

INDIANA UNIVERSITY

Policy on Student Records

(By action of University Faculty Council: March 29, 1977; Amended: October 2, 2001)

In compliance with Section 438 of the "General Education Provisions Act" (as amended) entitled "Family Educational Rights and Privacy Act," the following constitutes the institution's policy which instructs the student in the procedures available to provide appropriate access to personal records, while protecting their confidentiality.

A. Certain definitions and principles contained in the law and proposed guidelines are specifically adopted in the policy:

1. "Student" is defined as one who has attended or is attending Indiana University, and whose records are in the files of the University.
2. "Educational records" do not include records retained by individuals which are not accessible to any other person except a substitute faculty/staff member.
3. "Public information" is limited to name; address; e-mail address; phone; major field of study; dates of attendance; admission or enrollment status; campus; school, college, or division; class standing; degrees and awards; activities; sports; and athletic information. Records of arrests and/or convictions and traffic accident information are public information and may be released to anyone making inquiry.
4. "Record" means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, film, microfilm, microfiche, and electronic media.

B. Public information shall be released freely unless the student files the appropriate form requesting that certain public information not be released. This form is available at: [Here each campus will list its own offices and locations appropriate for that campus.]

C. All students have records in one or more of the following offices and maintained by the administrative officer listed:

[Here each campus will list its appropriate offices, locations, and officers.] [This section includes the permanent record, school or college files, etc.]

D. Some departments maintain records separate from the school or college. A list of departments which have separate records, their location, and person responsible for the record may be obtained from the office of the dean of the school or college in which the department is located.

E. Students may also have records in the following places: [Here each campus will list its appropriate offices.] [This section includes offices such as financial aids, bursar, placement, and police.]

F. The privacy of all records may be broken at a time of emergency defined in terms of the following considerations:

1. The seriousness of the threat to health or safety
2. The need for access to the record in meeting the emergency
3. Whether the person requesting the records is in a position to deal with the emergency
4. The extent to which time is of the essence in dealing with the emergency

G. A student's record is open to the student, with the following exceptions:

1. Confidential letters of recommendation placed in files prior to January 1, 1975
2. Records of parents' financial status
3. Employment records; see #H below
4. Medical and psychological records; see #I below
5. Some items of academic record under certain conditions; see #J below

H. The employment records excluded from accessibility are kept in the normal course of business which relate exclusively to persons as employees and are not used for any other purposes.

I. Medical and psychological records are presently governed by State Statute, Burns Indiana Statutes, 1971 Code Edition, 34-1-14-5 and 25-33-1-17 which rigidly protects their confidentiality. They are not available to anyone other than those providing treatment, but can be reviewed by a physician or appropriate professional of the student-patient's choice.

J. To ensure the validity and confidentiality of references prepared off-campus and on-campus, certain documents may carry waivers, signed by the student relinquishing the right of access to the document.

1. Waivers are subject to the following conditions:
 - a. Waivers can be signed only for the specific purposes of application for admission, candidacy for honor or honorary recognition (including financial aid based at least in part on merit), and candidacy for employment.
 - b. Waivers cannot be required.
 - c. The student shall be told, upon request, the names of those supplying references.
2. All items in the academic record not covered by waivers are open to the student. Material not covered by waivers may not be protected by keeping it out of the student's file.

K. Student records are open to school officials who have a legitimate educational interest in their contents, except where access is prohibited by special policies such as those governing medical and psychological records.

1. A "school official" is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has

contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Faculty members are considered to be advisors with a legitimate educational interest for all students currently enrolled in their classes or seeking enrollment, and others that they may be advising on an assigned basis.

2. The determination of "a legitimate educational interest" will be made by the person responsible for the maintenance of the record. This determination must be made scrupulously and with respect for the individual whose records are involved.
3. Academic documents inaccessible to students (because the documents have been filed before January 1, 1975 or are segregated by waivers) are to be used only for the purpose for which they were prepared.

L. The University has established the following procedures enabling the student to have access to his record and has provided for interpretation and challenge:

1. The student may see his or her record by filling out a request form at the office where the record of interest is maintained.
2. Access is to be granted promptly and no later than thirty days from the date of request.
3. The student may make the request in person or by mail.
4. The student may obtain copies upon request (for which the University may charge).
5. The student may request and receive interpretation of his or her record from the person (or designee) responsible for the maintenance of the record.
6. If the student considers the record faulty, he or she can request and receive an informal and/or formal hearing of the case to the end that the record will be corrected if judged faulty or in violation of privacy:
 - a. The informal hearing will be in conference with the person (or his or her designee) responsible for the maintenance of the record and-- where appropriate-- the party or parties authoring the record segment in question.
 - b. The student may request a formal hearing by obtaining from the Dean for Student Services' Office a request form on which he or she must designate the location of the record in question and a brief explanation of the reason for faulting the record. A panel of not fewer than ten Hearing Officers will be appointed by the chief administrative officer for each campus. The Dean for Student Services will forward a copy of the request to the person responsible for the record and will provide the student and the keeper of the record with three names of Hearing Officers. The parties (student and keeper of the record in challenge) shall each strike one name; the remaining Hearing Officer shall conduct an administrative hearing with both parties present.
 - c. The hearing shall be held within a reasonable period of time; notice of the date, place, and time must be given reasonably in advance. The student shall be afforded a full and fair opportunity to present relevant evidence and may be assisted or represented by any person of his or her choosing (including an attorney at his or her own expense). A written decision based solely upon the evidence presented shall be prepared within a reasonable amount of time and shall include a summary of the evidence and the reasons for the decision. The judgment of the

Hearing Officer shall be final, and the record shall be changed or retained as recommended.

- d. If the institution decides the information is accurate, it shall inform the student of his or her right to place in his or her educational record a statement commenting upon the information, and/or noting any reasons for disagreeing with the decision. Any statement of this sort shall be maintained as long as the student's educational record or contested portion is maintained; if the student's educational record or contested portion is disclosed to any party, the student's statement shall also be disclosed.

M. Normally, records can be released--or access given--to third parties (i.e., anyone not a school official) only at the written request of the student.

1. Without the consent of the student releases to third parties may be given only as follows:
 - a. To parents of students who are dependents as defined by IRS standards.
 - b. To federal officers as prescribed by law.
 - c. As required by state law.
 - d. To research projects on behalf of educational agencies for test norms, improving instruction, etc. (provided that the agencies guarantee no personal identification of students)
 - e. To accrediting agencies carrying out their functions.
 - f. In response to a judicial order or lawfully issued subpoena (provided that the student is notified prior to compliance or provided that a reasonable attempt to notify the student has been made)
 - g. By IU police to other law enforcement agencies in the investigation of a specific criminal case.
2. A student may secure from the Registrar's Office a "consent form" authorizing the release of specified records to specific individuals.
3. A notification of releases made to third parties must be kept in the student's record. This notification is open only to the student and the person in charge of the record.
4. The third party must be informed that no further release of personally identifiable data is authorized without the written consent of the student.

N. Nothing in this policy requires the continued maintenance of any student record. However, if under the terms of this policy a student has requested access to the record, no destruction of the record shall be made before access has been granted to the student. Persons in charge of records should ensure that only pertinent items are retained in student files.