

# Release of Student Information Policy

USSS-05



## About This Policy

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**Responsible University Administrator:**

Executive Vice President for University Academic Affairs

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## Scope

This policy applies to employees, students, contractual agents of the institution, and individuals requesting access to student information.

## Policy Statement

In compliance with Section 438 of the "General Education Provisions Act" (as amended) entitled "Family Educational Rights and Privacy Act," the following constitutes the institution's policy which instructs the student in the procedures available to provide appropriate access to personal records, while protecting their confidentiality.

- A. Public information shall be released freely unless the student files the appropriate form requesting that certain public information not be released. This form is available at: [See campus-specific documents for location.]
- B. All students have records in one or more of the following offices and maintained by the administrative officer listed.
- C. Some departments maintain records separate from the school or college. A list of departments which have separate records, their location, and person responsible for the record may be obtained from the office of the dean of the school or college in which the department is located.
- D. Students may also have records in the following places. [See campus-specific documents for a list of appropriate offices such as financial aid, placement offices, dean of students, and police.]
- E. The privacy of all records may be broken at a time of emergency defined in terms of the following considerations:
  - a. The seriousness of the threat to health or safety
  - b. The need for access to the record in meeting the emergency
  - c. Whether the person requesting the records is in a position to deal with the emergency
  - d. The extent to which time is of the essence in dealing with the emergency
- F. A student's record is open to the student, with the following exceptions:

- a. Confidential letters of recommendation placed in files prior to January 1, 1975
  - b. Records of parents' financial status
  - c. Employment records; see G below
  - d. Medical and psychological records; see I below
  - e. Some items of academic record under certain conditions; see #I below
- G. The employment records excluded from accessibility are kept in the normal course of business which relate exclusively to persons as employees and are not used for any other purposes.
- H. The employment records excluded from accessibility are those kept in the normal course of business, which relate exclusively to persons as employees and are not used for any other purposes. However, records relating to an individual in attendance at IU who is employed as a result of his or her status as a student (e.g., work study students and graduate assistants) are considered education records and therefore are not included in this exception.
- I. To ensure the validity and confidentiality of references prepared off-campus and on-campus, certain documents may carry waivers, signed by the student relinquishing the right of access to the document.
- a. Waivers are subject to the following conditions:
    - a. Waivers can be signed only for the specific purposes of application for admission, candidacy for honor or honorary recognition (including financial aid based at least in part on merit), and candidacy for employment.
    - b. Waivers cannot be required.
    - c. The student shall be told, upon request, the names of those supplying references.
  - b. All items in the academic record not covered by waivers are open to the student. Material not covered by waivers may not be protected by keeping it out of the student's file.
- J. Student records are open to school officials who have a legitimate educational interest in their contents, except where access is prohibited by special policies such as those governing medical and psychological records.
- a. A "school official" is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service (such as an attorney, auditor, collection agent, learning management system vendor (e.g., Canvas), or other contractor which has agreed to assume responsibility specifically for the security of student records in the capacity of a "school official"); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Faculty members are considered to be advisors with a legitimate educational interest for all students currently enrolled in their classes or seeking enrollment, and others that they may be advising on an assigned basis.
  - b. The determination of "a legitimate educational interest" will be made by the person responsible for the maintenance of the record. This determination must be made scrupulously and with respect for the individual whose records are involved.
  - c. Academic documents inaccessible to students (because the documents have been filed before January 1, 1975 or are segregated by waivers) are to be used only for the purpose for which they were prepared.
- K. The University has established the following procedures enabling the student to have access to his or her record and has provided for interpretation and challenge:
- a. The student may see his or her record by filling out a request form at the office where the record of interest is maintained.
  - b. Access is to be granted promptly and no later than thirty days from the date of request.

- c. The student may make the request in person or by mail.
  - d. The student may obtain copies upon request. Please note that FERPA says, "...students have rights to inspect and review their education records." That includes the "right to access." The University does NOT have to provide a copy of said record unless failure to do so would effectively prevent the student from inspecting and reviewing the record.
  - e. The student may request and receive interpretation of his or her record from the person (or designee) responsible for the maintenance of the record.
  - f. If the student considers the record faulty, he or she can request and receive an informal and/or formal hearing of the case to the end that the record will be corrected if judged faulty or in violation or privacy:
    - a. The informal hearing will be in conference with the person (or his or her designee) responsible for the maintenance of the record and-- where appropriate--the party or parties authoring the record segment in question.
    - b. The student may request, in writing, a formal hearing from the chief campus student affairs officer (e.g., Dean of Students) or records custodian. The student should indicate the record in question and provide a brief explanation of the reason for faulting the record.
    - c. The hearing shall be held within a reasonable period of time; notice of the date, place, and time must be given reasonably in advance. The student shall be afforded a full and fair opportunity to present relevant evidence and may be assisted or represented by any person of his or her choosing (including an attorney at his or her own expense). A written decision based solely upon the evidence presented shall be prepared within a reasonable amount of time and shall include a summary of the evidence and the reasons for the decision. The judgment of the Dean of Students shall be final, and the record shall be changed or retained as recommended.
    - d. If the institution decides the information is accurate, it shall inform the student of his or her right to place in his or her educational record a statement commenting upon the information, and/or noting any reasons for disagreeing with the decision. Any statement of this sort shall be maintained as long as the student's educational record or contested portion is maintained; if the student's educational record or contested portion is disclosed to any party, the student's statement shall also be disclosed.
- L. FERPA allows the institution the right to disclose education records or identifiable information to third parties (i.e., anyone not a "school official") without the student's consent under the following circumstances:
- Appropriate officials in connection with a health or safety emergency
  - Federal officers as prescribed by law
  - As required by state law
  - Officials of other institutions at which a student seeks to enroll
  - Persons or organizations providing financial aid to students
  - Accrediting agencies carrying out their functions
  - Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152; While permitted under FERPA, IU generally does not use this exception and in most cases will refer the parents to the Third Party Pin tool for access
  - Parents of a student regarding the student's violation of any Federal, State or local law or policy of the school, governing the use or possession of alcohol or controlled substance if the school determines the student committed a disciplinary violation and is under the age of 21
  - Research projects on behalf of educational agencies for test norms, improving instruction, etc. (provided that the agencies guarantee no personal identification of students)
  - An alleged victim of a crime of violence or the results of any institutional disciplinary proceeding against the alleged perpetrator. Information may only be given in respect to the crime committed.
  - Information the school has designated as "directory information" or public may be released if the student has not filed a FERPA restriction

- In response to a judicial order or lawfully issued subpoena (provided that the student is notified prior to compliance or provided that a reasonable attempt to notify the student has been made)
- Other law enforcement agencies in the investigation of a specific criminal case
- Attorney General of the United States or his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes, under the US Patriot Act.
- Veteran's Administration officials
- Representatives of the Department of Homeland Security or Immigration and Customs Enforcement, for purposes of the coordinated interagency partnership regulating the Student and Exchange Visitor Information System (SEVIS)

M. Nothing in this policy requires the continued maintenance of any student record. However, if under the terms of this policy a student has requested access to the record, no destruction of the record shall be made before access has been granted to the student. Persons in charge of records should ensure that only pertinent items are retained in student files.

## Definitions

Certain definitions and principles contained in the law and proposed guidelines are specifically adopted in the policy:

**"Student"** is defined as one who has attended or is attending Indiana University, and whose records are in the files of the University.

**"Educational records"** do not include records retained by individuals which are not accessible to any other person except a substitute faculty/staff member.

**"Public information"** is limited to name; hometown (city, state), University e-mail address; major field of study; dates of attendance; admission or enrollment status (admitted, full-time, part-time); campus; school, or division; class standing (freshman, sophomore, junior, senior); degrees and awards; activities; sports; and athletic information. Records of arrests and/or convictions and traffic accident information are public information and may be released to anyone making inquiry.

**"Record"** means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, film, microfilm, microfiche, and electronic media.

## History

Approved: University Faculty Council 3/29/77; Amended 10/2/2001, Administrative Practice

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