



FERPA – Family Educational Rights & Privacy Act of 1974
Effective January 2009

Issues that pertain to faculty:

- 1. What is FERPA?**
 - a. Family Educational Rights and Privacy Act
- 2. Why do I need to know about FERPA?**
 - a. IPFW and all its employees are required to comply with this federal law.
- 3. What does FERPA do?**
 - a. Provides students the following guarantees regarding the access and confidentiality of their education records:
 - i. Right to access all their education records, except
 1. Parent’s financial information
 2. Information about other students
 3. Confidential information if they waive their right to access
 - ii. Right to inspect and challenge education record contents
 - iii. Right to control disclosure of education record contents, unless a specific exemption applies
- 4. When do I need to take FERPA into consideration?**
 - a. Answering a student’s questions about their performance or records
 - b. Answering a parent or spouse’s questions about a student’s performance or records
 - c. Answering questions posed by a non “School Official” about a student’s performance or records
 - d. Releasing student information to other “School Officials”
 - e. Sharing Directory Information within a Class: attendance, peer grading, posting grades, sharing email addresses, multi-party emails
 - f. Writing recommendations
- 5. Definitions to know:**
 - a. **Am I a “School Official”?**
 - i. Faculty (including adjunct), staff, administration, student workers, coaches, contractors, consultants, volunteers – any individual providing an institutional service or function at IPFW.
 - ii. School officials have no inherent rights to access a student’s educational records. They may access them if they have a “need to know” or a “legitimate educational interest”.
 - b. **What is a “need to know” or “legitimate education interest”?**
 - i. FERPA allows each institution to establish its own definition of a “Legitimate Educational Interest”. At IPFW, the definition is the school official’s “need to know” in order to:
 1. Perform an administrative task outlined in the official’s position description or contract;
 2. Perform supervisory or instructional task directly related to the student’s education; or
 3. Perform a service or benefit for the student such as counseling, student job placement, or student financial aid.
 4. For example, pertinent faculty with a legitimate educational interest may be notified when a student has admitted to plagiarism.
 - ii. The FERPA Compliance Office will generally defer to the college’s determination that disclosure is within the job responsibility of the person to whom the information was disclosed.

c. Who is a “Student”?

- i. An individual who is receiving or has received instruction in an on or off-campus program, including an activity that is evaluated toward a grade such as an co-op program, an academic internship, or a student exchange program.
- ii. The individual can be attending in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom.
- iii. The term does not apply to an individual prior to or subsequent to an individual’s period of attendance at the college such as an applicant for admission, an alumnus, or a postgraduate intern in another institution.
- iv. The definition includes all credit and non-credit, degree or non-degree seeking students of all ages.
- v. An individual acquires FERPA rights at the time they become a student and keeps those rights until they are deceased.

d. What is an “Education Record”?

- i. With certain exceptions, all records identifying students maintained by IPFW in any medium, including handwritten, print, tape, film, microfilm/fiche, or any form of electronic data storage.
- ii. Education Records are NOT:
 1. “Sole Possession” records
 2. Law enforcement records maintained by Police & Safety
 3. Medical records
 4. Employment records, except records of individuals employed as a result of their status as students are education record – e.g. work study
 5. Alumni records

e. What are “Sole Possession” records?

- i. Any personal record you maintain in your capacity as an IPFW employee, which is:
 1. Made by you as a personal memory aid
 2. Kept in your sole possession, and
 3. Never revealed or made available to any other person except your temporary substitute.

f. What is “Directory Information” at IPFW?

- i. Student Name
- ii. Class standing
- iii. College/School/Division
- iv. Major field of study
- v. Dates of attendance
- vi. Degrees & Awards
- vii. Recognized student activities, sports, athletics information
- viii. Current enrollment status
- ix. Address and telephone number

g. “Directory Information” does NOT include:

- i. Race
- ii. Gender
- iii. Social Security Number
- iv. Student ID#
- v. Grades
- vi. Grade Point Average (GPA)
- vii. Country of Citizenship
- viii. Religion