Student Rights Under FERPA and Release of Student Information
USSS-05

About This Policy

Effective Dates:
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Responsible University Administrator:
Executive Vice President for University Academic Affairs

Policy Contact:
Jim Kennedy
Assoc. Vice President for USSS
kennedjc@indiana.edu

Scope

This policy applies to students (former and current), faculty, staff, and contractual agents of the university, and individuals requesting access to student information.

Policy Statement

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student’s education records within 45 days of the day the university receives a request for access.

2. The right to request the amendment of the student’s education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

3. The right to provide written consent before the university discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Indiana University to comply with the requirements of FERPA.

Procedure

1. Student Access to Their Own Records
   a. Except as provided below, a student may obtain access to the student’s own education records for inspection and review as follows:
      1. The student may submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect.
      2. This university official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official will advise the student of the correct official to whom the request should be addressed.
      3. FERPA does not require the university to provide copies of education records to students unless failure to do so would effectively prevent the student from inspecting and reviewing the record. In all other cases, the university has the discretion to provide copies upon request.
4. Access to the requested records will be provided within 45 days of the request.

b. The following records are not available to the student:
   1. Confidential letters of recommendation placed in files prior to January 1, 1975;
   2. Records of parents’ financial status;
   3. Employment records that are kept in the normal course of business that relate exclusively to the student as an employee of the university and are not used for any other purposes. However, records relating to a student who is employed as a result of the individual’s status as a student (e.g., work study students and graduate assistants) are considered education records and are therefore available to the student;
   4. Medical and psychological records, see Section C.1. below;
   5. Reference letters, whether prepared by an individual on- or off-campus, for which the student waived the right to access to ensure the validity and confidentiality of the letters, subject to the following conditions:
      a. Waivers may 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 will be told, upon request, the names of individuals supplying references.

2. Process for Seeking Amendment to Education Records
   a. A student may seek an amendment to an education record that the student considers to be inaccurate, misleading, or in violation of privacy.
   b. To request an amendment, the student should submit a written request to the university official responsible for the record that clearly identifies the part of the record for which the student is seeking amendment and that specifies why that portion of the record should be amended.
   c. The chief student affairs official for the campus (or designee) will conduct a hearing at which the student may be assisted or represented by any person of the student’s choosing, including an attorney at the student’s own expense, and the student will be afforded a full and fair opportunity to present relevant evidence.
   d. The hearing will be held within a reasonable period of time; notice of the date, place, and time must be given reasonably in advance.
   e. The chief student affairs official for the campus (or designee) will provide the student with a written decision based solely upon the evidence presented which will be prepared within a reasonable amount of time and will include a summary of the evidence and the reasons for the decision.
      1. If the contested information is determined to be inaccurate, misleading, or in violation of privacy, the record custodian will amend the record, and the written decision will notify the student of the amendment.
      2. If the contested information is determined to be accurate, not misleading, and not in violation of privacy, the written decision will notify the student of the right to place a statement in the student’s educational record that comments on the contested information and/or articulates any reasons for disagreeing with the decision. This statement will be maintained as long as the student’s educational record is maintained, and the statement will be disclosed any time that the contested education record is disclosed.
   f. The decision of the chief student affairs official for the campus (or designee) is final.

3. Access to Student Records by University Officials
   a. Student records are open to university 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.
   b. A "university official," referred to as “school officials” in the federal regulations, is a person employed by the university in an administrative, supervisory, academic or research, or support staff position, including law
enforcement personnel and health staff; an individual 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 that has agreed to assume responsibility specifically for the security of student records in the capacity of a "university official"); an individual serving on the Board of Trustees; or a student serving on an official university committee, such as a residency, disciplinary, or grievance committee, or assisting another university official in performing that official’s 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.

c. The determination of "a legitimate educational interest" will be made by the university official responsible for the maintenance of the record. This determination must be made scrupulously and with respect for the individual whose records are involved.

d. Education records that are inaccessible to students under Section A.2. above may be used by university officials only for the purpose for which they were prepared.

4. Release of Education Records to Third Parties

a. FERPA authorizes the university 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:

1. Appropriate officials in connection with a health or safety emergency, based on 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 individual 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.

2. Federal officers as prescribed by law;

3. As required by state law;

4. Officials of other institutions at which a student seeks to enroll;

5. Individuals or organizations providing financial aid to students;

6. Accrediting agencies carrying out their functions;

7. Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152;

   NOTE: While permitted under FERPA, Indiana University generally does not use this exception and in most cases will refer the parents to the Third Party Pin tool for access.

8. Parents of a student regarding the student’s violation of any federal, state or local law, or university policy governing the use or possession of alcohol or controlled substance if the university determines that the student committed a disciplinary violation and is under the age of 21;

9. Organizations, including but not limited to federal, state, and local agencies, and independent organizations and consortia, conducting studies for, or on behalf of, the university for the purpose of developing, validating, or administering predictive tests, administering student aid programs, understanding and optimizing learning and improving instruction in higher education, provided that the study is conducted in a manner which will not permit release of the personal identification of students and/or their parents to anyone other than representatives of the organization, and that the information collected for the study will be destroyed when no longer needed for the purposes of the study;

10. Research organizations conducting studies that seek to develop, validate, or administer predictive tests, administer student aid programs or improve instruction at the university, provided that there is a data agreement in place with the university and that the organization guarantees no personal identification of students;

11. An alleged victim of a crime of violence of the results of any institutional disciplinary proceeding against the alleged perpetrator. Information may only be given in respect to the crime committed;
12. Information that the university has designated as “directory information,” so long as the student has not filed a FERPA restriction. Indiana University limits “Directory information” to:
   a. Student’s name;
   b. University e-mail address;
   c. Hometown city, state;
   d. Major field of study;
   e. Dates of attendance;
   f. Admission or enrollment status (admitted, full-time, part-time);
   g. Campus;
   h. School or division;
   i. Class standing (freshman, sophomore, junior, senior, graduate, professional, non-degree);
   j. Degrees and awards (includes candidates for degrees and conferred/awarded degrees);
   k. Activities;
   l. Sports and athletic information;
   m. Photographs, video/electronic recordings, voice recordings (“recordings”) of students who are participating in public events and classroom activities where the student is not the focus of the recording.

   NOTE: Recordings in which a student or students are the focus of the recording are education records. Examples include, but are not limited to a recording of a class presentation, a one-on-one discussion with a faculty member, or surveillance video used for disciplinary action.

   Campus-specific FERPA Restriction forms must be completed with the Office of the Registrar.

13. 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;

14. Other law enforcement agencies in the investigation of a specific criminal case;

15. The Attorney General of the United States (or designee) in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes under the US Patriot Act;

16. Veteran’s Administration officials;

17. 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).

b. The month and year of a student’s date of birth will be disclosed only for purposes of law enforcement, health and safety, and identity verification.

5. Retention
   a. Except as provided herein, a student’s education records will be maintained in accordance with retention standards applicable to the unit that maintains the record. However, if a student has requested access to a record in accordance with Section A.1. above, the record will not be disposed of before the student has been given access to it.

   b. The university official responsible for the maintenance of record (or designee) will ensure that only pertinent records are retained.

Definitions

Candidates for Degrees: Students who are enrolled in coursework (generally during their final semester) that, upon successful completion, will satisfy their degree requirements.
Directory information: 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, graduate, professional, non-degree); degrees and awards; activities; sports and athletic information.

Education Records: Any information or data relating to a student recorded in any medium, including but not limited to: handwriting, print, tapes, film, microfilm, microfiche, and electronic media. Education records do not include records retained by a university official which are not accessible to anyone other than a substitute for that university official.

Student: An individual who has attended or is attending Indiana University and whose records are maintained by the university.

Additional Contacts

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue
SW Washington, DC 20202-5901

History

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

Updated in June 2016.

Revised in 2019 to update and to incorporate USSS-06, Student Rights Under FERPA; approved by the University Faculty Council 04/23/2019.