



Confidentiality of Student Education Records and University FERPA Policy

Effective Date: April, 2019

Office: Office of Registrar, Office of General Counsel; Office of the Provost

PURPOSE: This section should include reason or rationale for the policy.

The Federal Family Educational Rights and Privacy Act of 1974 (“FERPA” or the “Buckley Amendment”) identifies the rights of students and their families with respect to student education records kept by institutions. As a part of the requirements of FERPA, the University has created this Policy on the Confidentiality of Student Records and FERPA.

REFERENCE DOCUMENTS/ RELATED INFORMATION:

List any other policies or information that should be cross referenced.

[Policy on Acceptable Use of Student Records and Data Policy](#)

[Acceptance of Legal Documents and Release of Information Policy](#)

Online FERPA training is available upon request. Please contact Human Resources for assistance.

SCOPE: Who is affected by this policy or needs to read it?

This policy applies to all UIndy students—both current and former, faculty, staff and school officials.

POLICY HISTORY: Include any information about previous versions or whether this replaces an existing policy.

POLICY STATEMENT: *State the policy here. The policy statement should include the principles of the policy: what is permitted or prohibited, what is required, or how issues will be handled. If viewers read only this section, they will know that the policy is and how it extends to the university. How-to procedures can be elaborated on in the Procedures section.*

I. POLICY

The University of Indianapolis (the “University”) collects and retains data and information about students for designated periods of time for the express purpose of facilitating the student's educational development. The University recognizes the privacy rights of individuals in exerting control over what information about themselves may be disclosed and, at the same time, attempts to balance that right with the institution's need for information relevant to the fulfillment of its educational missions.

The University further recognizes its obligation to inform the student of his/her rights under the Family Educational Rights and Privacy Act of 1974 (FERPA); to inform the student of the existence and location of records as well as to define the purposes for which such information is obtained; to provide security for such material; to permit student access to, disclosure of, and challenge to this information as herein described; and to discontinue such information when compelling reasons for its retention no longer exist.

The University will disclose information from a student's education record only with the prior written consent of the student, except that educational records may be disclosed without consent to University officials having a legitimate educational interest in the records and to third parties specifically authorized by FERPA. The University may also disclose directory information without a student's consent unless the student exercises his or her right to opt out of the disclosure of directory information.

II. DEFINITIONS

“**University official**” means a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including University Police Department personnel), a person serving on the Board of Trustees, or a student serving on an official committee, such as a disciplinary or grievance committee. These third party University officials shall be subject to the same limitations as the University on the use and redisclosure of personally identifiable information from education records.

Individuals at the University whose responsibilities place them within the definition of University official include, but are not limited to:

- Faculty
- Admissions counselors
- Academic advisers
- Athletics personnel
- Student Counseling Center staff
- Employment and internship placement personnel

- Deans
- Department chairpersons
- Directors
- Other administrative officials responsible for some part of the academic enterprise or one of the supporting activities
- University of Indianapolis Police Department (“UIPD”) personnel
- Development officers
- Staff in Alumni Relations
- Administrative and faculty sponsors of officially recognized clubs, organizations, etc.; members, including students and alumni, of official college (University) committees
- Staff personnel (including student employees) employed to assist University officials in discharging professional responsibilities
- Persons or entities under contract to the University to provide a specific task or service related to the University's educational mission. Access by these officials is restricted where practical, and only to that portion of the student record necessary for the discharge of assigned duties.

“**Education records**” are those records that are directly related to a student and maintained by an educational institution or by a party acting for the educational institution. Education records do not include records of instructional, supervisory, and administrative personnel and ancillary educational personnel that are in the sole possession of the maker and that are not accessible or revealed to any other person except a substitute. Other exclusions include:

- Notes of a professor/staff member concerning a student and intended for the professor's/staff member's own use are not subject to inspection, disclosure, and challenge.
- Records created and maintained by the UIPD for law enforcement purposes and are maintained by UIPD.
- Records relating to an individual who is employed by an educational agency or institution not as a result of his/her status as a student that:
 1. Are made and maintained in the normal course of business;
 2. Relate exclusively to the individual in that individual's capacity as an employee; and
 3. Are not available for use for any other purpose.
 4. However, employment records relating to University students who are employed as a result of their status as students (e.g. federally-funded work study, graduate assistants, resident assistants) are considered educational records.
- Records on students that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity are not subject to the provisions of access, disclosure, and challenge. Such records, however, must be made, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than the persons providing such treatment or a substitute. Such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

- Application records of students not admitted to the University; however, once a student has enrolled in an academic offering of the University, application information becomes a part of the student's educational records.
- Alumni records.
- Grades on peer-graded papers before they are collected and recorded by a faculty member.

“**Directly related**” means a record is directly related to a student if it contains personally identifiable information about that student.

“**Student**” means any individual who is or has been in attendance at the University of Indianapolis. For newly-admitted students, this policy becomes effective on the first day of classes for those students who have scheduled at least one course. A student who accepted an admission offer but did not schedule at least one course, or a newly admitted student who canceled his/her registration either before or after the semester begins, is not covered by this policy. This definition does not include prospective students (applicants to any academic program of the University).

“**Educational Institution**” means the University of Indianapolis.

“**Personally identifiable information**” means, but is not limited to:

- The student’s name;
- The name of the student’s parent or other family members;
- The address of the student or student’s family;
- A personal identifier, such as the student’s social security number, student number, or biometric record;
- Other direct identifiers, such as the student’s date of birth, place of birth, or mother’s maiden name;
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student; or
- Information requested by a person who the educational institution reasonably believes knows the identity of the student to whom the education record relates.

“**Records**” means any information recorded in any way, including, but not limited to, paper and electronic records, photographs, and videotapes.

“**Attendance**” means, but is not limited to, attendance in person or by videoconference, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom. The University of Indianapolis considers a student to be “in attendance” when the student attends his or her first class, whether in person or via some form of distance or electronic learning.

"Legitimate educational interests" are defined by the University as interests that are essential to the general process of higher education. Legitimate educational interests include but are not limited to:

- Teaching
- Research
- Public service
- Directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, safety, raising endowment in support of student scholarships and academic programs, and academic assistance activities.

In addition, the University officially recognizes appropriate co-curricular activities that are generally supportive of overall goals of the institution and contribute generally to the well-being of the entire student body and specifically to many individuals who participate in these activities as legitimate educational interests. These activities include varsity and intramural sports, specific interest clubs and organizations, and student government.

A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities to the University.

"Directory information" means information that may be made available by the University to the public regarding students of the University without their prior consent and is considered part of the public record of their attendance. The University considers the following data elements to be directory information subject to release:

1. Name
2. Address (local, permanent, and electronic mail)
3. Telephone number
4. Class level (semester classification or level: freshman, sophomore, junior, senior, etc.)
5. Major
6. Student activities including athletics
7. Weight/height (athletic teams only)
8. Dates of enrollment
9. Enrollment status (full-time, part-time, or not enrolled)
10. Date of graduation
11. Degrees and awards received and where received
12. Names of previous educational institution(s) attended
13. Photograph
14. Name of hometown
15. Name of high school attended

The student is entitled to request that this directory information not be made publicly available. Such a request to "opt-out" must be made in writing to the University Registrar ([See FERPA opt-out form](#)). This written prohibition on release will remain in effect until it is rescinded by the student in written instructions filed with the University Registrar. Unless a student opts out of

the release of directory information, such information is subject to release by University in its sole discretion at any time to any third party. The University shall not be obligated to release directory information where a student has not opted out, but the University retains the discretion to do so.

To verify whether a student has filed a written opt-out request, please contact the Registrar's Office.

III. DISCLOSURE OF STUDENT RECORDS

TO THE INDIVIDUAL STUDENT: The student has the right to inspect and review his/her educational records, and may do so by making an oral or written request to the Office of the Registrar for the specific record desired. The student has the right to an explanation of any information contained in the record.

However, education records of the student, or the contents thereof, will not be released to the student, (or his/her parents, or to any third party, provided the student has given consent for such release where applicable) so long as a financial indebtedness or serious academic and/or disciplinary matter involving the student remains unresolved. This limitation does not preclude the student from having personal access to the records - merely from obtaining the release of the information. The student may not have access to the confidential financial statement of parents or any information contained in such statements.

The student is entitled to obtain copies his/her education records at a reasonable administrative cost.

DISCLOSURE OF INFORMATION TO THIRD PARTIES WITH STUDENT CONSENT: The disclosure of education records is normally controlled by the student. Typically, such disclosures will be made to someone other than a University official having a legitimate educational interest in the records only on the condition that prior written consent is obtained from the student and that such consent specifies the records that may be disclosed by the University. The third party is to be reminded that he/she should not permit additional access to the information by an additional person without further written consent of the student prior to such an additional transfer of information. When a valid, signed, written consent is given to the University, the University is not required to disclose the relevant records; the consent gives the University the discretion to do so, but does not obligate the University to do so.

DISCLOSURE OF INFORMATION TO THIRD PARTIES WITHOUT STUDENT CONSENT: As a general matter, the University may disclose education records without the student's consent only if it first fully de-identifies the records to redact all personally identifiable information from the records.

Additionally, the disclosure of non-redacted education records to third parties without prior written consent of the student is permitted as follows:

1. Where the disclosure is of directory information;

2. Where disclosure is to University officials whom the University has determined to have legitimate educational interests;
3. Disclosure is to another educational institution where the student seeks or intends to enroll, or where the student is already enrolled so long as disclosure is for purposes related to the student's enrollment or transfer—the University requires the student to submit a written request to the Office of the Registrar for such disclosure;
4. Where disclosure is to the student him- or herself upon request of the student;
5. Disclosure is to parents of a student who is considered their dependent for federal tax purposes, before which the University must determine the parents' eligibility to receive such disclosure by obtaining a copy of the parents' most recent tax return (at least the first page, on which dependents are listed, but the financial portions of which the parents may redact) or an acknowledgement from the student that the student is, in fact, their dependent. The University may not presume dependency. Note: this provision generally is not available with respect to international students;
6. Where, in the University's discretion, disclosure is made in connection with a health or safety emergency, is made only to appropriate parties, and is limited to information necessary to protect the health or safety of the student or other individuals;
7. Disclosure is made to comply with a judicial order or lawfully issued subpoena—please refer to the University's Acceptance of Legal Documents and Release of Information Policy available online at https://www.uindy.edu/policies/files/acceptance_of_legal_documents_policy.pdf
8. Disclosure is to a court in the context of a lawsuit brought by the student against the University or vice versa;
9. Disclosure is to the parents of a student who is under the age of 21 at the time of the disclosure and disclosure relates to a determination by the University that the student has violated its drug or alcohol rules;
10. Disclosure is of the final results of a disciplinary proceeding against a student whom the University determined violated an institutional rule or policy in connection with alleged acts that would, if proven, also constitute a crime of violence or non-forcible sex offense. Final results shall be limited to include only the name of the student, the basic nature of the violation the student was found to have committed, and a description and the duration of any sanction the University has imposed against the student;
11. Where disclosure is to a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense and consists only of the final results (see limitation on inclusion of information in final results in #9 above) of a University disciplinary proceeding in connection with that alleged crime or offense. The University may, (and under the Campus Sexual Assault Victims' Bill of Rights Act when applicable, must upon request) make such a disclosure regardless of the outcome of the proceeding;
12. Disclosure is in connection with financial aid that the student has applied for or received and is for the purpose of determining the student's eligibility for, the

amount of, or the conditions for the aid, or to enforce the terms and condition of that aid;

13. Disclosure is to authorized representatives of the Comptroller General, Attorney General, Secretary of Education, or state or local educational authorities in connection with an audit of federal- or state-supported education programs or with the enforcement of or compliance with federal legal requirements relating to those programs.
14. Where disclosure is to accrediting organizations to carry out their accrediting functions;
15. Disclosure is to organizations conducting studies for educational institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, provided that the studies are conducted in a manner that prevents personal identification of parents and students by anyone other than representatives of the organizations, the information is destroyed when no longer needed for purposes of the studies, and the institution enters into a written agreement with the organization specifically limiting its use of the information in these ways;
16. Disclosure is to a service provider to which institutional services or functions have been outsourced, and personally identifiable information from education records to contractors, consultants, volunteers, or other third parties is made provided that the outside party:
 - performs an institutional service or function for which the University would otherwise use employees;
 - has been determined to meet the criteria set forth in the University's annual notification of FERPA rights for being a school official with a legitimate educational interest in the education records;
 - is under the direct control of the University with respect to the use and maintenance of education records; and
 - uses education records only for the authorized purposes and may not re-disclose publicly identifiable information from education records to other parties, unless the provider has specific authorization from the University to do so and is otherwise permitted by FERPA.
 - See "Policy on Acceptable Use of Student Records and Data" for further information about third party service providers.
17. Disclosure concerns sex offenders and consists of information provided to the University pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (the "Wetterling Act").
18. Disclosure under the Solomon Amendment. The Solomon Amendment is a federal law that allows military recruiters to access some address, biographical and academic program information on students age 17 and older for military recruiting purposes. The U.S. Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA. The University is thus obligated to release data included in the list of "Student Recruitment Information," which may or may not match the University's list of directory information data elements. Student recruiting information under the Solomon Amendment shall not be released where a student has a written opt-out request on

file with the Registrar's Office. Military recruiters may request student recruitment information once each term or semester for each of the twelve eligible units within the five branches of the service:

- Army: Army, Army Reserve, Army National Guard
- Navy: Navy, Navy Reserve
- Marine Corps: Marine Corps, Marine Corps Reserve
- Air Force: Air Force, Air Force Reserve, Air Force National Guard
- Coast Guard: Coast Guard, Coast Guard Reserve

Requests should be submitted in writing on letterhead clearly identifying the unit of service requesting the student recruitment information and identifying the semester for which information is sought. The following list defines the components of "Student Recruitment Information" subject to disclosure under the Solomon Amendment for those students who do not have a written opt-out request on file with the Registrar's Office:

- Name
- Address (home and mailing)
- Telephone (home and mailing)
- Age (this is not on the University's list of directory information)
- Place of Birth (this is not on the University's list of directory information)
- Level of education
- Academic major
- Degree(s) received
- Educational institution in which student was most recently enrolled

IV. CHALLENGE OF RECORD ENTRY

The student is entitled to challenge and/or add to the factual basis of any record entry contained in education records held or maintained by the University. The purpose of this challenge is to ensure that such entries are not inaccurate or misleading, or in violation of his/her privacy or other rights as a student, and to provide an opportunity for the correction or deletion of any such inaccuracies, misleading or otherwise inappropriate data contained therein. The substantive judgment of a faculty member about a student's work, expressed in grades and/or evaluations, is not within the purview of this right to challenge.

The University will provide, on request by the student, an opportunity for a hearing to challenge the content of the student's record(s). The request should be submitted to the Office of the Registrar. The Registrar is authorized to rectify the entry and so notify the student in writing. The Registrar will provide the student with an opportunity to place in the records a statement commenting upon the challenged information in the educational records that will be kept so long as the contents are contested. The contents of the student's challenge will remain a part of the student's records regardless of the outcome of any challenge.

If a records entry question has not been satisfactorily resolved by this informal procedure, the student is entitled to a hearing on the matter. The hearing must be held within a reasonable time after the request, and the student notified as to the time, date, and place of the hearing in a reasonably advanced time of the hearing as to make his/her presence practical.

A hearing officer will be designated by the Associate Provost for Administration and the student will be afforded a full and fair opportunity to present evidence relevant to the issues of record entry validity. The student may be assisted or represented by an adviser of his/her choice including, at his/her own expense, an attorney. The student will be furnished, within a reasonable time following the hearing, a written decision from the designated hearing officer. In addition, the student is entitled to receive in writing a summary of the evidence and the reasons for the decision.

An adverse decision may be appealed in writing by the student to the Executive Vice President and Provost of the University.

The student has the right to file a complaint with the United States Department of Education concerning alleged failures of the University to comply with the requirements of FERPA.