

International Programs Update and Student Data Reminders

Daniel McCabe
Assistant General Counsel

Part I: Federal Department of Homeland



Restrictions on Four Year Visas

Four year visas would not be available to:

Students from North Korea, Iran, Sudan, or Syria;

Students participating in a course of study at a school that does not use e-verify. The State of Minnesota does not use e



Additional Changes

Reducing F-

Automatic extension of F-1 status and post-completion OPT, as applicable, until April 1 of the fiscal year for which an H1-B petition is filed;

future effective date of the future rule would continue, not to exceed four years.



Additional Changes (continued)

New limits of 24 months of ESL student, 3 programs per student, reverse matriculation to one time;

for extensions;

There are other proposed changes. NAFSA has a good summary at:

https://www.nafsa.org/professional-



Comment Period

We may submit a comment coming out against these rules;

The comment deadline is October 26th;

Paul Shepherd at the system office has sent out a survey to the International Advisors MS Teams Group on how these new regulations will affect you. Please return responses ASAP.



Part II: Current COVID-19 Guidance

Ourrent Guidance on International Student Visas

No new guidance for Spring 2021 yet;

Under the current guidance, current visa holders can continue to stay in status if a school changes from hybrid to online-only;

Look for updates for Spring 2021 guidance in the coming weeks and months.



Current Guidance on Study Abroad

Study abroad programs are canceled through Spring 2021;

You should not make any firm commitments for Summer 2021 or the 2021/2022 school year until you receive guidance from the system office.



Part III: Student Data and COVID-19

First - Resources

The Office of General Counsel has developed an FAQ regarding recorded lectures in Distance Learning

https://mnscu.sharepoint.com/:b:/s/SO-



Private Data

Certain data sets are private under the MGDPA/FERPA

Data Classification: Restricted or Highly Restricted

Private means accessible only:

to data subject

for work related purposes

to third parties (who are not the data requestor themselves) if:

Subject gives consent or;

Appropriate legal authority, such as a court order



Identifying Educational/FERPA Data

"Educational Data" means (almost) all data relating to a student.

Educational Data is generally private data. This means that

consent unless an exception applies.

Educational Data remains private after a student is no longer enrolled due to graduation, transfer, etc.

Educational Data does not include data collected after a student leaves the college (e.g. alumni data).

remain private.



Zoom and FERPA

FERPA does not allow a student to remain anonymous in the dassroom.

with the recordings to remain FERPA complaint.

No system employee (faculty, staff) should share the videos outside the class itself.

If an individual faculty member wants to privatize student identities, Zoom allows them to do so. This is optional.



Directory Data

Public data under the MGDPA.

Each campus has their own definition for Directory Data and Limited Directory Data.



Exceptions to Private Data Rules

designated contractors) Transfer exception Certain Federal or State programs Financial aid exception Accreditation Health or safety emergency Solomon Amendment Certain disciplinary proceeding purposes Records with no personally identifiable data

Research exception
There are other exceptions. If you are not sure if an exception applies, ask the Data Practices Compliance Officer.

Student resident information to local elections boards



Non-FERPA Student Records

notes, not shared with anyone except substitutes, destroyed at the end of the semester;

enforcement division, if there is one; Employment records for non-



Internal Data Use Work Purposes

You can only utilize non-public data for legitimate work purposes.

Legitimate Educational Purposes is not all encompassing. For example, the Financial Aid Office may have a legitimate

advisor may not. This is situation specific.

Be extra careful with your home space. For example, do not let family members view private data, including student data.



Record Retention and Storage

Government data must be kept in a manner that is readily accessible for convenient use.

Files should be well organized with easily understood labels.

Follow record retention policies. HR, Finance, and Facilities records fall under Statewide General Schedules, and campuses typically have their own retention schedules for other documents.

dassification project.



Data Breaches

The MGDPA requires notice to affected individuals of a breach of security (unauthorized access) for

any private or confidential data (not just SSN or financial information)

in any medium (not just computerized).

Eg., lost or stolen laptop containing student program data.

Contact your supervisor or campus DPOO if you believe you have a possible security breach situation.

OGC will assist in determining whether notice is required, how it must be done and other details.

THE FEDERAL DEPARTMENT OF EDUCATION NOW REQUIRES SAME-DAY NOTIFICATION OF DATA BREACHES.



Consequences of Violations

A violation of the Data Practices Act could result in:

Court order for corrective action

Damages to data subject

A violation of Section 13.32 (FERPA) could result in sanctions by the Department of Education



Questions & Answers

Please Chat in your questions to the host or the panelists.



Contact Information

Daniel G. McCabe
i n nrlonl
i o nrlonl

Minnesota State
30 East 7th Street, St. Paul, MN 55101

o: 651-201-1833 | f: 651-296-6580 | <u>www.minnstate.edu</u>

Please take a few minutes to take our survey!

