

Policy on Evaluative and Research Use of FERPA-protected Data (34 CFR § 99.31)

Santa Clara routinely conducts studies as part of self-assessment, program evaluation, and strategic planning; such studies typically rely on non-directory, FERPA-covered education records and are conducted within the purview of the Provost's Office. Occasionally such studies may be conducted by other school officials and third-party organizations with legitimate educational interests. Access to confidential and/or FERPA-covered data is granted only when the Provost Office approves an exception for release of such data under 34 CFR § 99.31. To apply for an exception for the evaluative use of data, researchers should:

1. Provide a written research proposal including the purpose, scope, research design, and project duration. The proposal should specify the population and specific data elements needed; the design should make clear the research need for all specific data elements requested. Evaluation is based, in part, on current needs of Santa Clara for the proposed research as well as the burden of extracting and preparing the requested data.
2. Obtain IRB approval or provide a statement that the research proposal does not require IRB approval. N.B., there is a 'firewall' between IRB approval and FERPA consent; IRB cannot determine if FERPA consent requirements are necessary or fulfilled. Conversely, if you intend to publish results derived from evaluative research based on FERPA-covered data you must apply for IRB.
3. If approved, complete a signed Certification for Evaluation Use of Data (rev1019) which includes provisions for ensuring data security, confidentiality, and destruction.
4. Deliver to the Provost Office a final report of the research and findings per the proposal. Note that the evaluative use exception requires findings that are specific to Santa Clara; such reports are not published nor provide generalizable knowledge, and hence are distinct from papers that contribute to the academic or professional literature.
5. Proposals are accepted on a rolling basis. Proposals should be e-mailed to: institutionalresearch@scu.edu. The turn-around time for a decision is typically four weeks, though could be longer during summer term or over breaks.