



**FERPA – Family Educational Rights & Privacy Act of 1974**  
**Best Practices for IPFW Faculty & Staff**  
Effective January 2009

**Student’s Request:** You must release a student’s educational record to that student upon their request – no signature is necessary.

1. You are not required to release your own sole possession records.
2. Oral request in public place:
  - a. In situations where a student requests information about their educational record in a non-secure setting, where the answer can be overheard by other people, you are permitted to answer the question, but not to provide any unsolicited information. You may encourage the student to come to your office to discuss the matter further in a more private setting.
3. Telephone requests:
  - a. Although no signature is necessary to release educational record information directly to the student, you must be sure that it is the student making the request. FERPA requires you to use a reasonable method to identify and authenticate the identity of students prior to disclosure.
  - b. If you cannot determine the student’s identity, do not comply over the phone. FERPA gives you 45 days to release information, so immediate release upon request is not mandatory.
4. Leaving Voicemails for Students:
  - a. If you phone a student and reach their voicemail, it is best to state only their name, the fact that they are in your class and your name and contact information. Leaving a more detailed message runs the risk of disclosing information to someone other than the student.

**Parental Request:**

1. When a student enrolls as a postsecondary student, they acquire FERPA rights, so information from the student’s educational record may be disclosed to parents only under certain circumstances.
2. You may release information to any parent not included in (3) below only if the student has signed a written release permitting release to that party.
3. You may release information to parents of dependent students.
  - a. Check with the IPFW Registrar’s Office to determine if the student fits in the dependent category before disclosure may be made to those parent(s).
4. You may also release information to a parent regardless of the student dependency status in connection with a health or safety emergency.
5. The form for authorization of release of information is available in the registrar’s office.

**Request by a Spouse:**

1. You may release directory information to a spouse only if the student has signed a written release permitting release to that person.
2. The FERPA compliance Office will permit release of information to a student’s spouse in connection with a health or safety emergency.
3. The form for authorization of release of information is available in the registrar’s office.

### **Request by a Non-School Official:**

1. You may release directory information unless the student has placed a “Confidential Flag” on their educational records.
2. A “Confidential Flag” may be created by a student any time prior to the end of the first week of a semester by notifying the registrar’s office in writing that they will not permit release of directory information. A form is available in the registrar’s office.
3. You will know there is a “confidential flag” in place when you open the student’s record in Banner. Initial access to any form of their record will be blocked by a pop-up box saying “**Warning: Information about this person is confidential**”. Online in My IPFW, where the student’s name appears, the word “**Confidential**” will appear.
4. You may release educational record information to a non-school official only if the student has signed a written release permitting release to that party, except in the following circumstances:
  - a. Lawfully issued subpoenas (check with the Registrar’s office first)
  - b. Health and/or safety emergency:
    - i. The university must determine that an “articulable and significant threat” exists prior to disclosure.
    - ii. In the case of health and/or safety emergency, disclosure may be made to any person, whose knowledge of information is necessary to protect health and safety of the student or others, including release to student’s parents. The Family Policy Compliance Office (the FERPA regulatory compliance office of the US Department of Education) will permit release of information to the student’s spouse.
    - iii. The form for authorization of release of information is available in the registrar’s office.

### **Releasing student information to other school officials:**

1. You may release a student’s educational record to other IPFW school officials if they have a legitimate educational interest.

### **Sharing Directory Information within a Class:**

1. Attendance:
  - a. Taking roll orally is permissible – even if the student has a confidential flag placed on their directory information.
  - b. Taking roll by passing around a sign in sheet or class roster is permissible – as long as a fresh sign in sheet or class roster is used for every class session. Do not include either students’ social security numbers or student ID numbers on the sheet.
  - c. Even if a student has a confidential flag placed on their directory information, it is permissible to use their name in class.
  - d. The right to opt-out of disclosure of directory information does not allow a student to remain anonymous in a class or impede routine classroom communications, whether in person or online.
2. Multi-party emails:
  - a. If you are discussing a student’s education record information or informing the registrar’s office of grade changes, you may not send emails to multiple parties, because that would disclose information to third parties without the necessary written permission.
3. Peer Grading:
  - a. Peer-graded papers that have not been collected and the grades recorded by the instructor are not considered to be part of a student’s educational record.

4. Student Access to Graded Papers:
  - a. Leaving a stack of graded papers in a box outside your office for students to pick up at their convenience is a violation of FERPA, because a student would be able to discover grades other than his/her own and possibly acquire other student's identifying information.
5. Posting Grades:
  - a. Faculty may not use
    - i. Names,
    - ii. Student social security number,
    - iii. Student ID numbers or
    - iv. Any other personal tracking number to post grades.
  - b. If a number is used to post grades, it must be generated only for that class and should not be easy to link with the student (i.e., don't use a phone number).
6. Sharing email addresses:
  - a. Faculty utilizing electronic teaching tools or teaching an online class may wish to share students' email addresses with other in the same class.
  - b. This is permissible, so long as the course description discloses that class communication and participation will be facilitated by use of email.
    - i. Students who object strenuously can establish a separate email account, used specifically for the class in question.

**Sending Non-Directory Information (including grades) via Email:**

- a. Sending non-directory information (including notification of grades) via email is permissible since the student must authenticate using an ID and password; however, there is no guarantee of confidentiality. Email systems are not private. Messages sent via email may be forwarded across many systems before reaching their destination and standard maintenance of computer systems may unintentionally capture messages and email may be read by others than those to whom they were addressed.
- b. It is recommended that you only use email to convey grade information if the student has sent an **INDIVIDUAL** email requesting this information and you are **CERTAIN** that the email is from the individual whose grade is being sought, and you respond to his/her **INDIVIDUAL** email.

**Writing recommendations:**

1. In the absence of a signed written release, you may include only directory information in a reference letter. Statements made from your personal observation or knowledge do not require a written release from the student who is the subject of the recommendation provided the information is not from the student's education record.
2. In order to include anything other than directory information, you must have a signed written release from the student. An email is not sufficient. The FERPA Release Form for Letters of Recommendation is available in the registrar's office.
3. A student request for a letter of recommendation does not give you carte blanche to review their records.
4. Include the following statement in all letters of recommendation:

## NOTIFICATION TO RECIPIENTS OF PRIVATE INFORMATION

***NOTICE: The attached information has been forwarded to you at the request of the student. This information may not be released to other parties. State and federal law prohibits release of this information without the individual's written consent. Please return this material to us if you are unable to comply with this condition of release.***

### **Items to remember:**

1. Check with the Registrar's Office for a signed release on file before discussing student educational record/progress information with non-school officials e.g. parents, spouses, employers, landlords, etc.
2. Remember to request a signed release from the student for all letters of recommendation, good student status information, etc. that require non-directory educational record information.
3. Close files, computer screens, cover papers, close office door, etc. whenever leaving your work area or when non-school officials may be present so that third parties do not have access to student educational record information.
4. Do not post lists of information containing student educational records (grade lists, credit completed, ethnic/religious groups).
5. Contact the Registrar's office or check Banner for confidential flags before releasing directory information; do not indicate to the requestor that the student is in attendance until you have checked for the flag.
6. Conduct an "Office Audit": Make certain that fax machines, printers, copy machines, computer screens are not in public environment or positioned so that third parties have access to student educational record information.
7. Provide student's access to their educational record information usually does not require that you give them a copy.

### **Questions?**

Contact the Office of the Registrar.