

# Kentucky Wesleyan College

## Policy & Procedure Manual

---

### **Student Information Privacy Policy**

**Approval:** President

**Policy Type:** College

**Policy Owner:** Registrar

**Responsible Office:** Registrar

#### **Revision History**

**Approval Date:** May 2018

**Modified:**

**Next Review:** May 2021

---

### **1. Purpose**

- 1.1. The amended Family Educational Rights and Privacy Act of 1974 (FERPA), is the Federal law which requires educational institutions to establish a written policy regarding the privacy rights of students. It also requires institutions to make available a statement describing their procedures regarding students' privacy rights.

### **2. Scope**

- 2.1. This policy applies to the handling of records for all Kentucky Wesleyan students.

### **3. Definitions**

- 3.1. Student: any person who attends or has attended the college.
- 3.2. Education records: any record (in handwriting, print, tapes, film, electronic, or other medium) maintained by Kentucky Wesleyan, which is directly related to students. Education records include, but are not limited to, admissions, academic, certain financial, and placement records.
- 3.3. Education records do **not** include:
  - A personal record kept by a faculty or staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute, if appropriate.
  - Any employment/personnel records.

- Records maintained by Campus Security, if the record is maintained solely for law enforcement purposes and is revealed only to law enforcement agencies of the same jurisdiction.
- Records created and maintained by physicians, psychologists, or other recognized professional or paraprofessional staff, acting or assisting in a professional capacity, if the records are used only for treatment of a student and made available only to those persons providing the treatment.
- Alumni records, which contain information about students after they are no longer in attendance at Kentucky Wesleyan and which do not relate to persons as students.

#### 4. Policy

**4.1.** Kentucky Wesleyan College shall maintain the confidentiality of education records in accordance with the provisions of FERPA, and shall accord all the rights under the law to all students who are or have been in attendance at the college.

#### **4.2. Annual Notification of FERPA Rights**

4.2.1. Kentucky Wesleyan will notify all registered students annually of their FERPA rights through publication.

#### **4.3. Right to Inspect & Review Education Records**

4.3.1. Students may inspect and review information contained in their education records upon request to the appropriate record custodian. Kentucky Wesleyan has designated the Registrar as the staff person responsible for the coordination of inspection and review procedures for student education records.

4.3.2. Students wishing to review their education records must present a written request to the Registrar. The request must identify as precisely as possible the records they wish to inspect.

4.3.3. The Registrar or another appropriate college staff member 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 will be given within 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 related to them.

4.3.4. Students have the right to a copy of their education record which is subject to review only when failure to provide a copy of a record would effectively prevent the student from inspecting and reviewing the record, as determined at the discretion of the Registrar. A copy of an education record otherwise subject to review may be refused *if a "hold" for non-payment of financial obligations exists or in case of an unresolved disciplinary action involving the student*. No copies of original documents, or of source documents which originate from and exist elsewhere, including any high school transcripts or transcripts from other academic institutions, will be made. Copies are made at the student's expense and at a fee determined by the Registrar.

#### 4.4. Limitations on Right to Inspect & Review Education Records

- 4.4.1. Under the law, Kentucky Wesleyan reserves the right to refuse to permit student inspection or review of the following:
- 4.4.1.1. Financial information submitted by parents.
  - 4.4.1.2. Confidential letters and/or recommendations to which students have waived right of access or which were placed in their files before January 1, 1975.
  - 4.4.1.3. Education records containing information about more than one student. In such a case, if possible, access will be allowed to the part of the record pertaining to the inquiring student.
  - 4.4.1.4. Records connected with an application to attend Kentucky Wesleyan, if the application was denied.
  - 4.4.1.5. Records excluded from the FERPA definition of education records.

#### 4.5. Disclosure of Education Records

- 4.5.1. No person outside Kentucky Wesleyan shall have access to, nor shall Kentucky Wesleyan disclose, any personally identifiable information from a student's education record, without the written consent of the student, except as permitted by law. The consent must specify the education record disclosed, the purpose of the disclosure, the party or class of parties to whom disclosure may be made, and must be signed and dated by the student. In accordance with the law, Kentucky Wesleyan reserves the right to disclose education records without written consent to:
- 4.5.1.1. "School officials" who have a "legitimate educational interest". "School officials" shall mean any person who is a trustee, officer, agent, or employee of Kentucky Wesleyan (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (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.. "Legitimate educational interest" shall mean any authorized interest or activity undertaken in the name of the institution and in the educational interest of a student, for which access to an education record is necessary or appropriate to the proper performance of the task. At Kentucky Wesleyan, this shall include access by personnel in the Offices of the President, Vice President for Academic Affairs and Dean of the College, Vice President of Executive Initiative and Retention, Associate Dean of the College and Director of Adult and Online Education, Dean of Student Services, Dean of Student Success, Registrar, Admission, Alumni, Development, Trustees, Faculty, legal counsel, agent, and any others authorized by the President, to the extent that the foregoing persons are acting within the course and scope of their employment or authority, and access is necessary or appropriate as defined above.
  - 4.5.1.2. To authorized representatives of the U.S. Department of Education, the Comptroller General, and State and local educational authorities, if the information is necessary for audit and evaluation of federal, state or locally supported programs and only if such agencies or authorities have a policy for protecting such information from re-disclosure and for destroying such information when it is no longer needed for such purpose (unless access is authorized by federal law or student consent).

- 4.5.1.3. To persons or organizations providing student financial aid in order to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the award.
- 4.5.1.4. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
- 4.5.1.5. If required by a state law requiring disclosure that was adopted prior to November 19, 1974.
- 4.5.1.6. To organizations conducting certain studies for or on behalf of Kentucky Wesleyan, provided there is no further external disclosure of personally identifiable information and the information is destroyed when no longer necessary for the projects.
- 4.5.1.7. To accrediting organizations carrying out their functions.
- 4.5.1.8. To persons in order to comply with a judicial order or a lawfully issued subpoena.
- 4.5.1.9. To appropriate parties in a health or safety emergency.
- 4.5.2. Kentucky Wesleyan College will keep a written record of all requests for and/or disclosure of information from a student's education record. The record will specify the education records disclosed, the name of the party making the request, the date of the disclosure, and the legitimate interest the party had in requesting or obtaining the information, if appropriate. This written record may be reviewed by the student upon request. No record of disclosure is required for disclosures made to a student for his or her own use, disclosures made with written consent of a student, disclosures made to a college "official" or "agent" with a "legitimate educational interest," or for disclosures of "directory information."

#### **4.6. Disclosure of Directory Information**

- 4.6.1. At its discretion, KWC may confirm or disclose "directory information" to the general public. Pursuant to FERPA, KWC defines "directory information" as:
- Student name
  - Addresses (local, permanent and email)
  - Phone number(s)
  - Date of birth
  - Declared fields of study (major(s), minor(s), etc.)
  - Status (full-time, part-time, withdrawn, graduated, etc.)
  - Dates of attendance
  - Classification (freshman, sophomore, etc.)
  - Degrees awarded, including any honors received
  - Most recent previous educational institution attended
  - Photographic, video or electronic images of students taken and maintained by the college
  - Participation in officially recognized activities/sports
  - Weight and height of members of athletic teams
  - Whether or not student is in good standing with the College
  - Name of student's academic advisor

- 4.6.2. Kentucky Wesleyan College Athletics may also release information about a student in compliance with normal practices for “team rosters,” such as height, weight, and performance averages.
- 4.6.3. Currently enrolled students may request the College not to disclose *Directory Information* by notifying the Registrar in writing. All requests for non-disclosure of *Directory Information* by current students will be honored from the date a proper written request is accepted by the Registrar, and will then be withheld as long as the student is enrolled or until the student submits a request to revoke the withholding of *Directory Information* to the Registrar. Alumni may request non-disclosure of *Directory Information* at any time. Requests by alumni to withhold *Directory Information* will be honored until the alumnus revokes the request to withhold *Directory Information* by informing the Registrar in writing. To withhold disclosure, complete, sign and submit a “Request for Non-Disclosure of *Directory Information*” form which may be found on the Registrar’s tab at [www.kwc.edu](http://www.kwc.edu).

#### **4.7. Right to Amend or Correct Education Records**

- 4.7.1. Students have the right to request to have their education records amended, if they believe the records are inaccurate, misleading, or in violation of their rights. Kentucky Wesleyan has established the following procedures for requests to change records.
  - 4.7.1.1. Students who believe that their education records contain information that is inaccurate, misleading, or is otherwise in violation of their privacy or other rights, should first request the Registrar to amend the record. All such requests must be made in writing. When making such a request, students must clearly identify the part of the record they believe is incorrect, and specify why they believe it is inaccurate, misleading, or in violation of their privacy or other rights. It is the responsibility of the student to provide legal documentation (i.e. official birth certificate, court record, or marriage certificate) for requests for name changes. Official College records are not altered if former students change their names after they leave the College.
  - 4.7.1.2. If the decision of the Registrar is in agreement with the request of the students, the appropriate records will be amended, and the students will be notified in writing of the amendment. If the decision is not in agreement, the Registrar will notify the students of the decision, and advise them of their right to a formal hearing to challenge the information believed to be inaccurate, misleading, or in violation of their rights.
  - 4.7.1.3. Within fourteen days after receipt of the notice from the Registrar, students may address requests for a hearing in writing to the Vice President of Academic Affairs, who will notify the Chair of the Academic Policies Committee (APC). The Chair of the APC will, within 14 days after receiving a request, inform students of the date, place, and time of the hearing.
  - 4.7.1.4. The hearing will be conducted by the APC, who will deliver a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented, state the findings of fact, and provide the reasons for the panel’s decision. The decision of the panel will be final. The written report

shall be mailed to the students and any other concerned party within 30 days after the date of the hearing.

4.7.1.5. If the College determines that the challenged information is not inaccurate, misleading, or in violation of the students’ right of privacy or other rights, it will notify the students that they have the right to place a statement in their education record commenting on the challenged information and/or a statement setting forth their reasons for disagreeing with the decision. The statement will be maintained as part of the students’ education record as long as the contested portion is maintained. And, if KWC discloses a contested portion of a record, it will also disclose the student’s statement.

4.7.1.6. If it is determined that the education records at issue are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students, the education records shall be amended in accordance with the decision and the students shall be informed of the amendment in writing.

**4.8. Right to File a Complaint for Alleged FERPA Violations**

4.8.1. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Kentucky Wesleyan 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, S.W. Washington, D.C. 20202-5901

**5. Types, Locations, and Custodians of Education Records**

Type	Location	Custodian
Academic Advising Files	Various	Adviser
Academic Integrity (Misconduct) File	ADM 106B	VPAA & Dean of College
Academic Records (incl. Transcripts)	ADM 107A	Registrar
Student Financial Records	ADM 108C	Controller
Misc. Academic Records	ADM 105	VPAA & Dean of College
Disciplinary Records	ADM 208A	Dean of Student Services
Financial Aid Files	ADM 120	Director of Financial Aid
Student Health Records	ADM 213	Campus Nurse
Disability Support Services	ADM 109A	Director of Disability Support Services
Athletic Eligibility Records	HRC 106	NCAA Compliance Officer
Athletic Medical/Insurance	HRC 149 & 150	Athletic Trainers
Teacher Education Records	FOB 16	Program Director Education

