

Ivy Tech Community College of Indiana

POLICY TITLE

Family Educational Rights and Privacy Act (FERPA)

POLICY NUMBER

3.6 (Former APPM 3.4)

PRIMARY RESPONSIBILITY

Student Affairs

CREATION / REVISION / EFFECTIVE DATES

Created November 2010/Revised April 2012/Effective April 2012; revised Summer 2017/Effective immediately

PURPOSE

The College maintains an educational record for each student who is or has been enrolled at Ivy Tech Community College. In accordance with the Family Educational Rights and Privacy Act of 1974, as amended, student rights are covered by the act and afforded to all students at Ivy Tech.

ORGANIZATIONAL SCOPE OR AUDIENCE

Faculty, staff, students

DEFINITIONS

Covered students: If a student is 18 years of age **or** enrolled in higher education, his/her student records are covered by FERPA guidelines. It specifically covers students who are currently enrolled or were formerly enrolled.

FERPA: A Federal law that protects the privacy of student education records.

Record: An academic record includes paper documents, electronic files, microfilm, and other materials that contain information personally identifiable, directly related to a student, and maintained or used by the College.

Third Party: The student is the party of the first part, Ivy Tech Community College of Indiana is the party of the second part, and the requester is the third party.

POLICY

FERPA requires colleges to publish on an annual basis the students' rights granted by FERPA, including what educational records are kept and the name and location of the records office that maintains those records. This is usually posted on the College website, included in student handbook, or both.

Educational records do not include the following:

1. Records of instructional, supervisory or administrative nature that are in the sole possession of the maker. Example: A faculty member teaching a class maintains a grade book with class participation records, test scores and other kinds of information that he/she will eventually use at the end of the term to grade the student. The criteria of this type of record are that it is in the sole possession of the person and is not passed on to anyone else. Grade forms or books maintained or used by the College are educational records.
2. Records of the college police or security that are kept separate from educational records.
3. Employee records are exempt from this category.
4. A counselor's student records that are used for treatment only. These are sensitive records that should not be available to anyone including the student and should be kept separate from other academic records.
5. Post student status records. Example: records maintained in an Alumni file that includes donations, activities, etc. but not educational information.
6. Non-academic records - records that evaluate performance that is non-academic in nature and is not included with other educational records.
7. Parents' financial records are not considered educational records.

FERPA requires that written permission from the student be obtained before confidential information concerning that student is released to a third party.

FERPA allows for the release of directory information without permission of the student with one major provision: All students must have the opportunity to inform the Office of the Registrar that they do not wish to have information released. Notification of this opportunity must be given to the students during the registration process. The student must indicate the intention of suppressing information in writing. Each request is valid until rescinded by the student.

FERPA requires Ivy Tech Community College of Indiana to specify which information constitutes directory or public information. Following FERPA guidelines, the College considers the following to be directory information:

1. Student name
2. Address
3. Telephone number
4. Email address
5. Date and place of birth
6. Major field of study
7. Participation in activities (or sports), past and present
8. Weight and height of a team member
9. Dates of attendance
10. Degrees, awards, and honors received
11. Most recent institution attended

FERPA specifies which agencies or individuals may have access to confidential student information without the student's permission. These agencies and individuals are listed below:

1. State and Federal officials as specified either under FERPA or state statute. These state and federal officials include:
 - a. The Controller General of the U.S.
 - b. The Secretary of the Department of Education
 - c. The Secretary of the Department of Health
 - d. State Educational Authorities
 - e. State and local officials to whom disclosure is required by State Statute
 - f. Veterans Administration
2. Persons or institutions providing financial aid to the student in order to make financial aid eligibility decisions. Examples include: loan agencies, banks, Bureau of Indian Affairs, and aid commissions. This also includes employers or businesses that have a contract with a student to provide tuition. The third parties may view student records to determine if the rules for the use of the money were followed. As in all cases, it must be confirmed that the third party is providing financial assistance for the student. If this verification does prove that the student is receiving financial aid, then the third party may view only those records for which they provided financial assistance.
3. Organizations and individuals conducting studies for or on behalf of the college. Examples include: offices or individuals within Ivy Tech Community College of Indiana designated for institutional research or outside agencies contracted by Ivy Tech Community College of Indiana to do analysis or conduct research.
4. Accrediting organizations.
5. Any individual or organization designated by judicial order or subpoena. The College must make a serious attempt to notify the student by certified mail of the subpoena before records are sent for compliance.
6. Parents or legal guardians of a student who have established the student's status as a dependent. Examples include: If the parent can demonstrate that the student is a dependent, academic records may be released upon request to the parent. This can be done with the most current 1040 tax statement (which can be notarized). In a legal separation or divorce situation, both parents may receive information without the student's permission if the student is considered a dependent of either parent. To avoid delay, a student can be encouraged to share confidential information with parent(s).
7. Information may be released to faculty and administrators within the College who have a legitimate educational interest in the student's records. Legitimate educational interest means a faculty or staff member who needs the information in

the course of performing advisory, instructional, supervisory or administrative duties for the college.

FERPA gives students the right to inspect and review their education records. The Office of the Registrar must provide for a student to come in during any working hours and request access to his/her record(s) and be given access in a prompt time frame.

Whenever a student requests to review his/her educational records, the following FERPA guidelines must be followed:

1. Where appropriate, the student must request access in writing.
2. The Office of the Registrar has 45 days to comply.
3. If access cannot be granted in the allotted time, the Registrar must respond in writing to the student explaining the reason for noncompliance.

FERPA gives students the right to challenge the content of the record(s) that they believe to be inaccurate or misleading. Excluded from this challenge, in most cases, are grades. A student who challenges his/her educational records must follow the due process procedures outlined in the Code of Student Rights and Responsibilities.

FERPA requires that the Office of the Registrar inform third parties that confidentiality of records must be maintained and that once records are released, a third party may not release records further without the student's permission. This is accomplished by printing on the record(s) in bold letters:

"THIS RECORD IS CONFIDENTIAL AND MAY NOT BE RELEASED TO OTHER PARTIES."

FERPA provides that Ivy Tech Community College of Indiana must publish, for the student's benefit, directions that the student can follow if the student wishes to report instances of noncompliance to the U.S. Department of Education. This is usually resolved by publishing this information in student catalogs or handbooks. The statute of limitations requires students to submit these complaints within 180 days of believed noncompliance unless prohibited by circumstances beyond their control. Contact for inquiries or to request a copy of the "Model Policies for Postsecondary Institutions" – an article outlining what information should be included in each college's policy.

Family Policies and Compliance Office
Department of Education
400 Maryland Avenue
Washington, DC 20202-4605
Phone: (202) 732-1807

FERPA excludes from the definition of "education records," and thereby protection offered under FERPA, records created for law enforcement purposes and are maintained by a law enforcement unit of an Ivy Tech Campus.

PROCEDURE

The Registrar's Office will assist students wishing to see and review their academic records and student files. Student records will be held in security by the College. For faculty and staff, physical and virtual security may be maintained by utilizing practices such as locking offices and file cabinets that contain confidential data, arranging computer monitors so that they are not in plain sight, never leaving confidential reports or data unmonitored or accessible, and using passwords/strong security settings. Data storage security may be maintained by not using portable devices to store confidential data, if at all possible.

Ivy Tech employees should:

1. Use a "need to know" approach when working with FERPA-restricted data.
2. Refer all requests for information to the Registrar's Office.
3. Limit access to information.
4. Position computer screens appropriately and clear/lock screens when away.
5. If grades must be posted, post them in random order using a coding method known only by the faculty and students in the class.
6. Obtain a student's written consent when writing a letter of recommendation.
7. Refer emergencies to Campus Security.
8. Protect confidentiality of students' educational records.

REFERENCES

The Family Educational Rights and Privacy Act of 1974, as amended

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Code of Student Rights and Responsibilities <https://www.ivytech.edu/studentcode/>

RESOURCE PERSON

Vice Chancellor for Student Affairs