
**Frequently Asked Questions
For
Faculty and Staff about Virginia House Bill 1
(Code of Virginia § 23.1-405(C))**

What is House Bill 1(HB1)?

Virginia HB1 which took effect July 1, 2018, as Code of Virginia Section 23.1-405©, prohibits a university from disclosing a student’s email address, physical address or telephone number under the exception of the Family Educational Rights and Privacy Act (FERPA) for directory information or the Virginia Freedom Information Act (FOIA) unless the student has affirmatively consented in writing to the disclosure.

Full text of the law is available:

<https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1>

How does this legislation impact me as a faculty or staff member?

NSU faculty and staff who need access to student contact information can access that information through the Colleague and Blackboard. However, any faculty or staff member who accesses student contact information must refrain from disclosing a student’s email address, phone number or address to any individual who is not a university employee or other “school official” under the Family Education Rights and Privacy Act (FERPA) unless the individual student has provided affirmative written consent for the disclosure. Importantly, a faculty or staff member may not disclose one student’s contact information to another student without requisite consent. For example, to avoid disclosing student email addresses when communicating with multiple students, faculty and staff may blind copy students or use a listserv or other tool to protect individual student email addresses from disclosure.

The University is removing student names and email addresses from the Global Address List. Additionally, unless consent is provided, NSU’s schools and departments will need to redact student contact information from departmental websites.

Faculty members will retain access to class roster information in Colleague and Blackboard.

Can a student email count as "written consent," giving permission for a department to disclose that student's email address, address, or phone number?

Yes, in this case, an email will satisfy the consent requirement if it is sent from the student's NSU account (@spartans.nsu.edu address) to an employee's official NSU account (@nsu.edu address). The email must provide clear consent for a department to disclose the student's email address, address, and / or phone number. Upon receipt of the email consent, the department should reply to the student, acknowledge the given consent and provide the student with contact information if they decide to withdraw the consent, correct/modify their information, or review the information disclosed. The department must then keep a permanent copy of the consent message (such as a saved pdf) until the disclosed information is removed.

Here is some suggested language: "I affirmatively consent to the internal, non-public disclosure of my address, telephone number and email addresses solely for purposes (1) internal use within the University community, including facilitating email communications and student directory information and (2) internal use in the University processes. I understand that my contact information will not be publicly available."

I have student workers who routinely access the email address, phone number, or address of other students as a part of their job. Do I need to remove their access now?

No, you do not need to remove their access. Student workers (paid and unpaid) are school officials under FERPA policy and therefore disclosure of contact information is not made under the directory information exception and HB1 is not applicable. If a student worker is expected to access this information as a part of their job duties, then these student workers are NSU employees and university officials with the need to know this information. While these student workers and other employees who handle this information must be made aware that they may not disclose this information without supervisory authorization and written consent from the affected students, no additional action is needed for their continued access to this information. It is advisable to remind student workers who access this information for their NSU employment that they may not access or use it for any purpose other than as necessary for their assigned job duties.

Students serve on a number of University Committees and may have access to email and address information on students. Is that okay?

Yes, student members of University Committees may have access to email address, phone numbers and addresses of other students to fulfill their responsibilities. This is appropriate under the same FERPA exception that allows student workers access. These students should also be made aware that they may not disclose information without specific authorization and written consent of the affected students.

Will faculty have access to student email addresses if they are not enrolled in one of their courses?

Faculty members are allowed to access student contact information if they need that information to perform their assigned job duties. NSU faculty will have continued access to this information through the Colleague and Blackboard.

What method can I use to contact students?

Emails, phone calls, and in person communications can be used to interact with students. However, faculty and staff members must take precaution when handling student contact information; without written consent from the student, faculty members cannot share the student's email address, address, and phone number with any non-school official, including another student.

Will group emails to multiple students be allowed?

Yes, group email to multiple students are still allowed, but faculty and staff members cannot disclose a student's email address to another student. Therefore, in order to email a group of students, the faculty member should add the students' email addresses in the blind copy (bcc) field, or email the students through a listserv.

I require students to collaborate with each other in my course. Is there wording I can put on a sign-up sheet to be allowed to release their email addresses within the class?

Yes. You could use a sign-up sheet or individual sheets for each student that say "By signing below I consent to have my email address and other contact information shared with other students in Class X for the Y semester."

Can a department release information to a contractor they are working with? Does this bill preclude departments or student organizations from using use email clients like MailChimp, Constant Contact, or third-party email distribution platforms?

Departments may disclose student information to a third party contractor as a "school official" if the University has 1) a contract with the contractor, 2) has delegated a university function to the contractor, and 3) then maintains control over the contractor's use and disclosure of the information. NSU employees using third-party resources should confirm that the University has a relationship with the contractor that satisfies FERPA's "school official" exception or seek student consent.

If you have aadditional questions about HB1, please contact the Office of Information Technology Services at hb1@nsu.edu.