

Managing Unexpected Mandatory Data Requests

MAIR 2017 Round Table Discussion

For the structure of our discussion, I am going to break down each element of the topic and then give a general framework which we can use to discuss the challenges and tips or recommendations for handling the challenges for three different types of unexpected mandatory data requests.

Managing is something we do constantly in IR – managing projects, time, and office resources. On the data side, we create our plans around the mandatory IPEDS and state data submissions and the expected internal annual and by-term reports. Think of the workflow of an IR office as traffic in a roundabout or traffic circle. Think about the IPEDS and IHL reports and the expected internal reports as semis. We know generally when these will enter the roundabout and we know when they will exit. With all of those reports we have a healthy flow of traffic almost year round. Then we have the unexpected ad hoc data requests. If they are a motorcycle, we can slip those into the roundabout between the semis with no trouble. When the unexpected vehicle is larger and our existing traffic is heavy we have to start considering the not only the type of vehicle, but also who are the driver and passengers and where are they heading. Depending on those factors, these may be optional or postponable, or mandatory or “strongly encouraged” entries into the roundabout. If we have an enormous RV driven by a faculty member on their way to a fishing expedition trying to enter one week before several semis have to exit, we can usually postpone the entry and/or exit of the same until the semi traffic clears. If, however, we have received notice of the imminent arrival of an attorney in a luxury sedan (lawsuit), or have been notified of the arrival of a black SUV with federal government plates (DOE), or have received multiple packets and a phone call giving notice of the arrival of a two trailer semi with the NCES logo on the sides of the trailer, we immediately have to assess how to manage the mandatory entry and exit of the those VIP vehicles through our roundabout regardless of our existing semi traffic. That is the subject of our discussion.

Different types of unexpected “mandatory” data requests:

- Legal
- Department of Education
- NCES (“strongly recommended” = “mandatory”)
- IHL/MCCB
- Grants
- Requests by supervisor / President / Provost / VP
- Academic level accreditation

When I was thinking of the general types of challenges related to these three particular data requests, they mostly fit into three project management categories:

- Time to complete the project / Notification
- Scope of project
- Resources – who will be involved in your office and in other departments

Note: A general challenge is limited resources (data personnel) within the IR office, particularly for small offices, but even for the larger offices as we discovered in our discussion. If anything happens that impacts your main resources, such as losing personnel or someone having an extended sickness, you are already compromised and challenged just handling the known mandatory reports. General Tip: Notify your supervisor immediately when you get notice of a large unexpected mandatory data request so you can manage their expectations

around work they are expecting you to do, ask for assistance in prioritizing projects if needed and to give notice you may not be able to deliver data in response to internal ad hoc requests in the time requested.

Outline – Challenges and Tips

- A. Luxury sedan with attorney being driven to NCAA Concussion Litigation Settlement - Request for production of information in legal case
 1. Time: Lack of Timely Notification
 - a. Challenge: IR will not be the first party to receive notification and is dependent on whomever receives the notification, whether that is the President's office, the relevant department, and/or in-house counsel, to forward the request. Generally you should have at least 30 days to respond to a legal request for information. In this particular instance, IR was given notice three days in advance of having to produce the information requested even though the university had been given notice 6 months prior to the subpoena.
 - b. Tip 1: Have your VP make a request to Executive Council/President's Council/In-house Legal Counsel that IR be notified immediately when University served with a request to produce information which will ultimately involve IR.
 - c. Tip 2: ASAP, obtain and read the legal request for information to see if timing of effective service may be grounds for an extension. Discuss with legal counsel. In our case, DSU was served when our offices were closed for the winter holidays. This would have been grounds for an extension, if only I had read the entire subpoena.
 2. Scope: Miscommunication of Scope of Project
 - a. Challenge: As IR will receive the request likely through the relevant department, there is the possibility of miscommunication of the scope of the project. Story: In this case, Athletics department stated that we should produce the last 10 years of data when subpoena stated we should produce all data available
 - b. Tip 1: In legal cases, the requests will be made in formal discovery documents. As soon as possible, obtain and read the legal documents from beginning to end.
 - c. Tip 2: Discuss the scope of the project with legal counsel, whether in-house counsel or State Attorney General's office, to make sure you understand what to produce and how that is in the best interest of the University.
 3. Resources: Coordination with other departments
 - a. Challenge 1: If your department is dependent on IT to write scripts to pull the data, you may have limited access to IT assistance depending on the projects they have on hand. This could be further complicated if IT is outsourced – not employees of the college/university.
 - i. Tip 1: Foster a great relationship with IT regardless of whether they are outsourced.
 - ii. Tip 2: Be considerate as you understand limited resources, but direct re the gravity and mandatory nature of the request. Immediately notify supervisor and get higher level of administration involved if needed.
 - b. Challenge 2: Resistance by IT to pulling the data requested or producing data in the best interest of the University.
 - i. Tip: I am an attorney and am sharing an attorney's perspective on this. Sometimes it will be in the best interest of the University/College to produce data that fulfills the letter of the request, and sometimes it will be in the best interest to produce data that fulfills the spirit of the request. Mainly, that may impact whether you fill in missing data. If in discovery/early stages of litigation, you generally want to

fulfill the letter of the request so may not go the extra mile to fill in missing data. If, however, as it was in this instance, the case was in settlement, you want to do what is in the best interest of the University/College and the students and fulfill the spirit of the request by filling in missing contact data as much as is possible because you want as many prior students contacted as possible to bring them into the settlement which provides the most protection for the University/College. Be a strong stand for what is in the best interest of the University/College. Explain your reasoning in terms of “the best interest of the University/College”. If it starts to get confrontational, get your VP involved.

- c. Challenge 3: Depending on the request and what you know about the integrity of the data, you may need to coordinate audits of the data with the “owners” of the data
 - i. Tip 1: Be in communication with relevant department that owns the data and ask who will be made available for auditing the data. If very urgent, make sure sufficient resources are dedicated to review. Again, get your VP involved if necessary.
 - ii. Tip 2: Perform triage in pulling the data. If the overall request is very involved, identify the fields of data that need to be audited and pull (if you have internal scripting resources) or have IT pull those first. Consider that you may need to pull or ask IT to pull additional fields of data to assist the owners of the data in auditing.
 - iii. Tip 3: Pre-audit the pulled data to make sure the correct data is pulled and draft very clear instructions to employees auditing the data re how they should address and identify data that has been added or changed. Remember that they may not work with data regularly.
- d. Challenge 4: Confidential student data – in legal cases, you generally must produce even if students have marked their records confidential.
 - i. Tip 1: Legal counsel may require other side to subpoena the data to produce confidential student data.
 - ii. Tip 2: Even if the data is required to be produced by subpoena, you must make a reasonable effort to contact the students to give them the opportunity to file for a protective order. The State Attorney General’s office obtained a two week extension to produce data on students who had marked their records as confidential. We fulfilled the requirement to make a reasonable effort to give notice by sending letters via certified mail, return receipt requested and by calling the students.

B. Black government SUV with DOE plates - Department of Education Program Review

- 1. Time: In our case, we had 1 months-notice from DOE of data request and 6 weeks- notice for the on-site visit.
 - a. Challenge: Timing & Notice – DOE will contact Financial Aid, who will eventually notify IR as a good bit of data is requested. Theoretically we had enough time to respond, 1 month; however, we received notice in mid-January when we needed to focus on the IPEDs Winter collection due Feb. 15 as our data analyst, my right hand, was on hiatus for a few months and I was flying solo on data. And no...you will not receive an “extension” on producing this data or the impending visit.
 - b. Tip 1: Have a good relationship with Financial Aid so they will notify you ASAP.
 - c. Tip 2: When you receive the notice, roll up your sleeves and get to work! This SUV is entering the roundabout!

2. Scope

- a. Challenge 1: In addition to a sizeable data request, a DOE program review also involves reporting the locations of consumer information that is required to be posted on website and/or made available in hard copy.
 - i. Tip 1: Again obtain the original notice – in this instance letter from DOE announcing the on-site review. I suggest reviewing the entire body of the document because while the data template is provided at the end, some additional data may be requested in the body of the document. The form for providing the Consumer Information location disclosures is also attached to the letter.
 - ii. Tip 2: If IR is responsible for publishing Consumer Information, you may have additional work if you have not been fulfilling the requirements for mandatory posting of consumer information. If your office is responsible for posting consumer information on your website, here are some links to relevant publications:
 - a) HEOA information:

<https://nces.ed.gov/pubs2010/2010831rev.pdf> (see table beginning on page 22)

- b) Consumer Information from DOE website:

<https://ifap.ed.gov/qahome/qaassessments/consumerinformation.html>

Access the following:

The screenshot shows the Federal Student Aid website. At the top, it says "Federal Student Aid" with the tagline "An OFFICE of the U.S. DEPARTMENT of EDUCATION". To the right, it says "PROUD SPONSOR of the AMERICAN MIND®" and "Quality Assurance Program". The main heading is "Consumer Information". Below this, there is a navigation menu on the left with options: Home, FSA Assessments, Students, Schools, A Guide to Creating a Policies and Procedures Manual, and Consumer Information (which is highlighted with a double arrow). The main content area contains the following text: "This assessment describes the requirements for the consumer information that a school must provide to students, the Department, and others." Below this, it says "Review the Consumer Information Disclosures at a Glance document that provides a summary of school disclosure requirements." and "If you identify areas requiring a corrective action, we recommend that you complete an Action Plan." At the bottom of the main content area, it says "Activity Bar:".

- b. Challenge 2: A fairly large amount of supplemental data had to be pulled in order to provide the data requested.
 - i. Tips:
 - a) Review letter for general request (data on all students who received any of the listed types of FA during the aid year) and data dictionary for specific data elements.
 - b) Meet with Financial Aid Director ASAP to review data elements and make sure you have clear understanding of definitions. Our FA director needed additional information to be pulled to provide the withdrawn student information and the R2T4 return amounts.
 - c) If instructions are not clear, ask DOE contact for clarifications. If the responses muddy the waters, be a strong stand for what is clearly requested in the instructions.
 - d) If, as in this case, some of the requested data can be pulled directly and some supplemental data needs to be pulled so other data requested can be filled in,

consider whether the data should be pulled in one or in multiple reports. In this case we had a Base data pull and then a few supplemental data pulls as we needed one supplemental set to work on one data element and the FA director needed additional data pulled to be able to fill in the withdrawn student/R2T4 return data.

- e) If you need assistance from IT, get as clear as possible about what is asked before make requests to IT.
 - f) For complicated projects, communicating via email and phone can lead to confusion especially if instructions or data needs change quickly. For a complicated project, especially one with multiple data pulls, create data dictionaries and templates for each pull and update if any changes take place. Make sure all parties involved in pulling and working with the data have the latest version of the data dictionary.
 - g) When the supplemental data is pulled for the FA director, as always, audit the data and give clear explanations of supplemental data pulled, how it was pulled, and instructions for auditing and coding the data they alone can code.
 - h) Build in time to compile the data for delivery. As IR is often the office that has to compile data from IT and the audited and/or coded data from the “owners” of the data, be sure to set expectations for earlier delivery to IR so you have time to combine the data into the final report.
- C. NCES Semi with two trailers – appropriate because of the multiple productions of information required for the National Postsecondary Student Aid Study (NPSAS) and multiple “tasks” to fulfill for the Beginning Postsecondary Students Longitudinal Study (BPS) and the High School Longitudinal Study (HSL).
- 1. Time: Although they initially request production in a very short amount of time, you can ask for and should be granted a pretty reasonable extension. IR will be contacted directly regarding the “invitation” to participate.
 - 2. Scope
 - a. Challenge: It takes some time and work in order to get clear about the scope of the project as you must complete several tasks, some of which are time consuming, before you can download the data template and instructions.
 - i. Note: For NPSAS, in addition to the preliminary tasks, you will deliver 2 large sets of data. The initial set of enrollment data consists of 52 elements with very detailed instructions re the students to be included and excluded. It took us a significant amount of time to ensure we were producing data on the correct body of students and a very long time working with IT to pull the 52 data elements. That was just the initial delivery of data which was used to select the students for the study. The 2nd set of data requested was much larger and involves basic student information, enrollment, budget and financial aid data.
 - ii. Note: For BPS and HSL, same deal, multiple productions of data, but first not as extensive as students already selected for study. The data request for the BPS and HSL is really large, approximately 460 data elements, 175 of which are distinct. The request is for 6 years of data for the listed students.
 - iii. Tip 1: Log on ASAP and complete as many of the Tasks as needed so you can download the actual data template and dictionary for the main data request. I

- recommend doing this before you ask for an extension as the scope of the project will impact your request for an extension.
- iv. Tip 2: Review data template and instructions ASAP to identify elements that can be pulled directly, supplemental data that needs to be pulled so you can fill in other elements, and which elements you need to send to other departments to obtain the data.
 - v. Tip 3: Clarify any questions with help desk. We contacted them often.
3. Resources – Many of the challenges and tips related to the prior two types of requests are relevant here. I am only noting additional tips.
- a. Tip 1: If you are dependent on IT to pull the data, notify them immediately.
 - b. Tip 2: The data elements for the BPS/HSLs studies are almost identical to the data elements for the NPSA study. Make sure you or IT save the scripts used to pull the data for either as you will likely be able to use a substantial part of the scripts in the future.
 - c. Tip 3: Review the entire data dictionary and send out requests for any information you need from other departments as soon as possible. You will likely need assistance from the Bursar's office to either provide or review the Tuition and Mandatory Fees charged for each student each year and assistance from Financial Aid to provide or review the Financial Aid data for each student for each year. You will also need assistance from the Registrar to provide the transcripts requested for the BPS/HSLs study.

Please feel free to contact me if you have any questions. I would love to hear any additional challenges and tips you have!

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