

Topics in this tutorial:

- What is FERPA
- Who is protected under FERPA
- Who may access student education records
- What is confidential vs. directory information
- What is a FERPA restriction
- What to do in the event of an emergency
- What if I discover an unauthorized release of student data

FERPA Basics

What is FERPA?

- The federal regulation that stands for the **Family Education Rights and Privacy Act of 1974**
- Protects the **privacy of students' education records** and generally prohibits the disclosure of student records without the prior written consent of the student
- Affords students the right to review and request amendments to their education record

Who is protected?

- **Any student** taking classes with the university regardless of age, including high school students taking IU classes
- Once a student begins attending an institution of post-secondary education, all **privacy rights move to the student** away from the parents

FERPA Basics - Student Rights

FERPA grants four specific rights to students:

- The right to see the education records that the institution maintains on the student
- The right to seek amendment to those records and in certain cases append a statement to the record
- The right to privacy with respect to disclosure of the education records
- The right to file a complaint with the [U.S. Department of Education - Family Policy Compliance Office](#)

Why should I be concerned about FERPA?

As an employee of the university, you are legally and ethically responsible to protect the privacy of students' educational records!

You are required to:

- Know how to access student data appropriately
- Know how to safeguard student data in your daily work
- Report issues and practices that are not in alignment with FERPA and IU policies

Why should I be concerned about FERPA?

If I choose to ignore my responsibilities under FERPA to protect student data:

- Students can file formal complaints which could result in sanctions from the Department of Education or removal of funding
- A data breach can occur imposing costs to the institution and personal fines and even prosecution if critical data is involved (SSN, driver's license information, banking account numbers, credit card information, personal health data)
- Disciplinary action can occur including termination of access or employment

What is an education record?

It is a record directly related to a student and maintained in any format by IU or its agents (third parties working on IU's behalf). Some examples include:

- University ID, SSN, other personal identifiers
- Enrollment records, graded coursework, class schedules, class rosters, grade rosters, academic transcript
- Financial aid information and billing statements
- Advising notes and disciplinary actions including emails regarding specific students
- Health data collected for student immunizations or student athletes (stored as part of the student record)

What is not an education record?

Records that are not generally considered student education records include:

- **Law enforcement records** used for law enforcement purposes
- **Employment records** unless employment is contingent on a student's status
- **Sole possession records** sometimes called lap drawer notes (such as a note used as a personal memory aid)

Confidential vs. Directory Information

Confidential Information is personally identifiable private information that should never be released to the public, as release without prior written consent of the student would be an invasion of privacy and against the law.

Some examples of **confidential information** include:

- Academic Transcript
- Banking/Credit Card Information
- Country of Citizenship
- Current Class Schedule
- Date of Birth
- Driver's License Number
- GPA
- Grades

- Race/Ethnicity
- SSN
- Street Address
- Telephone Number
- Test Scores (SAT, ACT)
- University ID

Confidential vs. Directory Information

Directory Information sometimes referred to as “public” is information that would not be considered harmful if released to the public.

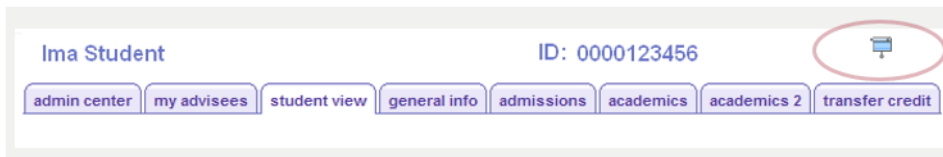
Directory Information at IU includes...

- Activities
- Admission or Enrollment Status
- Campus
- Class Standing (junior, senior,...)
- Dates of Attendance
- Degrees and Awards
- Hometown (City, State)
- Major Field of Study
- School or Division
- Sports and Athletic Information
- Student’s Name
- University Email address

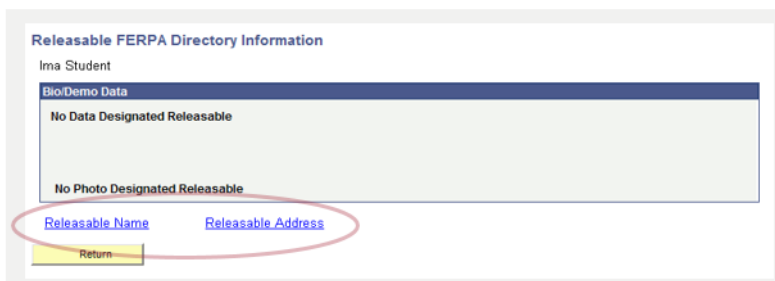
Students do have the right to **restrict the release** of their directory information by contacting the Registrar office at their campus.

FERPA Directory Restrictions

If a student files a directory restriction form with the campus Registrar, SIS users will be notified by the window shade icon below:



When the icon is clicked, **releasable** information will appear in blue links under the BioDemo Data box:



Notable Exceptions for Release

Education records (including confidential and directory) will be released without a student's written consent to:

- IU **school officials** who have a **legitimate educational interest**
- Third parties with whom the university contracts to conduct university business

Other exceptions include data released for:

- Health and safety emergencies
- Federal officers as prescribed by law
- State law requirements
- Research projects that improve instruction
- Accrediting agencies
- Subpoenas
- IU police department and law enforcement agencies for specific criminal cases

Let's look at what it means to be a school official with a legitimate educational interest...

A **school official** is a person employed by the university including:

- Staff, faculty, graduate assistants, and/or student workers, including employees/affiliates in such units as Health Center and IU police Department
- Agents that contract with the university: contractors, vended services, Alumni Association, IU Foundation
- Board of Trustees or a student serving on an official committee

The determination for **legitimate educational interest** is made by the unit responsible for the maintenance of the record. An employee will only be provided access to education records if it is required for carrying out his or her job responsibilities.

Casual access for personal reasons or "just out of curiosity" is a FERPA violation!

Health and Safety Emergency

FERPA has exceptions for situations involving health and safety emergencies. These may include...

- Serious communicable diseases

- Infectious diseases
- Suicidal ideation

Mere observations about a student's behavior are not covered by FERPA, and should be shared with the administration or the proper authorities when warranted.

Family Emergency

In the case of a family emergency, the individual should be directed to the campus police for assistance.

Campus Police

<https://protect.iu.edu/iu-police-department/index.html>

Indiana Law

In addition to federal privacy laws like FERPA, we also have Indiana data protection laws to help safeguard data!

Indiana law...

- Makes it a crime to disclose more than the last four digits of someone's social security number to someone outside of the university (unless specific exceptions apply)
- Requires IU to notify anyone whose personal information is acquired by an unauthorized person
- Provides guidance on the proper disposal of sensitive information

Unauthorized Release of Student Data

If you notice any practices or procedures that may lead to an unauthorized release of confidential student records, please notify it-incident@iu.edu or the University Data Steward for student data at ferpa@iu.edu.

If you suspect a breach of information has already occurred, you should notify [University Information Security Office](#) by phone immediately, and also log the incident at it-incident@iu.edu.

Additional FERPA Tips for Staff

- Do not provide student schedules or assist anyone other than university employees in finding a student on campus. In the event of an emergency, contact the IUPD for assistance.
- Do not discuss the progress of any student with anyone other than the student or an authorized school official without the student's written consent.
- Require your teaching assistants, associate instructors, and graduate assistants to take the FERPA tutorial, so they are clear on their responsibilities as a school official.
- Do not post personal information about students, including grades, in a public place (e.g. school hallway or website).
- Develop retention practices for sensitive information, keeping only what is necessary.
- Dispose of material containing confidential student information (tests, papers, class rosters, student bills) by shredding or placing them in a receptacle intended for the disposal of confidential information.
- Verify if a student has filed FERPA restrictions before providing a third party directory information.

IU Policies that Reference FERPA

IU has policies that reference FERPA requirements that all employees should review:

- [USSS-05 Student Rights Under FERPA and Release of Student Information](#)
- [DM-01 Management of Institutional Data](#)
- [DM-02 Disclosing Institutional Information to Third Parties](#)

Not sure what to do?

Always remember...

If In Doubt, Don't Give It Out!

If you are unsure what information may be released, err on the side of caution, and do not release.

If you have questions regarding disclosure of student data, please contact the University Data Steward for student data at ferpa@iu.edu or the Registrar at your campus. See [How do I contact the Office of the Registrar at each IU Campus?](#)

Thanks for taking a moment to learn about FERPA and review your student privacy responsibilities.

To record your participation, please answer all questions in the following quiz. You must score 80% or better to successfully complete this training.

Remember to answer each question, as you will not be allowed to go back to your previous question until you finish the quiz. **Do not use the browser back button. Doing so will clear any progress you have made during the quiz.**

Indiana University Student Records Code of Conduct

As an employee of Indiana University with access to private, confidential student records information, I will adhere to the following code of conduct:

1. I will not award degrees, update records or change grades for students with whom I have a personal relationship. With the exception of items available through self-service, I will not change my personal student record in any way.
2. I will not use student records data for personal gain or curiosity. I will use student records information only for the purpose for which it is intended.
3. I will not discuss the academic progress or the financial records of any student with anyone other than the student or an authorized school official without the student's consent.
4. I understand the university reserves the right to audit my access and actions within university systems.
5. I will adhere to the Family Educational Rights and Privacy Act (FERPA). Detailed information is available at <https://ferpa.iu.edu/> and <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.
6. I will not accept any cash, gift, or benefit of any value from any student or anyone acting on the student's behalf.
7. I will disclose any involvement, interest in, or potential conflict of interest with any entity with which the institution has a business relationship by following Indiana University Conflict of Interest policy. This policy is located at <http://policies.iu.edu/policies/categories/human-resources/conduct/coi.shtml>.
8. I will follow the Principles of Ethical Conduct (<http://principles.iu.edu>), including carefully managing public, private and confidential information and following any relevant data security policies and procedures.
9. If I am responsible for ensuring final degree requirements are met:
 1. I will not make any exceptions to these requirements that are not approved or supported by department policies or established standards.
 2. I will ensure that all degree requirements have been met and applicable exceptions are authorized and recorded.
 3. I will ensure the final degree requirements are archived and retrievable for each student.

10.If I serve on scholarship committees, I will recuse myself from making award recommendations for students with whom I have a personal relationship.

I acknowledge my understanding and acceptance of my responsibilities identified in this document to preserve the security and confidentiality of student records information I access at Indiana University. I understand that a violation of this Code of Conduct may result in sanctions relating to my use of information technology resources (such as suspension or termination of access), my employment (up to and including immediate termination of employment in accordance with applicable university policy); civil or criminal liability; or any combination of these.

☐ I have reviewed the IU Student Records Code of Conduct and agree to adhere to these guidelines

I don't work with student education information very often, why should I bother with data privacy and FERPA training?

- ☐ A. As an employee of the university, I am responsible for protecting students' education records.
- ☐ B. As an employee of the university, I am responsible for adhering to university policies.
- ☐ C. I might encounter student information anywhere, and I should know how to report a violation.
- ☐ D. All of the above.

Correct

Answer: D

All employees of the university are responsible for protecting students' education records, and it is university policy that IU employees receive FERPA training.

A father calls asking how his son is doing in class. Can you discuss the student's attendance record or academic performance with the parent?

- ☐ Yes
- ☐ No

Correct

Answer: No

Even though the person inquiring may be the student's parent, FERPA affords all rights to the students once they enroll at the post-secondary level. Therefore, you cannot give out grade, attendance, class participation, or any other non-directory information without written consent from the student.

IU students can authorize another person, such as a parent or guardian, to view specific types of personal information through One.IU (Third Party Pin Access). Students should be directed to check with the Registrar's office or their advisor for more information on this service.

General Rule: Do not release confidential education records even to parents without the student's consent.

A faculty member needs to return graded student papers. Which of the following methods is appropriate under FERPA?

- ☐ A. Leave the papers in a box outside their office door.
- ☐ B. Give all the papers to a student to distribute during class.
- ☐ C. Place the papers in a secure location that requires identification for retrieval.
- ☐ D. All of the above.

Correct

Answer C: Place the papers in a secure location that requires identification for retrieval.

Two recommended methods for providing grades are:

Use the learning management system secure tools provided to all instructors.

Leave the papers with the departmental administrative assistant in a secure location and ask the student to show appropriate identification to receive their paper.

General Rule: Do not leave confidential materials in a public place.

You advise students and one of your students has requested to review official advising notes from previous advising sessions with them; as well as any emails you have created about them. Will IU be required to provide this information to the student upon the completion of a formal request?

☐ Yes

☐ No

Correct

Answer: Yes

Yes, if these are notes you recorded during your advising session with the student and others have access to the information, these are education records. The student does have a right to inspect and review within 45 days of the request. Students may also review emails created referencing them individually.

Exception: Personal or memory jogging notes taken while alone that are in your sole possession, do not qualify as an education record eligible for review by the student.

General Rule: If you don't want the information reviewed by the student, don't retain it!

You receive a phone call, and the person is claiming to be a former IU student asking for the current address and phone number of an old friend that he lost touch with after graduation. He believes the person is a current student of IU. Should you respond with this information?

☐ Yes

☐ No

Correct

Answer: No

No. You cannot disclose restricted information such as address and phone number to the public. The request should be referred to your campus Registrar office or you may contact the IU student with the caller's contact information.

General Rule: Phone number and address are not considered public. Requests from third parties for student data should always be directed to the campus Registrar office or the University Data Steward for student data.

You find documents in an unsecured office building that contain social security numbers of IU students, but the data appears to be from 2002. What should you do?

- ☐ A. Leave the documents and find someone on Monday that can help.
- ☐ B. Secure the documents and notify it-incident@iu.edu immediately.
- ☐ C. Don't worry about it because it looks like this may be old data.
- ☐ D. Leave the scene as it isn't my job to deal with student data.

Correct

Answer B:

Secure the documents and contact UIPO by phone as well as notify it-incident@iu.edu immediately.

You may not require access to student data in your daily work, but as an employee of the university it is everyone's responsibility to protect the privacy of our students' education records. Social security numbers are considered critical data and must be safeguarded to help prevent identity theft.

General Rule: It is every university employee's responsibility to help protect IU student data.

A person calls your office frantic and reports that he must find his daughter. He says it is a family emergency. What should you do?

- ☐ A. Provide the information.
- ☐ B. Tell the parent you cannot help them.
- ☐ C. Contact the IU Police Department for assistance.
- ☐ D. None of the above.

Correct

Answer C: Contact the IU Police Department for assistance.

In the event of an emergency it is important to involve the IU Police Department at your campus to assist the family member in the situation.

General Rule: Do not release confidential information to the public.

You are reviewing a spreadsheet with 20 students' names, university ID numbers, scholarship amounts, and financial aid status information. You need to share the spreadsheet with the department to verify the scholarship data disbursed. Who should not receive this spreadsheet?

- ☐ A. Academic unit's dean
- ☐ B. Campus financial aid office
- ☐ C. Students who received the scholarships
- ☐ D. Administrative assistant responsible for verifying scholarship data

Correct

Answer C: Students who received the scholarships

Students are not allowed to see other students' confidential information (which would include University ID, financial aid status, and scholarship amounts). If students are sent restricted data in error, you should notify it-incident@iu.edu immediately to determine the appropriate actions for rectifying this situation.

A student you are advising is exhibiting behaviors that concern you and you think they may be in danger of harming themselves or someone else. Will you be violating FERPA if you share this information with authorities?

- ☐ Yes
- ☐ No

Correct

Answer: No

Mere observations about a student's behavior are not covered by FERPA. Although, even if the information is committed to an education record, FERPA allows for disclosure of education records for health and safety emergencies. Always document the situation including what was shared, who it was shared with, when it was shared, and a description of the circumstances that led to your decision to share the information.

General Rule: Emergency health and safety issues take precedence over FERPA.

Your personal tablet is stolen which contains student record data on the device. Some of the files include student name, university ID, course section, and final course grades. What should you do?

- ☐ A. Contact it-incident@iu.edu to report the issue.

- ☐ B. Do nothing, since it is your personal device.
- ☐ C. Contact the students to let them know there has been a breach.
- ☐ D. None of the above.

Correct

Answer A: Contact it-incident@iu.edu to report the issue.

It is important to first log the incident with UIPO to determine whether this is an exposure prior to notification of students. It is not recommended to store restricted or critical data on mobile devices.

However, if encryption is in place and the appropriate technical safeguards for mobile devices, this incident would not be considered a FERPA violation as the data would be adequately protected. The investigation conducted will help you communicate better with the students regarding the incident.

General Rule: It is important to technically safeguard all electronic devices that house confidential student education records.