. An appropriate level of understanding, defined as the ability to explain and execute the law, was perceived by 28.8% of participants, or those claiming moderate (26.5%) and extensive (2.3%) familiarity with FERPA.

**Conclusion 1: Demographic factors such as faculty member teaching rank, tenure status, years of teaching experience, and years at current institution do not significantly impact faculty member knowledge of relevant educational privacy law.**

The data do not support a significant relationship between tested demographic factors and faculty member knowledge of the Family Educational Rights and Privacy Act. Teaching rank and tenure status are associated with length of teaching; faculty are tenured and progressively promoted as a result of years of experience successfully teaching, researching, and publishing. As a result of a faculty member's greater length of experience teaching, one would expect his or her knowledge levels of educational privacy law to be greater. This is not the case with FERPA. "We don't know what we don't know." As it pertains to the law, often faculty members are not familiar because they have not had any direct experience with its concepts, practice, or consequences. Additionally and obviously, their employing institutions have not conveyed the importance of the law to faculty members in a manner that is effective. See conclusion 6.

**Conclusion 2: Tenured female faculty members are more familiar with student privacy law than their male counterparts.**

The only demographic factor that appears to be related to faculty member knowledge of FERPA is gender. Specifically, tenured women reported greater knowledge of FERPA than men. Reasons for this phenomenon are unknown. Perhaps women, historically considered nurturers, devote more time and attention to developing relationships with students or learning about issues that concern students.

**Conclusion 3: FERPA is not a high priority at these three land grant institutions.**

Each registrar and legal counsel interviewed stated that FERPA is an important law. Further, 80.6% of responding faculty members indicated that compliance with privacy law is important. However, no individual or office at any of the universities surveyed is making an effort to ensure that faculty members understand and adhere to FERPA, which manifests itself in little or no knowledge of the law on the part of faculty. Registrars and legal counsel cited publication in the faculty handbook as the means by which FERPA information was shared with faculty. No follow-up or reinforcement occur from their offices. Each also mentioned that they and their offices had neither the time nor the resources to personally conduct training sessions or attend faculty staff meetings. According to one registrar, "We don't have the manpower or staff to train others and track it." One must conclude that, if FERPA were deemed important by the university, resources would be dedicated to ensuring that university community members thoroughly understood and were able to abide by the law. Kotter (1996) suggests that a sense of urgency drives the need for change. Sometimes a lawsuit forces a college or university to reexamine its priorities and practices.

**Conclusion 4: Many faculty members do not understand the importance of FERPA.**

Forty-one point eight percent of responding faculty members indicated they were not familiar with FERPA, and 29.4% reported only slight familiarity with the law. These figures, combined with a low response rate of 13.8%, lead to the conclusion that faculty are quite simply not aware of the importance of FERPA. As a result, they are understandably ignorant of the potential dangers that surround violation of academic privacy rights, the consequences

of which include liability for wrongdoing, costly and embarrassing lawsuits, sanctions by the United States Department of Education, and bad publicity.

**Conclusions Related to Research Question 2: Who currently provides faculty members with FERPA information, and via what means of communication?**

Responding faculty members were asked to rank order the effectiveness of past and current providers of information on FERPA (e.g., registrar, student services, department chair), as well as methods of communications employed (e.g., verbal, written, training sessions). Although the office of the registrar (and occasionally student services) is typically charged with disseminating this information, 45.7% of survey participants cited “other” sources (e.g., the news media, colleagues) as having informed them of FERPA. Department chairs were cited by 17.4% of respondents, and the university registrar was indicated by 14.6%.

Most commonly reported means of communication were verbal (38.2%), written (31.1%), and “other” (14.2%). This represents an interesting perception, considering the registrars and legal counsel interviewed cited “published in the faculty handbook” as the primary means with which they shared FERPA details.

**Conclusion 5: Current providers of FERPA information, such as the registrar, student services, department chair, dean, provost or vice-president, and human resources / training and development do not significantly impact faculty members’ knowledge of relevant educational privacy law.**

Survey results do not indicate a significant relationship between the current university provider of information pertaining to educational privacy law and faculty member

understanding of FERPA. Faculty members have received FERPA data from a variety of sources (e.g., other, 45.7%; department chair 17.4%, registrar 14.6%), yet none reveal a statistically significant impact on faculty. Quite possibly, these numerous providers possess varying degrees of expertise themselves, and may or may not be qualified to share accurate or meaningful information on FERPA. Additionally, these providers may not be sharing information in an effective manner (see Conclusion 6); one that meets the needs of faculty member learning styles.

**Conclusion 6: Current methods used to communicate FERPA information to faculty members are ineffective. Messages currently communicated in writing, verbally, via email, with web sites or online, and in human resource / training and development sessions have not significantly impacted faculty members' knowledge of FERPA.**

Current providers of FERPA information rely on traditionally accepted methods to communicate important information. The registrar, for example, accustomed to dealing with legal issues, shares information in writing – an acceptable format for material used as documentation or needing to be retrieved. Similarly, offices of the Provost or Student Services typically communicate in writing (letters, memorandums, email). Frequently, however, these methods may not suit differing faculty learning styles, such as auditory or kinesthetic. As a result, messages are not properly received and understood by the recipient. Again, this problem is manifested in faculty knowledge levels of FERPA, which are often low (29.4%) or non-existent (46.4%), violations of students' rights, and the occasional lawsuit.

**Conclusion 7: Adjunct faculty and instructors, because they are not in the information loop, are less likely to be familiar with FERPA than their counterparts in professor ranks.**

Sixteen instructors (64%) and 11 adjunct faculty (52.4%) reported they were not familiar with FERPA; three (12.0%) instructors and seven (33.3%) adjuncts cited only slight familiarity with this law. This is most likely due to their second-class citizen status. Instructors and adjuncts are not invited to departmental faculty meetings, nor are they on many information distribution lists from crucial university departments (e.g., registrar, student services, Provost). Additionally, their part-time or outsider status often prevents them from developing relationships with peers within their department; hence, they are often not privy to informal discussions or “office talk.”

**Conclusions Related to Research Question 3: According to faculty member preferences, who should provide faculty members with FERPA Information, and via what means of communication?**

Faculty member preferences regarding effective providers of FERPA information are varied, ranging from their department chair (24.0%) and other (19.7%) to the registrar (18.5%) and student services (15.5%). Desired methods by which to receive information reflect their individual learning styles, and thus are also quite diverse. Thirty-two point six percent of survey participants expressed the preference to receive communications via email, 29.2% prefer in writing, 22.3% prefer verbal, and 9.5% cited web sites / online.

**Conclusion 8: Faculty members' preferences for providers of FERPA information are diverse, suggesting any of these sources (e.g., department chair, registrar, student services, Provost, dean, human resources) can be**

**effective provided they meet individual faculty member needs and learning styles.**

Although “department chair” received the most responses (24%), no category source category went without some supporters. Some survey participants indicated department chair as their first choice because he or she encouraged dialogue on the subject or tried to keep faculty well-informed of university issues and initiatives. The registrar (18.5%) and student services (15.5%) were seen as “experts” on the law, and thus particularly credible as sources of information. The conclusion: you can please some of the people some of the time.

**Conclusion 9: Faculty members’ preferences for communications media pertaining to dissemination of FERPA information are diverse and encompass the range of learning styles.**

Learning styles research reveals that adults are approximately 60-65% visual, 25-30% verbal, and 10-15% kinesthetic (Kolb, 1985a); each style was reflected in the survey instrument. Email was cited as the preferred form of communication by 32.6% of responding faculty, followed closely by written (29.2%). Email is a form of written communication, thus total responses corresponding to visual learners, who prefer communications in writing, constitute 61.8%. Those with verbal preferences constitute 22.3%, and faculty members who prefer doing their own research on the web or involvement in training sessions exhibit a preference for kinesthetic learning and are 12.6% of responses. Each response rate is consistent with research on population proportions and learning style preferences (Kolb, 1985a; Learning to Learn, 2002).



**Conclusion 10: A multi-faceted training and development program that caters to the learning styles of faculty members will be required to adequately meet the needs of this diverse population.**

University faculty members at the three subject land grant institutions possess learning style preferences consistent with other studied populations. These learning styles, visual, auditory, and kinesthetic, reflect the ways in which adults absorb and process information, and make decisions. As a result, “No universal prescription concerning the most salient [learning] style can be made, especially when the multifaceted nature of adult learners is considered” (Galbraith, 1991, p. 19).

Ensuring faculty understanding and execution of FERPA will require those responsible for training to understand and incorporate learning styles in training sessions. The result will be a mix of written (e.g., memoranda, emails, handouts), verbal (e.g., discussions, meetings, training sessions), and kinesthetic (e.g., web site research, involved training exercises) communications delivered in a timely, appropriate fashion.

### **Recommendations**

A number of important issues emerged as a result of this study. The following comments and recommendations are directed to university administrators and faculty members.

**Recommendation 1: Gatekeepers of FERPA data (registrars, legal counsel, student services) should partner with those responsible for faculty development to train faculty members adequately.**

University legal counsel and the offices of the registrar or student services house information related to the Family Educational Rights and Privacy Act. They are the

recipients of legal information and routine updates related to student and educational privacy law. Faculty training, however, is typically not a priority, or even a responsibility, of these offices. Given the importance of laws such as FERPA, however, it behooves a university to adequately prepare its faculty for the challenges they will face as a result of their encounters with students. University offices or departments such as human resources or training and development are charged with training faculty and staff. As it relates to the law, these two distinctly separate stakeholders need each other. Each can provide the other with valuable resources designed to properly train faculty. A mutually beneficial partnership between these two will enhance faculty member understanding and implementation of FERPA.

**Recommendation 2: Develop a comprehensive, multi-faceted approach to faculty development that incorporates all potential learning styles.**

The faculty handbook as the sole source of information provided by university registrars and legal counsel is an ineffective means of communication. Although 61% of respondents are visual and prefer written forms of communication, personal interviews of faculty reveal that very few have read their handbook, nor did they realize FERPA was included.

Effectively responding to faculty learning styles may involve designing interactive workshops on the subject or building a FERPA web site (kinesthetic), discussing FERPA in faculty meetings (verbal), sending written letters, memorandums, or emails (written), or a host of other activities designed to meet a variety of individual learning needs.

**Recommendation 3: Make FERPA training mandatory.**

Organizations are required to provide their employees with information on laws that guide and impact employee behavior. Failure to do so, if negligent, may result in lawsuits against the employer. Laws such as FERPA require adherence by individuals as well as organizations, with potential judgments or sanctions against violators (both individuals and the organizations that employ them). As a result, mandatory discussions of topics such as FERPA make sense; training protects both individuals and organizations. Many faculty become engrossed in teaching, researching, or publishing, and it becomes easy to neglect their own growth and development. Last year, for example, one of the subject universities was forced to cancel a FERPA training session due to lack of interest. If not made mandatory, they will not attend.

**Recommendation 4: Start with administrators.**

Faculty members often rely on their administrators to keep them abreast of important information and developments. Further, 39.7% of survey participants stated their preferred provider of information on privacy law was an administrator (department chair 24%, dean 10.9%, Provost or vice-president 4.8%). Therefore, ensuring thorough, consistent administrator understanding of FERPA campus-wide proves crucial to adequately informing faculty members of the nuances of the law. If we are to allow, encourage, or require that administrators or managers mentor, coach, and act as change agents (PWTI, 1996; Gilley & Boughton, 1996), we must provide them with the tools they need to be successful - through a comprehensive, multi-faceted training program that satisfies their learning preference styles.

**Recommendation 5: Provide faculty members with frequent reminders of and updates on FERPA.**

Learning requires repetition and practice (Broad & Newstrom, 1992). Faculty members recognize this phenomenon, as evidenced by their desire to receive updates annually (52%) and when important changes in the law occur (37.7%). Frequent reminders emphasize the importance of the law and university seriousness regarding its implementation. Weekly or monthly staff meetings, monthly or quarterly newsletters, end-of-semester communiques, annual memorandums from the registrar, and annual faculty retreats are examples of appropriately timed messages.

**Recommendation 6: Include instructors and adjunct faculty members in all communications and training regarding FERPA.**

Instructors and adjunct faculty members comprise nearly 20% of the teaching staff at the subject universities. They do not, however, receive many of the communications aimed at professors; as a result, many are ignorant of FERPA, its goals, and consequences. This presents a dangerous scenario for these faculty members, their students, and the university that employs them. Faculty members are agents or extensions of their employing universities; thus the university will be help accountable for the actions, and the training they have or have not received. Including these faculty members in important communications and training will protect students, faculty, and their universities.

**Recommendation 7: Evaluate the effectiveness of training and communications to ensure faculty member understanding of and adherence to the law.**

Evaluation is a means to understanding. Improvement in human performance to achieve the goals of the organization is the product of training; evaluation helps ensure that training meets its goals – improved understanding and performance on the part of faculty members. Too often, communications or training meetings are singular events that lack follow-up. As a result, their effectiveness proves suspect, particularly when complaints arise. Evaluating the effectiveness of communications or training may involve, for example, pre-planned follow-up discussions with recipients, refresher courses, or surveys. Follow-up reinforces the importance of the topic, enables the trainer or information provider to glean additional feedback on appropriateness of content, delivery, or methodology used, assess recipient understanding, and plan or modify future information sharing sessions, to name a few.

**Recommendation 8: Inform students of their privacy rights and responsibilities.**

Students can be valuable parties to this exchange, if they are educated about and understand the provisions of FERPA. Students who are familiar with the law, and assertive enough to provide feedback to faculty members, can be valuable resources and gauges of performance.

Universities should take varied student learning styles into account and include FERPA information in new student orientation, in the student handbook, and on university web sites, to name a few. Faculty members can help by including a brief statement about FERPA on their syllabus, and explaining the importance of adherence to the law via certain

procedures (e.g., not posting grades by social security number). Knowledge is power. The more students, faculty members, and administrators know about privacy law and FERPA, the better.

### **Implications**

Privacy law is an important tenet of our society. In an academic setting, the Family Educational Rights and Privacy Act protects students' rights to privacy and guarantees confidentiality of records along with recourse for specific abuses. The educational community has a responsibility to respect these rights, just as faculty members expect their own privacy rights to be secure and sacred. Research suggests, however, that nearly half of responding faculty members at the three universities are not familiar with FERPA, and approximately one quarter possess very little knowledge of the law. This lack of understanding may explain the frequency with which faculty members are violating students' rights. These figures are alarming given the litigious nature of our society and the potential liability faced by faculty members and universities who violate the law. More and more, plaintiffs are seeking legal recourse for their perceived injuries, and holding violators personally liable for damages. The consequences can be extremely costly - as evidenced by two Supreme Court cases in the last academic year.

Registrars, legal counsel, and faculty members surveyed overwhelmingly stated the belief that FERPA and compliance with privacy law are important. If so, why aren't these universities taking action to ensure that all faculty members understand and comply with the law? During interviews, registrars and legal counsel mentioned that their universities conform to FERPA by providing faculty members with details and information on this law.

These information pieces are typically in the form of faculty handbooks, which one legal counsel admitted, “faculty don’t read, they just put it on the shelf.”

Providing information doesn’t guarantee recipient understanding or compliance. Understanding requires learning, which is optimized when faculty members’ learning styles are known and incorporated into the design and dissemination of communications. Failure to adequately address and cater to faculty members’ learning styles inhibits their ability to absorb and process new information. As a result, faculty members express little or no knowledge of laws such as FERPA, which places them and their institutions at risk. Understanding and accommodating adult learning styles is critical to maximizing the success of faculty member learning engagements. If universities continue to ignore this vital aspect of faculty development they will eventually be faced with litigation surrounding FERPA.

Faculty members’ understanding of FERPA proves particularly important given the very nature of their positions. Many faculty will eventually assume the position of department chair, executive officer, or similar administrative role responsible for faculty performance and development. The research indicates that many faculty members rely on individuals in these positions for valuable information that affects them, including FERPA. Therefore, it is important that faculty members understand the law, for their own current protection as well as in preparation for future responsibilities.

Why aren’t institutions of higher learning accommodating the learning styles of their faculty in an attempt to improve understanding and performance? Why don’t universities practice what they preach? And why don’t faculty members take advantage of the abundance of information available to them and proactively seek this information? These questions are beyond the depth of this study. However, the research suggests that the three land-grant

universities are making no attempt to understand the learning styles and needs of their faculty members. As a result, current methods being used to share important information regarding privacy law, specifically FERPA, are ineffective. Ultimately the message is not hitting home – many faculty members, including full professors, do not possess sufficient knowledge of this law. As a result, students' rights are being violated.

Institutions of higher learning possess enormous talent, resources, and understanding of adult learning, yet are failing to utilize their own expertise. Universities must mobilize their resources in a strategic manner to assess levels of faculty knowledge of laws that guide their behavior, evaluate faculty learning styles and needs, design and implement appropriate communication pieces and training sessions, and continuously monitor the effectiveness of their efforts. Doing so will help create a safe, productive learning environment for students and faculty alike.

Faculty training and development must become a partnership between those who possess crucial information on privacy law (e.g., registrars, legal counsel) and adult learning practices (e.g., training and development, specialists in this area), and those responsible for developing faculty members (e.g., department chairs, deans). Combining the talents of these groups will enable universities to meet the needs of faculty, students, and the community in understanding and adhering to the law. Instead of arguing about whose rights were violated or why we don't understand the law, the academic community will be able to concentrate on continuous improvement of education and its processes.



### **Recommendations for Future Research**

The subject of FERPA has not been widely researched. Given, however, that this law governs any institution receiving Federal funding and the frequency of litigation in our society, the topic merits attention.

This study examined registrar, legal counsel, and faculty member perceptions of FERPA at three land-grant institutions. Additional research at other land-grant universities may yield a broader picture of faculty perceptions and institution procedures at land-grant schools.

What is the situation at other public and private universities or community colleges? Do faculty possess greater understanding of the law? Do communications methods vary? What types of privacy law complaints have been received? Do women possess greater understanding of FERPA at other institutions? Study of additional colleges and universities representing varied demographics, location, mission, and so forth will enlighten administrators and faculty on FERPA understanding and institutional practices.

Additional study could seek to understand why knowledge levels vary between institution, gender, and any other variable that showed potential influence on the dependent variable, faculty knowledge. What are the similarities and differences between types of institutions? And do students actually possess little understanding of FERPA?

This study was simply an initial foray into the realm of FERPA, understanding by faculty, and university procedures for sharing information on this topic. Given what little research has been conducted in the past along with the narrow scope of this study, the opportunities for additional examination are virtually endless.

## Appendix A

### Pilot Family Educational Rights and Privacy Act (FERPA) Survey

*Please complete the following questionnaire regarding your perceptions of the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, which guarantees students' right to privacy (grades, records, and so forth).*

1. Type of institution:

- ☐ community college  
☐ public college / university  
☐ private college / university

2. Your Status: ☐ Full professor ☐ Associate ☐ Assistant  
☐ Instructor ☐ Adjunct ☐ Other, please specify \_\_\_\_\_

3. Number of years experience teaching at the college / university level: \_\_\_\_\_

4. Are you familiar with the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment?

- ☐ Yes      If yes, please indicate your level of understanding of FERPA:  
                  ☐ slight (I am aware that FERPA addresses student privacy issues)  
                  ☐ moderate (I can cite common do's and don'ts of FERPA compliance)  
                  ☐ extensive (I can name the four primary student rights ensured by FERPA, along with common violations of the law and faculty strategies for compliance).

☐ No      If no, please skip to question #10

5. Who or what was the source of information provided to you on FERPA?

- ☐ office of the registrar or dean of student services  
☐ department chair  
☐ dean's office  
☐ human resources / training & development  
☐ do not remember  
☐ other, please specify \_\_\_\_\_

**6a. Via what form was information shared?**

- ☐ written (memos, handouts, Q&A sheets, etc.)
- ☐ verbal (faculty meetings, training sessions, one-to-ones, etc.)
- ☐ email
- ☐ website / online
- ☐ do not remember
- ☐ other, please specify \_\_\_\_\_

**6b. Which medium was most effective for you, and why? (n/a is appropriate if you cannot recall)****7a. Do you feel that you need additional information on FERPA?**

☐ yes    ☐ no    ☐ not certain

**7b. Please explain why or why not:****8a. How frequently should FERPA information be disseminated to faculty members? (please check only one)**

- ☐ annually
- ☐ whenever important changes in the law occur
- ☐ other, please specify \_\_\_\_\_

**8b. Please explain why:****9a. The best source of information regarding FERPA is... (please check only one)**

- ☐ office of the registrar or dean of student services
- ☐ department chair
- ☐ dean's office
- ☐ human resources / training and development
- ☐ not certain
- ☐ other, please specify \_\_\_\_\_

**9b. Why do you consider this the best source? \_\_\_\_\_****10a. In your opinion, what is the most effective means by which faculty should receive information and updates on the rights of students? (please check only**

**one)**

- ☐ in writing (memos, handouts, Q/A sheets, etc.)
- ☐ verbally (faculty meetings, training sessions, one-to-ones, etc.)
- ☐ email
- ☐ website / online
- ☐ human resource / training & development sessions
- ☐ not certain
- ☐ other, please specify \_\_\_\_\_

**10b. Why is this means of communication most effective for you?**

**11. How important are the fundamentals of FERPA and faculty compliance?**

- ☐ very important
- ☐ somewhat important
- ☐ undecided
- ☐ not very important
- ☐ not at all important

**12. Additional comments about FERPA:**

**13. Questions or comments about this survey instrument:**

## **Appendix B**

### **Final Cover Letter**

February 13, 2002

Dear Faculty Member:

Attached please find a survey that is designed to gather information regarding your perceptions of the *Family Educational Rights and Privacy Act* (FERPA), also known as the *Buckley Amendment*. This survey is part of my dissertation research (IRB ID 01-573; thus, your participation will be greatly appreciated. The survey takes approximately five minutes, and please note that the questionnaire is two-sided. If you are not familiar with FERPA, please indicate that on the survey and return as this is also valuable information.

Participation is completely voluntary, and your anonymity and confidentiality are guaranteed. If you choose not to participate please discard the survey.

Please return the survey to Ann Maycunich, 216 Rockwell by **February 22, 2002**. If you have questions please contact me at 1-6842 or [ann.maycunich@mail.biz.colostate.edu](mailto:ann.maycunich@mail.biz.colostate.edu). Thank you for your assistance.

# APPENDIX C

## Final Survey Instrument

### Family Educational Rights and Privacy Act (FERPA) Survey

*Please complete the following questionnaire regarding your perceptions of the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, which guarantees students' right to privacy (grades, records).*

- 1a. Your rank:** \_\_\_ Full professor \_\_\_ Associate \_\_\_ Assistant  
 \_\_\_ Instructor \_\_\_ Adjunct \_\_\_ Other, please specify \_\_\_\_\_
- b. Status:** \_\_\_ tenured \_\_\_ tenure track \_\_\_ non-tenured
- 2. Gender:** \_\_\_ male \_\_\_ female
- 3a. Number of years of experience teaching at the college / university level:** \_\_\_
- b. Number of years at your current institution:** \_\_\_
- 4. Please indicate your level of familiarity with the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment:**
- \_\_\_ I am **not** familiar with FERPA; please skip to question # 7
- \_\_\_ **slight** (I am aware that FERPA addresses student privacy issues)
- \_\_\_ **moderate** (I can cite common do's and don'ts of FERPA compliance)
- \_\_\_ **extensive** (I can name the four primary student rights ensured by FERPA, along with common violations of the law and faculty strategies for compliance).
- 5. Who or what was the source of information provided to you on FERPA?**  
 If more than one please rank order: 1=most effective, 7=least effective)
- \_\_\_ registrar
- \_\_\_ dean of student services
- \_\_\_ department chair
- \_\_\_ dean's office
- \_\_\_ provost or vice-president
- \_\_\_ human resources / training & development
- \_\_\_ other, please specify \_\_\_\_\_

**6a. Via what form was information shared?** If more than one, please rank order,

1=most effective, 6=least effective )

\_\_\_ written (memos, handouts, Q&A sheets, etc.)

\_\_\_ verbal (faculty meetings, training sessions, one-to-ones, etc.)

\_\_\_ email

\_\_\_ website / online

\_\_\_ human resources / training & development sessions

\_\_\_ other, please specify \_\_\_\_\_

**6b. Which form was most effective for your learning style, and why?**

**7a. Do you feel that you need additional information on the law pertaining to students' rights (including FERPA)?**

\_\_\_ yes \_\_\_ no \_\_\_ not certain

**b. Please explain why or why not:**

**8a. How frequently should information pertaining to students' rights be disseminated to faculty members?** (please check only one)

\_\_\_ annually

\_\_\_ whenever important changes in the law occur

\_\_\_ other, please specify \_\_\_\_\_

**b. Please explain why:**

**9a. The best source of information regarding students' rights and privacy law is...**  
(please rank order; 1=most effective, 7=least effective)

\_\_\_ registrar

\_\_\_ dean of student services

\_\_\_ department chair

\_\_\_ dean's office

\_\_\_ provost or vice-president

\_\_\_ human resources / training and development

\_\_\_ other, please specify \_\_\_\_\_

**b. Why do you consider this the best source?**

**c. If you wanted information on the law pertaining to student's rights, where would you go / to whom would you turn ?**

**10a. In your opinion, what is the most effective means by which faculty should receive information and updates on the rights of students? (please rank order; 1=most effective, 6=least effective)**

- ☐ written (memos, handouts, Q/A sheets, etc.)
- ☐ verbal (faculty meetings, training sessions, one-to-ones, etc.)
- ☐ email
- ☐ website / online
- ☐ human resource / training & development sessions
- ☐ other, please specify \_\_\_\_\_

**10b. Why is this means of communication most effective for you?**

**11. How important is faculty compliance with regard to the fundamentals of students' rights and privacy law?**

- ☐ very important
- ☐ somewhat important
- ☐ undecided
- ☐ not very important
- ☐ not at all important

**12. Does your syllabus include a statement with regard to students' rights, privacy, or FERPA? \_\_\_\_\_ If so, please attach a copy.**

**13. In your opinion, what is students' understanding of their right to privacy?**

- ☐ high
- ☐ moderate
- ☐ low
- ☐ non-existent

**14. Do you have any additional comments about student privacy rights (e. g. FERPA)? If so, please state:**

**15. Questions or comments about this survey instrument:**



## **Appendix D**

### **Interviews of Registrars and Legal Counsel**

<b>R1 = Respondent 1:</b>	<b>CSU registrar</b>
<b>R2 = Respondents 2,3:</b>	<b>ISU registrar and assistant registrar (same meeting)</b>
<b>R4 = Respondent 4:</b>	<b>MSU registrar</b>
<b>L1 = Legal counsel 1:</b>	<b>CSU legal counsel</b>
<b>L2 = Legal counsel 2:</b>	<b>ISU legal counsel</b>
<b>L3 = Legal counsel 3:</b>	<b>MSU legal counsel</b>

**Q. Please explain the key concepts of FERPA.**

**R1:** FERPA addresses student rights and faculty responsibility as it relates to confidentiality of progress, performance, grading, and due process. It's situational things, very specific.

**R2:** FERPA deals with student rights to privacy and confidentiality of records. Parents often don't understand that, even though they're paying for their kids' education, they don't have the right to demand grades. They need to talk to their kids about that.

**R4:**

**L1:** It's an issue, yet it's easy to comply – faculty know they shouldn't disclose information on students to the community. Directory information is well-defined.

**L2:** Students have, essentially, 4 rights: the right to complain to the federal government if their rights have been violated; seek amendment if their records are incorrect (not appeal grades); right to inspect and look at records with the registrar or their department; and the right to have their educational records remain private. There are a number of exceptions, for example, legitimate purpose. If there is a legitimate need for a party to have the record – for example, information is often shared between the registrar and student financial aid.

Federal punishment can be severe, they can take away Federal funds if there's a persistent problem. They start by sending compliance letters requiring the institution to investigate, correct, and report. The government can issue cease and desist orders, terminate eligibility to receive funding for programs, and withhold further payments under any applicable program.

**L3:** It's a nice protection for students; without it educational records would be available to anyone. I get a lot of calls for advice.

**Q. Within your institution, who or what is typically the source of information provided on FERPA?**

**R1:** I am. This information is printed in the faculty handbook and is available on-line.

R2: Our office, the registrar. :

L1: It's in the faculty handbook. Also my colleague and I are state employees responsible for 3 universities, so we go to the schools and present on FERPA.

L2: Registrars are responsible for administering FERPA. Unfortunately, orientation for new faculty is handled within departments.

L3: The general counsel's office and the registrar.

**Q. Do you feel that university personnel fully understand FERPA? Why or why not?**

R1: It's a bell curve. Some do, some don't, some know enough to be dangerous. A group of older faculty may know about FERPA because they were around in the '70's when Buckley came out and it was a hot topic, or they may have experienced it. Part-time faculty certainly don't because they don't go to faculty meetings, yet they deal with students. Faculty don't read the information.

R2: No. The challenge is in getting FERPA information out there and in a usable form. Advising has not been the problem, instruction has been. Electronic class lists present a problem, and stakes are higher. Faculty ignore things they don't read. Q. The solution? The registrar goes out to individuals or departments. Q. Have you been invited to any faculty or staff meetings? No. Faculty think they can do whatever they please.

R3: Definitely not. Some faculty are completely ignorant. They know there's a confidentiality policy, but they don't know there's a federal law. Adjuncts are even less aware. The real concern is due diligence and providing information if there's a student complaint. Students receive FERPA information at orientation and in the student handbook.

L1: Faculty know they shouldn't disclose information on students.

L2: No, because they don't take the time to read the information. It's there for them.

L3: That's a good question. I don't know. The only ones I interact with want more information.

**Q. In your opinion, what would be the most effective means by which faculty should receive FERPA information and updates?**

R1: In departmental meetings because they're required to be there. If a University is serious about getting FERPA in front of people that's how they do it. It's the only way to reach old-timers and new folks. Asking and suggesting are tough – it's got to be mandatory.

R2: Go to department meetings, make them mandatory. Q. Could you make access to data conditional upon receipt and knowledge of FERPA? We don't have the manpower/staff to train others and track it.

L1: Emails, group presentations to deans and department heads. Again, the three of us try to get the word out.

L2: Universities should have a more general, centralized orientation for faculty, mandatory. I think faculty meetings would be most effective, followed by email and posting on the website. I also think the faculty handbook and new faculty orientation would be effective.

L3: Memos, email, meetings, all types. All available avenues should be used.

**Q. How frequently should FERPA information be disseminated to faculty members?**

R1: Annually, in the fall semester, and at new faculty orientation occurs.

R2: At least annually.

L1: Annually. Privacy will get to be a more important issue. It's so easy to disclose information you hadn't intended to. We haven't adapted our sensibilities to the possibilities and dangers of technology.

L2: On an annual basis, but departments other than the registrar need to get involved.

L3: Annually.

**Q. What type of research / information is needed by university administrators regarding FERPA?**

R1: We don't want faculty making their own interpretations, we need guidelines that everyone can understand. Giving do's and don'ts tends to be effective. Our updates come from list serves, legislative updates, and workshops on FERPA.

R2: We need someone to commit to spending 2-3 years to do training on campus.

R3: Technology is a big factor and source of complaints, along with directory information. We need someone to give us a funded position so we can train on FERPA. To work on policy and mass emails, include best practices.

L1: NACUA is a good resource.

L2: They need help training faculty.

L3: People to do training; manuals are helpful but they end up on the shelf. People (administrators) have been very receptive to the training here.

**Q. What are the best resources regarding FERPA?**

R1: AACRAO, faculty handbook, office of the registrar and legal counsel.

R2: The American Association of Collegiate Registrars and Admissions Officers.

R3: They have information on-line, and some new training.

L2: National Association of College and University Attorneys. Some universities have FERPA information on their websites.

L3: NACUA, the regulations and other college attorneys.

**Q. What are some common violations of FERPA by faculty?**

R1: Posting grades with ssn's or alphabetically, leaving boxes of graded papers in the hall, passing around graded student papers. Faculty misuse email and list-serves when interacting with students, and share things they shouldn't. They sometimes forget the entire class can view their comments.

R2: Sending the class list around with the ssn to check off attendance (class lists are confidential, sharing with all students is a violation)

Posting of grades with names, ssn's, or actual class lists.

Papers picked up / handed out in a manner that allows others to see.

Leaving information in a public place (e.g. file drawer)

No informed consent

R3: This fall they're no longer giving ssn's to instructors.

- R4: Typically, faculty post student grades so they can be identified by others,  
Leave boxes of graded papers in front of the office or in the hall,  
Faculty often disclose things to an entire class, mistakenly believing it's a small  
class so it's ok,  
Technology is probably the number 1 thing pushing privacy issues and the law,  
List serves are common violations – faculty should simply not respond or give  
feedback for all to see. Students must give consent, preferably written,  
beforehand.  
Faculty discuss students with others, particularly off-site  
My advice to people is don't discuss, don't give names.
- L1: Leaving graded things in the hall. We don't get a lot of complaints, except in the  
discipline area. The Supreme Court has held that university discipline records are  
included under FERPA. The media often wants information about high profile  
students in trouble, and we can't give it.

## **Appendix E**

### **CSU Provost Email Regarding Grade Posting**

TO: Deans, Department Heads, Direct Reports, and General Faculty

FROM: Al Dyer, Interim Provost

SUBJECT: University Policy on Posting Grades

As we approach the end of the Fall Semester, I want to remind you of the University Policy on posting grades.

**Policy:**

According to the Department of Education, use of social security numbers (SSN's) to post grades is not permitted under FERPA (Family Education Rights and Privacy Act of 1974). Posting SSN's is not permitted even if (a) the information posted does not include names (only SSN and a grade), or (b) the list of SSN's is scrambled so that names do not appear in alphabetical order.

A pattern or practice of permitting such use by the University would violate FERPA. The penalties for such a violation include a loss of all federal funding and potential liability for the violation of students' civil rights (which may result in an award of monetary damages and attorneys' fees). It is the policy of the University to comply with FERPA; faculty, departments, and colleges are made aware of this policy and alternative methods of posting grades in order to assist with compliance.

**Alternative Methods:**

**1. Mask part of the SSN:**

The posting strip on grade rolls provided by the University contains only the last six digits (e.g., \*\*\*826498). For individual posting programs, it is advised that only the last six digits of the SSN or identification number assigned by the instructor be used.

**2. Low enrollment classes (10 or fewer students):**

List students in non alphabetic order plus use less than the six digits of the SSN.

It is recommended that the posting strip provided by the University NOT be used.

**Returning Graded Material:**

Any graded material that contains the student identification number must NOT be left unsupervised. Someone must monitor the pickup of materials to prevent students or others from collecting identification numbers and possibly the student's name.

[Also see section I.2 of the Academic Faculty and Administrative Professional Manual].

## **Appendix F**

### **“Other” Responses, Survey Question 5, Providers of FERPA Information**

**Colorado State University:**

- CSU general catalog
- Professional conference
- Don't know
- The statute itself
- Not really sure
- Graduate work – legal issues course
- Catalog
- Law books, law journal articles, court cases
- Workshop and professional association
- Orientation office – worked there as a student for 5 years
- News media
- Statute; law review article
- Colleague
- HRC
- Internet
- Experience
- Walk-in program; program chair
- A policy manual for the university; emails regarding specific privacy issues
- General reading on education issues
- Faculty
- No idea
- I was a clerical worker for many years at a university and it was part of my job to understand student privacy laws
- Word of mouth
- Not sure
- Assistant Provost
- Cannot recall, perhaps general knowledge about posting grades
- Newspaper and listserves
- Prior knowledge
- Graduate school; master's in Higher Ed
- Don't remember source.
- “?”
- University general catalog

- Can't really recall
- Colleague specializing in constitutional law
- What I have read in textbooks and newspapers
- Local newspaper
- Conference training workshop
- Newspaper article
- Personal research as it relates to my work as legal counsel
- Self
- Word of mouth over the years
- Tenure revocation hearings
- Don't know / word of mouth
- Web and the department of education
- Newspaper, magazines, Wall Street Journal
- The Internet
- Colleagues
- Other faculty
- Department secretary, colleagues
- Mixture of the above in dealing with different issues regarding student records, posting of grades, advising duties, etc.
- Professional colleagues
- Advising manual
- University legal department
- Other faculty
- Advisors
- Newspaper articles

#### **Iowa State University:**

- I have read about it in newspaper articles and there is some information on a web site our university has developed.
- Don't remember
- College new advisor program; UAAC
- In training sessions to become an advisor
- Learned about FERPA and student privacy issues when I served on my college's academic standards committee.
- Associate chair
- News organizations
- Colleagues
- Experience with student records
- College advisors; Higher Ed courses on campus
- Did research and wrote a paper on the Buckley Amendment while I was in graduate school



- Colleagues
- Department advisors' committee
- We got an announcement from the Provost, I think.
- I read the law.
- Mass media
- Study for licensure exam in my area.
- Worked in an office of judicial programs as an undergraduate; had to know basic facts about student records.
- Own investigation
- As department head at my previous institution I learned what I know through our Dean
- I've long since forgotten how I came to know about the Buckley Amendment.
- Reading things like the Chronicle.
- Newspapers
- Email – can't recall the source
- It has been common knowledge for me for years.
- University legal counsel
- Chronicle of Higher Education and self taught
- Advising center
- Many sources over many years

#### **Michigan State University:**

- University attorney
- Just general knowledge
- Student handbook
- Other faculty
- Colleague
- Student writing a paper
- Other faculty via conversation
- University legal counsel
- News articles; Chronicle of Higher Ed
- Student
- newspaper
- No memory at all where I've learned what little I've remembered
- I do evaluation research and am very familiar with DHHS Human Subjects 45 CFR 46 the so-called common code, which has some similar provisions to FERPA. I usually find things the hard way when our Human Subjects Committee insists on something.
- Other faculty / colleagues
- I think I heard about it on NPR
- Newspapers and TV news when it was passed

- Student's research
- Newspaper
- Can't recall
- FOIA officer
- Chronicle of Higher Education
- Newspaper coverage
- Student newspaper
- News reports, information on forms
- University attorney's office
- Colleagues and students
- Don't remember
- Don't recall
- Just what I read in newspapers
- School district staff

## **Appendix G**

### **Additional Comments About Student Privacy Rights, Survey Question 14**

#### **Colorado State University Faculty Member Responses**

- I would like to see a FERPA syllabus statement.
- I think the web really opens us up to unintentional abuses.
- Haven't really thought much about this recently. Perhaps I should.
- Faculty should have as many privacy rights as students, and we don't. Note the use of SSN everywhere on this campus for faculty. CSU should also get rid of all SSN as faculty and student identifiers and use other unique numbers like the U of Arizona does.
- I have never been made aware of such things as a student or an instructor.
- FERPA was needed when it passed, but as recent court cases show, interpretation / implementation have gone far beyond original intent in ways that do not take the public interest into account.
- It is an important issue which should be given much more attention. More efforts should be made to convey this info to all of the university community.
- It's another legal issue addressing not much of a problem.
- Necessary evil in today's world. Very important to a few % of people and/or in a few situations.
- Students also need to be informed about their rights and responsibilities.
- This topic is over-inflated.
- Basic idea is appropriate, but also easily abused; needs tweaking.
- Brief statements in outline form which accompany grade reports would be most helpful as a reminder to faculty about what can and can not be done. Most know the basics but sometimes choose to ignore them.
- My answer on #13 is based on the large number of students who are aware of the waiver, but do not waive implications on letters of reference. Also, on where they often ask you to leave their papers.
- This is a topic on which I am quite ignorant.
- I often talk about this topic when I am giving a lesson on library research.
- I think they are privacy wrongs! I have not heard a convincing case that academic records ought not be fully open.
- I feel certain that students take their own responsibility of education more seriously once they hear of this law. I feel strongly that violation is not productive for student growth. Students are often in the grip of parental decision making either by their own perception or parental confirmation. Establishing their own identity and privacy is key to academic success for many.

- I think students need to be educated about their own rights and how to go about questioning and protesting university or faculty policies, when needed.
- I spent about 5 minutes searching the CSU web site and was unable to find much about FERPA other than a statement under Student Rights and Responsibilities (at the Division of Student Affairs site) that student records were maintained in accordance with FERPA and a copy of the form a student submits to restrict release of personal information is at the Registrar's site.
- Another aspect of FERPA is parental understanding of the law. Some parents believe they have the right to information about their child solely because they pay the child's tuition.

### **Iowa State University Faculty Member Responses**

- Parents do not understand FERPA.
- I have never had a student speak to me about privacy rights.
- Isn't it that we are not to release personal or academic information about a student to anyone who is not a university staff member with a demonstrable need to know the information? We are not to post grades in a way that students are identifiable by their peers. We are not to return papers in heaps or leave them outside our office doors where anyone can look at or take them.
- In addition to putting systems in place to educate faculty about privacy rights, students should also receive greater education on this issue.
- I'd like to receive a statement with regard to students' rights to include in my syllabus.
- FERPA is not very important (right or wrong) on my radar screen as a faculty member. This is probably because I have only a slight understanding of what it entails.
- I'm not certain what they are.
- You have not listed many of the ways in which faculty receive their information. Almost all of your foils above are predicated on the basis that we receive information through formal communication channels. Much of our information comes through informal channels not mentioned above. Nor did you mention professional societies, meetings, external channels, external media, etc., where many faculty get their information. You have made the assumption that many faculty are listening to the central administration and the various levels of the administration. Many faculty just tune out.
- I have no capacity to learn much about this unless it is very important. I would never release any student info without checking to see if it was ok.
- Parents don't seem to understand ISU's policies.
- If students were equally cognizant of their responsibilities (studying, reading, attending class, not cheating on tests, not doing other forms of academic dishonesty, searching for truth) as their rights to privacy, they would get a much better education.
- I have no idea what they are.
- I intend to learn more about it.

- I'm curious as to what they are.
- While I strongly believe there is a need to protect the privacy of each individual, I do not agree with portions of the law that set up barriers to the access parents have to information that affects their own children.
- I think their rights are critical even if they don't understand why.
- I know just a little bit from talking to colleagues.
- Tell us what it is.

### **Michigan State University Faculty Member Responses**

- I am not certain what this is.
- Faculty violate these regularly. Unfortunately, students are not aware of their rights and, therefore, do not object.
- Does this mean more rules/regulations are on the way?
- Where can I get information on FERPA?
- Information is available where? Will results be shared? I'd appreciate a copy.
- I don't know about FERPA, thus I am unable to provide you with well-informed answers. Who is the best resource?
- Where may I secure more information?
- You probably should have asked us open-ended what we thought FERPA covered. I thought it dealt with access to student grades and records. If that is the case then the Univ and dept control have such access and it is difficult unless you are the advisor or have to go through a chair or dean of whatever to get that. I also thought it had to do with research involving student records, etc. But I get the impression you mean something else. We do have an ombudsperson who deals with student complaints.
- I'm headed to our website to see what I can learn about FERPA and if I don't find anything, I'll keep looking until I do. Thanks for raising my awareness.
- It's a shame that you don't have an imbedded link to a website that presents the FERPA
- The issue of students' mental health needs to be addressed. If a professor thinks a student is suicidal, they should be able to parents and let them know.
- All faculty members should be aware of FERPA. Many of my colleagues don't seem to know about it.
- This is an area that we faculty know painfully little about. Most don't care.
- Neither students nor faculty seem to be well informed
- This was a timely reminder
- This subject has been in the news lately.
- Require faculty to put this in their syllabus.
- Sometimes the privacy restrictions get in the way of serving students in an efficient manner.
- There should be regular training sessions for students regarding their rights – it would be helpful if they were reminded once a year, too.

- This has simply made me more aware of the incompetence of administrators. Good luck with your research – I hope you find the answers you seek.
- Neither party has enough information to give intelligent responses.
- This fall my chair indicated that our Provost had reminded us that class grade lists, even just with student numbers, could no longer be posted. Since this was done for the students' benefit, we all stopped.
- My comments probably indicate a mildly hostile tone. Students shouldn't worry as much about their rights as they should about their responsibilities. On our campus, faculty "rights" to privacy are slowly being eroded because we are viewed as a public commodity. Faculty inventions now belong to the university, even if they are consulting with a company on their own time!
- This was probably a good reminder for me to find out more.
- Our MFT students are aware of, as are our faculty, of the AAMFT code of ethics which makes information about students and supervisees confidential.
- I don't know enough to comment.
- In general students do not insist on their rights – lack mechanism to do so.
- I just looked up FERPA and the Buckley amendment on the Web. Seems to deal with parental requests for grades. Survey administrators.
- Wish I knew more.
- I can't say with complete honesty that prior to this email I had ever heard of FERPA. It is not apparent to me why it would be important if I had not been so advised by my university. I will cc my department chair to determine if I have missed an earlier message.
- I'm not certain what FERPA is.
- Is this policy really protecting students, or universities from lawsuits. Let's not make an issue for faculty – we have enough on our plate.
- I get permission from my students to post their grades as required by law, but I am unfamiliar with the law beyond that. It is my perception that many faculty are not aware of this requirement.

## **Appendix H**

### **Questions / Comments about The Instrument, Survey Question Q15**

#### **Colorado State University:**

- Ann – good luck! An interesting topic.
- Thoughtful. It made me wonder how the laws have changed in recent years.
- I don't like the use of rankings because of the loss of statistical Power.
- Best to you!
- Responses to 5, 9, and 10 will be pretty meaningless because you don't know if anyone has gathered information from any of the sources or if they know which information came from what source.
- Why are faculty the only type of staff mentioned? I've encountered many violations of FERPA on this campus and it's because people don't know what it is and why it's important. It's amazing that CSU doesn't receive more lawsuits.
- Prior to 2001, CSU was less reluctant to share students' information. However, a new Vice President for Student Affairs in Feb of 2002 and her interpretation of FERPA has enabled the university to provide more information.
- The questions seem skewed unless you want all of us to confess our ignorance of the Buckley Amendment in detail.
- I'm sure the answers I gave will be quite different from most because, in addition to being a teaching faculty member at CSU I am one of the attorneys for the institution.
- Survey could have been more "meat," e.g. asking opinions about certain FERPA provisions.
- Sorry I can't give more help.
- I think I see some prejudice by the way the questions are posed that faculty are not well informed.
- Good luck on your thesis project!
- Short answer questions tend not to work well unless the respondent has a strong interest in the topic.
- Would be helpful to publish results and findings on a web site.
- Good luck and hope you get the information you need.
- My answers come from the position of a scientist engaged in research who has been limited by the Buckley Amendment (more often by interpretations of the amendment by right wing anti-research groups and by lawyers for the schools). I'm not concerned about violations by college teachers at all. I think there are a lot more serious problems than this one. But I'm an old curmudgeon, so my beliefs can be easily ignored – in fact, I recommend it.

- Email is not effective due to formatting problems.
- Good luck with your project.
- We do not have a dean of student services at this university.

#### **Iowa State University:**

- None
- Are you planning to make some recommendations about this? Will you be sharing the results of the survey with those of us who took it?
- I wish to remain unknown.
- You have piqued my interest...
- See the previous question answer.
- Your questionnaire seems to ask for the same information on several questions.
- This questionnaire is too long and repetitive (sic).
- Good luck getting a representative response given the large portion of open ended questions. An important topic.
- Give a little blurb about what FERPA is. That would have helped me answer the questions.
- One question that I find missing is whether or not the faculty person is also an advisor. Advisors get their information through advising newsletters, training, etc. That may skew your research.
- Easy to answer.

#### **Michigan State University:**

- A few questions were unnecessary, such as #9c
- Sorry I have not offered more information. I retire in May and will leave these issues far behind.
- Survey is too long, and rankings are tedious.
- Technically under 45 CFR 46 you need to notify the subjects of your specific intents and what you are looking for (saying it is a dissertation would not clear human subjects here). You also need signed informed consent. I am not sure what you meant by FERPA and so the idea that it should come from administrative hierarchy was odd. Did you ask other people at other places what they thought FERPA was before creating answer foils?
- Not familiar with FERPA.
- Your survey presumes, I think, that faculty members have paid much more attention to this general issue than we have (or have even had to). Any more detailed answers to your questions than I provided you just be "noise" not worth coding
- Survey is too long and some questions don't appear relevant. I'm curious as to your response rate.
- Good luck.



- I hope you don't make a universal recommendation on who, which office, and in what means faculty should be informed of FERPA. It really depends on many factors that are different in each university and each department.
- Good luck on your research.
- Good luck with your survey. Will results be shared with respondents?
- Good luck.

## Appendix I

### Suggested / Revised Survey Instrument

#### Family Educational Rights and Privacy Act (FERPA) Survey

*Please complete the following questionnaire regarding your perceptions of the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, which guarantees students' right to privacy (grades, records).*

- 1a. Your rank: ☐ Full professor    ☐ Associate    ☐ Assistant  
☐ Instructor    ☐ Adjunct    ☐ Other, please specify \_\_\_\_\_
- b. Status: ☐ tenured    ☐ tenure track    ☐ non-tenure track
2. Gender: ☐ male    ☐ female
- 3a. Number of years of experience teaching at the college / university level: \_\_\_\_\_
- b. Number of years at your current institution: \_\_\_\_\_
4. Please indicate your level of familiarity with the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment:
  - ☐ I am not familiar with FERPA; please skip to question # 7
  - ☐ slight (I am aware that FERPA addresses student privacy issues)
  - ☐ moderate (I can cite common do's and don'ts of FERPA compliance)
  - ☐ extensive (I can name the four primary student rights ensured by FERPA, along with common violations of the law and faculty strategies for compliance).
5. Have you received FERPA information from your current institution, previous institution, or both?
  - ☐ current institution    ☐ previous institution    ☐ both institutions
6. Who or what was the best source of information provided to you on FERPA at your current institution? (please check only one)
  - ☐ registrar
  - ☐ dean of student services

- ☐ department chair
- ☐ human resources / training & development
- ☐ external source, please specify \_\_\_\_\_
- ☐ other, please specify \_\_\_\_\_

**7. Who or what was the best source of information provided to you on FERPA at any previous institution? (please check only one)**

- ☐ registrar
- ☐ dean of student services
- ☐ department chair
- ☐ human resources / training & development
- ☐ external source, please specify \_\_\_\_\_
- ☐ other, please specify \_\_\_\_\_

**8. Via what forms was information shared at your current institution? If more than one, please rank order, 1=most effective, 6=least effective )**

- ☐ written (memos, handouts, Q&A sheets, etc.)
- ☐ verbal (faculty meetings, training sessions, one-to-ones, etc.)
- ☐ email
- ☐ website / online
- ☐ human resources / training & development sessions
- ☐ other, please specify \_\_\_\_\_

**9. Via what forms was information shared at your previous institution? If more than one, please rank order, 1=most effective, 6=least effective )**

- ☐ written (memos, handouts, Q&A sheets, etc.)
- ☐ verbal (faculty meetings, training sessions, one-to-ones, etc.)
- ☐ email
- ☐ website / online
- ☐ human resources / training & development sessions
- ☐ other, please specify \_\_\_\_\_

**10. Do you feel that you need additional information on the law pertaining to students' rights (including FERPA)?**

☐ yes    ☐ no    ☐ not certain

**11. How frequently should information pertaining to students' rights be disseminated to faculty members? (please check only one)**

- ☐ annually
- ☐ whenever important changes in the law occur
- ☐ other, please specify \_\_\_\_\_

**12a. The best source of information regarding students' rights and privacy law is...  
(please check only one)**

- ☐ registrar
- ☐ university legal counsel
- ☐ student services
- ☐ department chair
- ☐ human resources / training and development
- ☐ external source, please specify \_\_\_\_\_
- ☐ other, please specify \_\_\_\_\_

**b. Why do you consider this the best source?**

**13. In your opinion, what is the most effective means by which faculty should receive information and updates on the rights of students? (please rank order; 1=most effective, 6=least effective)**

- ☐ written (memos, handouts, Q/A sheets, etc.)
- ☐ verbal (faculty meetings, training sessions, one-to-ones, etc.)
- ☐ email
- ☐ website / online
- ☐ human resource / training & development sessions
- ☐ other, please specify \_\_\_\_\_

**14. How important is faculty compliance with regard to the fundamentals of students' rights and privacy law?**

- ☐ very important
- ☐ somewhat important
- ☐ undecided
- ☐ not very important
- ☐ not at all important

**15. Do you have any additional comments about student privacy rights (e. g. FERPA)? If so, please state:**

**16. Questions or comments about this survey instrument:**

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