

WESTERN NEBRASKA COMMUNITY COLLEGE

President's Procedure

TITLE:	Confidentiality of Student Records
DIVISION:	Student Services
CATEGORY:	Admissions, Registration, and Student Records
REFERENCE:	WCCA BP-551: Confidentiality of Student Records Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g
NUMBER:	PP-551
APPROVAL:	John Harms, Interim President
	DATE December 3, 2019

Definitions

FERPA: The Family Educational Rights and Privacy Act of 1974 (sometimes referred to as the Buckley Amendment) is federal legislation that protects the privacy of students' personally identifiable information. The act applies to all educational institutions that receive federal funds.

FERPA gives parents/legal guardians certain rights with respect to their children's education record. These rights transfer to the student when they reach the age of 18 or when they attend a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Directory Information: Schools may disclose, without consent, certain information regarding a student. A student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance are samples of directory information.

Procedure

WNCC will maintain all student records in a safe and secure location and will maintain confidentiality according to Federal laws and state statutes. The custodians of student records responsible for the different student services departments, i.e., Advising, Financial Aid, Registrar, etc., and other departments that maintain or have access to student records, i.e., academic departments, shall adhere to FERPA guidelines, as explained below.

Privacy Rights of Students in Educational Records

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) set out requirements designed to protect the privacy of students concerning their records maintained by

the campus. Specifically, the statute and regulations govern access to student records maintained by the campus, and the release of such records. In brief, the law provides that WNCC must provide students access to records directly related to the student and an opportunity for a hearing to challenge such records on the grounds that they are inaccurate, misleading or otherwise inappropriate. The right to a hearing under the law does not include any right to challenge the appropriateness of a grade as determined by the instructor. The law generally requires that written consent of the student be received before releasing personally identifiable data about the student from records to other than a specified list of exceptions. The institution has adopted a set of policies and procedures concerning implementation of the statutes and the regulations of the campus. Among the types of information included in the campus statement of policies and procedures are:

- The types of student records and the information contained therein;
- The official responsible for the maintenance of each type of records;
- The location of access lists which indicate persons requesting or receiving information from the record;
- Procedures for reviewing the expunging records;
- The access rights of students;
- The procedures for challenging the content of student records;
- The cost which will be charged for copies of records, and
- The right of the student to file a complaint with the Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

WNCC is authorized under the Act to release “directory information” concerning students. “Directory information” includes the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. The above designated information is subject to release by the campus at any time unless the campus has received prior written objection from the student specifying information which the student requests not be released. Written objections should be sent to the Registrar’s Office within ten days of registration. This process must be repeated each semester.

WNCC is authorized to provide access to student records to campus officials and employees who have legitimate educational interests in such access. These persons are those who have responsibilities in connection with the campus’ academic, administrative, or service functions and who have reason for using student records connected with their campus or other related academic responsibilities.

An Educational Record is any record (in handwriting, print, tapes, film, computer, email, or other medium) maintained by WNCC or an agent of the College, which is directly related to a student, except:

1. Records of instructional, supervisory, administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records relating to an individual who is employed by WNCC that:
 - a. Are made and maintained in the normal course of business.
 - b. Relate exclusively to the individual in that individual's capacity as an employee;
 - c. Are not available for use for any other purpose. (Records relating to an individual in attendance at WNCC who is employed as a result of his or her status as a student are education records and not exempt under this definition.)
3. Records on a student who is attending WNCC, that:
 - a. Are made or maintained by a Physician, Psychiatrist, Psychologist, or other recognized professional or paraprofessional acting in their professional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student, and
 - c. Are disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction.
4. Records that only contain information about an individual after they cease to be a student at WNCC.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

A school official is:

- a. A person employed by WNCC in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
- b. A person elected to the Western Community College Area Board of Governors (WCCA).
- c. A person employed by or under contract to the College to perform a special task, such as the attorney or auditor.
- d. A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing their tasks.

A school official has a legitimate education interest if the official is:

- a. Performing a task that is specified in their position description or contract agreement.
- b. Performing a task related to a student's education.
- c. Performing a task related to the discipline of a student.

- d. Providing a service or benefit relating to the student or student’s family, such as healthcare, counseling, job placement, or financial aid.
- e. Maintaining the safety and security of the campus.

Annual Notification

Students will be notified of their FERPA rights and FERPA procedures at least annually in the *College Catalog*. This information is also available in the College’s annual security report and on the College website

Procedures to Inspect Education Records

Students may inspect and review their education records upon request to the appropriate records custodian.

Students should submit to the appropriate records custodian a written request that identifies, as precisely as possible, the record or records they wish to inspect. The Custodians of Records are listed below. The Registrar is responsible for obtaining records from the Custodians and the student is not to contact the Custodians directly.

Type	Location	Custodian
Academic transcripts	Scottsbluff	Registrar
Admissions/Records (All enrolled students)	Scottsbluff	Admissions Director
Advising	Scottsbluff	Career Pathway & Advising Director Student Success & Retention Director
Classroom Academic (Faculty records, attendance, etc.)	Scottsbluff	Faculty/Deans/Chairs
Disciplinary Records	Scottsbluff	Dean of Students
Financial Aid Records	Scottsbluff	Financial Aid Director
Harassment/Discrimination	Scottsbluff	HR Executive Director
Institutional Research	Scottsbluff	Institutional Research Director
Placement Exam Scores	Scottsbluff	Testing Director
Special Services Records (Physical/learning disabilities)	Scottsbluff	Disability Services Director
Veterans’ Education Records	Scottsbluff	Registrar
Other Educational Records (the appropriate official will collect such records)		College Staff

The records custodian or College Registrar, will make the necessary arrangements for access as promptly as possible, and notify the student of the time and place where the records may be inspected. Access must be given to the student within 45 days or less from the date of receipt of the request for inspection.

If the student is not able to travel to the location indicated to review the records, the College may, at its discretion, provide a copy of the records for the student’s review. A copy charge may be imposed. If the student resides more than fifty miles from the location of the record to be

reviewed, the student may be provided with a copy of the record, or the institution may make arrangements for the record to be reviewed at a site closer to the student. For example, another college or WNCC campus.

When a record contains information about one or more students, the student may inspect and review only the records, which relate only to them, and not the other students. After a records inspection, the College may take up to ten working days to provide copies of documents requested.

Limitations of Right of Access

WNCC reserves the right to refuse to permit a student to inspect the following records:

- 1) The financial statement of the student's parents/legal guardians.
- 2) Letters and statements of recommendation for which the student has waived his or her right of access.
- 3) Records connected with an application to attend WNCC, if the application was denied, or applicant does not otherwise attend.
- 4) Those records, which are excluded from the FERPA definitions of education records listed above.

Refusal to Provide Copies

WNCC reserves the right to deny copies of records, records inspection or amendment including transcripts, in any of the following situations:

- 1) The student lives within commuting distance of WNCC campus. Commuting distance is considered fifty miles. If the student lives beyond commuting distance, WNCC may (at the option of the College) provide unofficial copies, documents, or make arrangements for the student to view the records at a location within fifty miles of his or her residence.
- 2) The student has an unpaid financial obligation to WNCC.
- 3) The education record requested is an exam or set of standardized test questions.
- 4) Requests must be specific in nature and addressed to the Registrar. Request for "all educational records" will not be honored.
- 5) The educational record request is for a transcript provided by another educational institution.

Charges for Copies of Records

The charges for plain white paper copies will be \$0.25 for each page. Copies of CDs, microcassettes, and any other audio medium will be \$10.00 per copy. Faxes will cost \$5.00 for the first page and \$2.00 for each additional page.

Disclosure of Education Records

WNCC will disclose information from the student's education record only with the written consent of the student, except when disclosure is:

1. To school officials who have a legitimate education interest in the records. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced

institutional services or functions, provided that the conditions listed in the FERPA regulations are met.

2. To officials of another school, upon request, in which a student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of the FERPA regulations
3. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of FERPA regulations, in connection with an audit or evaluation of Federal- or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
4. In connection with a student's request for or, receipt of; financial aid, determines the eligibility, amount, or conditions of financial aid; or to enforce the terms and conditions of the aid.
5. To organizations conducting certain studies for, or on behalf of, the College.
6. To accrediting agencies to carry out their functions.
7. To comply with a judicial order or lawfully issued subpoena.
8. To appropriate officials in connection with a health or safety emergency.
9. Information the school has designated as "directory information".
10. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of FERPA regulations. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
11. To the general public, the final results of a disciplinary proceeding, subject to the requirements of FERPA regulations, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her.
12. To parents of an eligible student who is claimed as a dependent on their most recent federal income tax form. Both parents/legal guardians will have access to the record unless the Registrar has been provided with evidence that there is a court order, state statute, or legally binding documentation relating to such matters as divorce, separation, or custody that specifically revokes these rights.

13. To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.
14. To the appropriate high school official and school district paying tuition for a concurrently enrolled student.

Records of Request for Disclosure

WNCC will maintain a record for one year of all requests for and/disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

Directory Information

The following items will be designated as "directory information." WNCC may disclose any of this information without prior written consent, unless notified by the student in writing to the contrary by the first official class meeting date of each semester unless the student completes a "Request to Prevent Disclosure of Directory Information" form. Directory information is limited to the current academic year only.

1. Student name
2. Major fields of study
3. Dates of attendance
4. Degrees and awards received
5. Most recent education institution attended
6. Address
7. Telephone listing
8. Email address
9. Date and place of birth
10. Enrollment status
11. Grade level
12. Participation in officially recognized activities and sports
13. Weight and height of members of athletic teams
14. Photograph.

In 1988, Final Regulations amended this definition by adding that directory information was "... *information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.*"

Correction of Education Records

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. The right to challenge grades does not apply unless the grade assigned was inaccurately recorded, under which condition the record will be corrected. Following are the procedures for the correction of records:

1. A student must request, in writing, that the Registrar of WNCC amend the educational record. In such written request, the student must specify the record to be amended; state why the student believes the record is inaccurate, misleading, or in violation of his/her rights; and provide supporting documentation or evidence to support the request. If the student has inspected their record in person, the request must be made within 10 working days.
2. If WNCC decides that the information is inaccurate, misleading, or in violation of the student's rights of privacy, WNCC will amend the records and notify the student in writing.
3. If WNCC decides that the challenged information is **not** inaccurate, misleading, or in violation of the student's rights of privacy, WNCC will not amend the records and the student will be notified in writing.
4. The student may appeal the decision in writing and submit it to the Registrar within 10 working days of the student's notification of the decision. The appeal shall be reviewed by the Registrar and Appeals Board of three disinterested College officials and a decision rendered, in writing, within a reasonable period of time, but no more than thirty days.
5. The request, statement, appeal and any other documentation submitted will be maintained as part of the student's education record. If WNCC discloses the contested portion of the records, it must also disclose the statements contesting the record.

Deceased Students

Records for a deceased student may be released to the personal representative of the deceased's estate, or, in the absence of a personal representative, to the deceased student's next of kin.

Solomon Amendment

WNCC will comply with the requirements of the Solomon Amendment, which requires colleges to provide directory information to US military. WNCC reserves the right to provide directory information only and may, at the discretion of the College, sort the information as requested by the US military.

Security and Confidentiality Agreement

Any WNCC employee who is part of the Financial Aid Management team (FAM) or has access to Student Information System (SIS) is required to sign a WNCC Security and Confidentiality Agreement.

Revising this Procedure

This President's Procedure supersedes any prior WNCC policy, procedure, guideline or handbook on this subject matter.

WNCC reserves the right to revise this procedure, as necessary, or as new laws require attention.