

## RECORDS AND PRIVACY POLICY (FERPA)

**Policy Name:** Records and Privacy Policy (FERPA)

**Approval Authority:** President

**Interpreting and Implementing Authority:** Registrar

**Effective:** March 16, 2018

**Last Revised:** August 31, 2021

**Next Review Date:** March, 2023

### FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Wesleyan College recognizes the privacy rights of students with regard to their education records in compliance with the Family Educational Rights and Privacy Act of 1974 as Amended (FERPA), commonly called the Buckley Amendment. As it states, after a student becomes 18 or attends a post-secondary educational institution, all rights of the parents are transferred to the student. All students in attendance at Wesleyan will be deemed emancipated and parents will not have the authority to inspect and review the education records of their daughters unless:

1. the student gives written consent to release information, or
2. the parents provide evidence that the student is a dependent as defines in Section 152 of the Internal Revenue Code of 1986.

Under this policy, students will be notified of grades (online), academic warnings, probationary status, and dismissal. Transcripts and other information from student files will not be disclosed without the prior written consent of the student, except as herein provided.

### RIGHT OF ACCESS

Students currently enrolled or previously enrolled have the right to inspect and review their education records upon written request to the appropriate record custodian.

### EDUCATION RECORDS

An education record is any record maintained by Wesleyan College or an agent of Wesleyan College which is directly related to the student, **EXCEPT:**

1. A personal record kept by an administrator, a faculty member, or a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record. (Temporary substitute means an individual who performs on a temporary basis the duties of the individual who made the record and not an individual who permanently succeeds the maker of the record in his/her position.)
2. An employment record of an individual, whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
3. Records maintained by a unit of Wesleyan College if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and the unit does not have access to education records maintained by Wesleyan College.
4. Records maintained by the Health Center, the Director of Counseling or the Office of Student Affairs (e.g. medical, psychological, counseling records) if the records are used only for

treatment of a student and made available only to those persons providing the treatment.

5. Alumnae records which contain information about a student after she is no longer in attendance at Wesleyan College and which do not relate to the person as a student.
6. Disciplinary records that contain information regarding judicial matters, summons, sanctions, and/or policy violations.
7. The Vice President for Student Affairs, Dean of Students or her designee reserve the right to contact a student's parents in the event of problems associated with judicial matters, psychological concerns, health-related problems, or other areas covered under the Student Affairs umbrella.

## **TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS**

### Admission Records

Admission Office (Huckabee Hall)

Custodian: Vice-President for Strategic Enrollment Management

### Cumulative Academic Records

Registrar's Office (Tate Hall)

Custodian: Registrar

### Health Records

Health Center (Olive Swann Porter)

Custodian: Director of Health Services

### Financial Aid Records

Office of Financial Aid (Huckabee Hall)

Custodian: Director of Financial Aid

### Business Records

Business Office (Tate Hall)

Custodian: Vice-President for Administration/CFO

### Student Affairs Records, Placement Files, Psychometric Measures

Office of Student Affairs (Olive Swann Porter)

Custodian: Dean of Students

### Progress Records

Registrar's Office (Tate Hall)

Academic Resource Center (Willett Library)

Custodian: Registrar

Custodian: Director of Academic Resource Center

### Degree Audit/Academic Advising

Registrar's Office (Tate Hall)

Academic Center (Willett Library)

Custodian: Registrar

Custodian: Director of Academic Resource Center

## Disciplinary Records

Office of Student Affairs (Olive Swann Porter)

Office of the Provost (Tate Hall)

Custodian: Dean of Students

Custodian: Provost and Vice-President for Academic Affairs

Occasional Records – (Education records not included among those listed, such as correspondence, committee minutes, *et cetera*).

The appropriate college official will collect such available records and either direct the student to their location, or otherwise make them available for inspection and review: Custodian: The College staff person who maintains such occasional systems records.

## DISCLOSURE OF EDUCATION RECORDS

Wesleyan College will disclose information from a student's education records only with the written consent of the student, **EXCEPT**:

1. To school officials who have a legitimate educational interest in the records. A school official is
  - A. a person employed by Wesleyan College in an administrative, supervisory, academic or research, or support staff position,
  - B. a person elected to the Board of Trustees,
  - C. a person employed by or under contract to Wesleyan College to perform a special task, such as an attorney or auditor.

A school official has a legitimate educational interest if the official is

- A. performing a task in his or her position or by a contract agreement,
  - B. performing a task related to a student's education,
  - C. performing a task related to the discipline of a student. The determination as to whether an official of the College requesting access to a student's educational record has a legitimate educational interest in that record shall be made by the official responsible for the custody of the record.
2. To officials of another school, upon request, in which a student seeks or intends to enroll.
  3. To the following individuals:
    - the Attorney General of the United States,
    - the Comptroller General,
    - the Secretary of the United States Department of Education,
    - the Veterans Administration,
    - the Department of Defense representatives obtaining, among other things, student information for recruiting purposes under the Solomon Amendment (10 USC § 983),
    - and to certain officials of state and local educational authorities, in connection with certain state or federally supported education programs.
  4. 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 the aid.
  5. If required by a state or local law requiring disclosure that was adopted before November 19, 1974.

6. To organizations conducting certain studies for or on behalf of Wesleyan College.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena. The College will make a reasonable effort to notify the student of the order or subpoena in advance of compliance therewith, except where a subpoena is issued by a federal grand jury or for a law enforcement purpose and the court or other issuing agency orders the College not to disclose the existence or contents of the subpoena.
10. To appropriate parties in a health or safety emergency.
11. To an alleged victim of any crime of violence or a non-forcible sex offense, or the alleged victims next of kin (if the victim dies as a results of the crime or offence) of the final results of an institutional disciplinary proceeding dealing with that crime or offense.
12. To others as may be defined under FERPA.

Student records released by the College, whether by student authorization or by exceptions as stated, are released under the express condition that the receiving party or agency not disclose the record to a third party or agency without the written consent of the student.

#### **PROCEDURE TO INSPECT EDUCATION RECORDS**

Students should submit to the record custodian a written request which identifies as precisely as possible the record or records she wishes to inspect. The request must be signed and dated by the student. The record custodian will make the needed 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 in 45 days or less from the receipt of the request. When a record contains information about more than one student, the student may inspect and review only the records which relate to her.

The student will examine her record in the office in which the records are maintained; she may not remove any item of information from her record file.

#### **RIGHT OF WESLEYAN COLLEGE TO REFUSE ACCESS**

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

1. The financial records and statement of the student's parents or any information contained therein.
2. Letters and statement of recommendation for which the student has waived her right of access, or which were placed in file before January, 1975.
3. Records connected with an application to attend Wesleyan College if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

#### **RIGHT OF WESLEYAN COLLEGE TO REFUSE TO PROVIDE COPIES**

Wesleyan College reserves the right to deny transcripts or copies of records not required to be made available by FERPA in any one of the following situations:

1. the student has an unpaid financial obligation to Wesleyan College;
2. there is an unresolved disciplinary action against the student,

3. the student lives within commuting distance of Wesleyan College.

### **FEES FOR COPIES OF RECORDS**

The fee for transcripts requested through National Student Clearinghouse is \$5.25 for electronic copies and \$10.25 for paper copies, and notice of such is published in the *Wesleyan College Catalogue* and on the College website. Additional charges will be incurred for expedited delivery and delivery outside the United States. The fee for transcripts requested through the Registrar's Office is \$12 for a paper transcript. The fee for copies of records other than transcripts shall be 50 cents per page plus labor for copying at the rate of \$6.00 per hour and postage, if applicable. The College reserves the right to make reasonable increases in copy fees by giving annual notice.

### **RECORD OF REQUESTS FOR DISCLOSURE**

Wesleyan College will maintain a record of all requests for and/or 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 redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

The record of disclosure shall be retained as long as the educational record, to which it refers, is maintained by the College. Disclosure of directory information and disclosure of other information to authorized Wesleyan personnel are not covered by this record-keeping requirement.

### **DIRECTORY INFORMATION**

Wesleyan College designates the following items as Directory Information: the student's name, major field(s) of study of the student, dates of attendance at Wesleyan, full-time vs. part-time status of attendance at Wesleyan, class (year in school), degree(s) awarded, participation in officially recognized activities and sports including weight and height of members of athletic teams, awards and honors, most recent previous school attended, and photograph.

Directory Information is not considered confidential and will be released to outside parties upon request unless the student specifies in writing no later than two weeks after registration each semester (or two days after registration in each short term) that certain information is not to be released. Directory Information will not be published on any basis for general off-campus distribution or for commercial purposes.

In addition, the College releases announcements of students' activities and achievements to the press. Students who do not wish this information released about themselves, even for public relations purposes, should notify the offices of the Registrar, Communications, and Student Affairs.

### **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. Following are the procedures for the correction of records:

1. A student must ask the official in charge of the record to amend it. In so doing, the student should identify the part of the record he or she wants changed and specify why he or she believes it is inaccurate, misleading or in violation of his/ her right to privacy. This particular provision does not apply to questions of merit in the awarding of grades by instructors, only to questions of accuracy in recording.
2. Wesleyan College may comply with the request or it may decide not to comply. If it decides not to comply, Wesleyan College will notify the student of the decision and advise the student of

his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of his/ her rights.

3. Upon the student's written request to the President, Wesleyan College will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing committee of disinterested parties, appointed by the President; however, the hearing committee may be officials of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.
5. Wesleyan College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If Wesleyan College decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Wesleyan College discloses the contested portion of the record, it will also disclose the statement.
8. If Wesleyan College decides that the information is inaccurate, misleading, or in violation of the student's right to privacy, it will amend the record and notify the student, in writing, that the record has been amended.

#### **RIGHT TO WAIVE**

A student may waive his/ her right of access to confidential recommendations placed in his/ her files.

#### **GRADES/WARNING/DISMISSAL**

Academic warning and letters of dismissal will be sent to students at their home addresses; grades are accessible online via *Wes Portal*.

#### **CONDITIONS FOR NON-RELEASE**

Wesleyan College reserves the right to withhold copies of transcripts, or diploma, of any student who is past due or delinquent on her loan obligations to the College, is delinquent or has defaulted on federal student loans, owes the College money from previous enrollment, has failed to submit official transcripts from previous high school or college attendance, has failed to secure proper immunization as required by the Health Services of the College, or has not completed Honor Council sanctions. This stipulation does not in any way abrogate the student's right to personally examine or inspect such records.

#### **DESTRUCTION OF RECORDS**

It is the College's policy periodically to review and destroy certain educational records. Policies dealing with each type may be ascertained from the offices responsible.

## NOTIFICATION OF STUDENTS

The printing of this policy statement in the *Student Handbook* shall constitute annual public notice to students of their privacy rights as addressed by this policy. Copies of this policy shall be available in the offices responsible and on WesPortal. Complaints concerning the College's failure to comply with FERPA may be addressed to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202.