

WESTERN NEBRASKA COMMUNITY COLLEGE

Western Community College Area Board of Governors' Policy

TITLE:	Confidentiality of Student Records
DIVISION:	Student Services
CATEGORY:	Admissions, Registration, and Student Records
REFERENCE:	Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; 34 CFR Part 99; and 34 CFR §99.31; Nebraska Revised Statute(s): §79-776; §79-2,104; §85-110; §85-309; and §85-1511
NUMBER:	BP-551
APPROVAL/DATE:	F. Lynne Klemke, President WCCA Board of Governors Date: October 23, 2019

Purpose:

To establish a policy ensuring student records are maintained in compliance with federal and state retention and privacy laws and protected by the College.

Scope

This policy shall apply to all Western Nebraska Community College (WNCC) students.

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.

Policy

The College shall establish an official file for each student, which may be housed electronically in a student information system. Confidentiality of the contents of this file, e.g., grades, disciplinary issues

or tuition and fees charges, shall be maintained at all times with access limited to the individual student, parent/legal guardian, or College personnel.

Requests for the release of information, other than directory information permitted by law, shall not be honored without written permission from the student. However, as per FERPA, the College may disclose those records, without consent, to the following parties or under the following conditions:

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To parents of an eligible student if the student is a dependent for IRS tax purposes;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- Information the school has designated as “directory information”;
- 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.
- 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; and
- 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.

As per federal law, the College must inform parents/legal guardians and eligible students about directory information and allow parents/legal guardians and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents/legal guardians and eligible students annually of their rights under FERPA.

The President is authorized to establish procedures consistent with this policy for placement, use, and retrieval of such data. Such procedures are to be consistent with any applicable rights to privacy laws. The College shall designate a custodian of records to coordinate records retention and maintenance and receive and coordinate responses to public records requests.

Revising this Policy

This Board Policy supersedes any prior WNCC policy, procedure, guideline or handbook on this subject matter.

If statutory provisions, regulatory guidance, or court interpretations change or conflict with this Board Policy, the Board retains the right to revise accordingly and for the changes to take effect immediately.

Original Adoption Date (and Board of Governor’s Minutes Item Number): 2019

Revision Date (and Board of Governors’ Minutes Item Number):

Prior Policy Number:

Schedule for Review:

Divisions/Department Responsible for Review and Update:

Sponsoring Division/Department:

Repeal Date:

Cross Reference:

Procedure(s) for Policy:

Related Policies/References: