

Policies and Procedures For Privacy Of Student Educational Records

To comply with requirements of the *Family Educational Rights and Privacy Act of 1974* (FERPA), Wallace Community College has established the following policies and procedures. Wallace Community College accords all rights under the law to students who are declared independent. For the purpose of this policy, whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student. Responsibility for protection of the privacy of student educational records rests primarily with the Director of Enrollment Services/Registrar. Educational records are defined by FERPA to include records, files, documents, and other materials that contain information directly related to students and are maintained by an educational agency or institution or by a person acting for such agency or institution. Six exceptions to this definition of educational records are published in the *2012 FERPA Guide*, a publication of the American Association of Collegiate Registrars and Admissions Officers.

Education records *do not* include:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except temporary substitute for the maker of the record.
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8.
3. Records relating to an individual who is employed by an educational agency or institution, 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; and
 - c. are not available for use for any other purpose. (N.B. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b) (3) (i) [see page 154] of this definition.)
4. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - a. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity;
 - b. made, maintained, or used only in connection with treatment of the student; and
 - c. disclosed only to individuals providing treatment. For the purpose of this definition, "treatment" does not include remedial educational activities that are part of the program of instruction at the agency or institution.
5. Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

Student Access to Educational Records

All students have the right to review their educational records with the following exceptions as outlined by FERPA:

1. Financial information submitted by parents.
2. Confidential letters and recommendations placed in student files prior to January 1, 1975, provided these letters were collected under established policies of confidentiality and were used only for the purposes for which they were specifically collected.
3. Confidential letters and statements of recommendation, placed in the records after January 1, 1975, to which the students have waived their right to inspect and review and that are related to the students' admission, application for employment or job placement, or receipt of honors.
4. Educational records containing information about more than one student; however, in such cases the College must allow access to that part of the record that pertains only to the inquiring student. Wallace Community College does not provide copies of educational records, except transcripts, unless geographic distance precludes students from effectively having access to their educational records.

To review records, students and former students may go to the Admissions and Records Office, present a valid photo identification card, and ask to review the record. If it is an inappropriate time to retrieve the record or is short notice, students may be requested to complete a Request to Review Educational Records form in the Admissions and Records Office. Because of various circumstances, the College may delay, up to a maximum of 45 days, release of the records for review. The College is not required to provide access to records of applicants for admission who are denied acceptance or, if accepted, do not attend. Wallace Community College does not provide copies of the contents of student records unless a student is not within commuting distance of the College and is, therefore, physically unable to be present to view the records on campus. A photocopying fee of \$.25 per sheet will be assessed.

Challenge of the Contents of Educational Records

Students may challenge information in their educational records that they believe to be incorrect, inaccurate, or inappropriate. This challenge must be in writing and must be submitted to the appropriate records custodian, who is responsible for the records in question, if they do so within one year of the term in question. The records custodian must decide within a reasonable period of time whether corrective action will be taken and must provide written notification to the student and the Director of Enrollment Services/Registrar of the corrective action that has been approved. Students who are not provided full resolution sought by their challenge must be referred to the Dean of Student Affairs who will inform them of their right to a formal hearing. Students must make their request for a formal hearing in writing to the Dean of Student Affairs. The following procedures apply:

1. The hearing panel that will adjudicate such challenges will be the Admissions and Academic Standards Committee.
2. Within a reasonable period of time after receiving the written request for a hearing, the chairperson of the Admissions and Academic Standards Committee must inform students of the date, place, and time of the hearing, reasonably in advance of the hearing.
3. Students will be afforded a full and fair opportunity to present evidence relevant to the issue raised. They may be assisted or represented at the hearing by one or more individuals of their choice, including an attorney, at their own expense.
4. Decisions made by the Admissions and Academic Standards Committee must be in writing, must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. The decision should be delivered in writing to the student; the Dean of Student Affairs; and the Director of Enrollment Services/Registrar.
 - a. The Admissions and Records Office will correct or amend the educational record in accordance with the decision of the hearing, if the decision is in favor of the student, and inform the student in writing of the amendment.
 - b. Should Wallace Community College decide not to amend the record in accordance with the student's request, the Director of Enrollment Services/Registrar must inform the student of the following:
 - I. The student has the opportunity to place with the educational record a statement commenting on the information in the record or a statement setting forth any reason for disagreeing with the decision of the hearing.
 - II. The statement placed in the educational record by the student will be maintained as part of the record for as long as the record is held by Wallace Community College.
 - III. This record, when disclosed to an authorized party, must include the statement filed by the student.

Disclosure of Educational Record Information

Wallace Community College shall obtain written consent from students before disclosing any personally identifiable information from their educational records. Such written consent must (1) specify the records to be released, (2) state the purpose of the disclosure, (3) identify the party or class of parties to whom disclosure may be made, and (4) be signed and dated by the student.

The *Family Educational Rights and Privacy Act of 1974* (FERPA) states that certain information from student records may be classified as directory information. The following information has been declared by Wallace Community College as directory information:

- Name
- Address
- Telephone listing
- Date of birth
- Participation in officially recognized activities and sports
- Major field of study
- Weight and height of a member of an athletic team
- Dates of attendance
- Degrees and awards received

- Most recent educational institution attended
- Photographs
- Enrollment status
- E-mail address

This information will be released to inquiring individuals or agencies unless students sign a *Do Not Release Directory Information* form during the first two weeks of the term. These forms are available from the Admissions and Records Office on the Wallace Campus in Dothan, the Student Affairs Office on the Sparks Campus in Eufaula or online from the Admissions webpage. **THIS FORM MUST BE RESUBMITTED ANNUALLY.**

The *Family Educational Rights and Privacy Act of 1974* (FERPA) established rules stating that some personnel and agencies may have access to students' educational records without their written consent. Wallace Community College will disclose information from a student's educational record only with the written consent of the student except as follows:

1. To officials within the College who have been determined by the College to have a legitimate educational interest in the records. School officials include counselors and instructors who are involved in counseling students, administrators who assist in counseling and who advise students with other problems, professional and clerical staff members who directly relate to the administrative tasks of the College, College law enforcement officials, and College attorneys.
A school official has a legitimate educational interest if the official is performing a task that is specified in his or her job description or by a contract agreement, performing a task related to a student's education, or performing a task related to the discipline of a student. When doubt is raised by the Director of Enrollment Services/Registrar about an individual's need to know or legitimate educational interest in having access to specific information, the issue shall be decided by the President of Wallace Community College.
2. To certain officials of the United States Department of Education, the Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.
3. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of that aid.
4. To state and local officials to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
5. To organizations conducting specific studies for or on behalf of Wallace Community College.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of eligible students who claim the students as dependents for income tax purposes. Determining dependency, as defined by *Section 152 of the Internal Revenue Code*, requires a copy of the parents' most recent *Federal Income Tax Form*.

In case of a divorce, separation, or custody when only one parent declares the student as a dependent, Wallace Community College will grant equal access to the student's educational records on demonstration of dependency as described above.

8. To appropriate parties in a health or safety emergency, subject to a determination by the President or deans.
9. To personnel complying with a judicial order or lawfully issued subpoena, including Ex Parte orders under the USA Patriot Act, provided that the Admissions and Records Office makes a reasonable attempt to notify students in advance of compliance.
Note: Wallace Community College is not required to notify students if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the College not to disclose the existence or contents of the subpoena.
10. To an alleged victim of any crime of violence or non-forcible offense (as that term is defined in 18 U.S.C. 16) of the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.
11. To officials of another institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
12. To the student.
13. Information that Wallace Community College has designated as *Directory Information*.
14. The disclosure concerns sex offenders and other individuals required to register under state or federal law.
15. To a parent of a student under the age of 21 concerning the student's violation of any law or policy regarding the use or possession of alcohol or a controlled substance.
16. The disclosure, subject to the requirements in 99.39, is in connection with a disciplinary proceeding at an institution of post secondary education.

Wallace Community College will inform parties to whom personally identifiable information is released that they are not permitted to disclose the information to others without the written consent of the student. The College will maintain a record of all requests for and/or disclosure of

information from a student's educational records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

A list of the types of records that Wallace Community College maintains, their locations, and their custodians is provided at the end of this handbook.

Annual Notification of FERPA Rights

Wallace Community College will give annual notice to current students of their rights under the Act by publishing information in this *Catalog and Student Handbook* and by disseminating the *Annual Notification Statement* in a student e-mail.

Facsimile (FAX) Records

Wallace Community College will accept FAX transcripts for advising purposes only. An official transcript is required for admission to the College.

Computer Access to Records

Wallace Community College has established policies for initially instructing and periodically reminding school officials of FERPA's confidentiality requirements before it gives them access to the computer system. These school officials are informed of the criteria Wallace Community College uses to determine legitimate educational interest and of their responsibility for assuring that access is not abused.

Students Rights After Ceasing Attendance or After Graduation

Students who have ceased attendance or have graduated from Wallace Community College have basically the same FERPA rights as students currently attending, including the right to (1) inspect their educational records, (2) have a hearing to amend an educational record, and (3) have their educational record privacy protected by Wallace Community College. Former students do not have the right to request of Wallace Community College nondisclosure unless they asked, at their last opportunity as students, that no directory information be disclosed.

Privacy Rights of Deceased Students

For 25 years following the death of a student, release of educational record information will not be made unless authorized by the student's parents or the executor or executrix of the deceased student's estate.