WHEATON COLLEGE
For Christ & His Kingdom

FERPA
POLICY STATEMENT
THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The *Family Educational Rights and Privacy Act* of 1974 ("FERPA" or "the Act"), as amended, is a federal law enacted to establish procedures for disclosing information contained in student records and to protect the privacy of those records. Student education records exist in a variety of media, such as paper, database, microfiche, and electronic data storage including emails. The *Act* applies to currently enrolled students and former students but does not apply to individuals who have applied for admission but never attended Wheaton College. Enrolled students are those students who are in attendance. Applicants for admission who are denied enrollment or who are accepted but do not enroll do not have a right to review their records. Information obtained on a former student that is not directly related to the student's attendance is not covered under the *Act* (e.g. data accumulated on alumni). All rights under the *Act* cease when a person dies; the College will decide on an individual basis what records of deceased students can be released and to whom they will be released.

Wheaton College will notify students annually of their rights under the *Act* via email and by publishing such information on the Registrar's website and in the College catalog. The catalog notice will inform the student that a complete policy is available from the Office of the Registrar.

A "school official" covered by the *Act* typically includes a person employed by Wheaton College in an administrative, supervisory, academic, research, or support staff position (including but not limited to public safety personnel and health staff); Trustees and persons serving on College committees; and student employees who have access to education records. A school official may also include individuals or representatives of agencies or companies under contract with the College who perform services or functions for which the College would otherwise use its own employees. A school official typically has a legitimate educational interest if the school official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

Student records will be designated as "directory" or "non-directory" information. "Directory information" is defined in the attached Notice, and may be released at the discretion of College officials without the written permission of the student. "Non-directory information" is defined as any personally identifiable student information which is not directory information. Once a year, students will be notified about the opportunity to request that directory information be withheld unless their written approval is given. Unless the individual has requested the withholding of directory information, Wheaton College may disclose directory information concerning former students at its discretion.

1. Types of educational records maintained by Wheaton College include but are not limited to:
    a. Admissions Office – Application for admission, academic records from past schools attended, recommendations, and related documents. These records are transferred to the Office of the Registrar or the Student Development Office after the student has been in attendance.
    b. Student Financial Services Office – Financial statements and reports, aid applications, award amounts, account balances, account charges, billing, and payment(s).
    c. Office of the Registrar – Application for admission, academic records from past schools attended (transcripts and score reports), grades, grade point average, enrollment level, course registration, academic standing (probation, dismissal), degree completion requirements.

d. Center for Vocation and Career – Landed data completed by the student, information provided on student-submitted resumes, declared academic majors and minors, information on courses taken toward degree.
e. Student Health Services – Student medical forms and records of medical services rendered to the student through the College. Medical records will not be released without the patient's signed consent through the SHS office.
f. Athletic Office – Copies of athletic physicals and NCAA compliance data.
g. Student Development – Admission essays, recommendations, undergraduate student conduct records, residence life fines, and miscellaneous correspondence.
h. International Student Programs – Official documents related to travel, visa status, and work authorization for F-1 visa international undergraduate students.
i. Graduate Student Life – Student recommendations, graduate student conduct records, and official documents related to travel, visa status, and work authorization for F-1 visa international graduate students.
j. Academic Advising Office, Faculty Advisors, and Academic Department Offices – Various communications to students, related advising material, letters of recommendation, online classroom records.
k. Public Safety – Photograph, ID card information, data on car registrations and tickets issued, incident reports
l. Housing Services – Housing and meal plan application records.
m. Equity & Title IX Office – Harassment and/or discrimination outcomes including records related to investigations, informal resolutions, and supportive measures to parties.
n. Student Wellness – Leave of Absence records, enrollment change records, and records regarding outreach in response to referrals.
o. Learning and Accessibility Services – ADA/504 Accommodation Records, disability-related documentation submitted by the student.
p. Human Resources and Department Offices – Student employment records.

2. Currently enrolled and former students have a right to inspect their educational records upon written request, with the exceptions in section five below. Students must request specific records to inspect to the appropriate office in writing as noted in section two above. The records will be made available to the student for inspection no less than 48 hours following receipt of the request and no longer than 45 days following the request.

3. Students may request copies of available records but may be asked to pay copying and postage charges for paper copies. Copies of education records (e.g., transcripts) that were issued by other educational institutions will not be provided unless authorized by the Registrar.

4. The following records are not open to student inspection under FERPA:
    a. Records which are made and are in the sole possession of the maker and are not accessible or revealed to any other person (except a substitute instructor).
    b. Law enforcement records (unless such records are used by another school official in connection with a disciplinary action or proceeding).
    c. Records related to employment with the College (unless the student is employed as a result of his or her status as a student (e.g., a work study position), in which case the records are considered education records under FERPA.

d. Records created by a physician, psychologist, or other recognized professional acting in that official capacity which are maintained and used only for the treatment of the student and not disclosed to anyone other than the individuals providing the treatment. Students do, however, have the right to
request that a physician or appropriate professional of the student's choice review these records.
e. Records containing information relating to the person that are created after that person is no longer a student at the College and are not related to the person's attendance as a student at the College (e.g. accomplishments of alumni).
f. Parent/guardian financial documentation or the information contained in such documentation (e.g. tax returns, W-2, etc.).
g. Confidential letters and statements of recommendation if the student has waived in writing his or her right to inspect those letters and recommendations. Students may revoke a waiver at a later time, but any such revocation must be in writing and is only effective with respect to actions occurring after the revocation.
h. Records protected by the attorney-client or the attorney-work-product common law privilege.

5. If a student believes that information in his or her record is inaccurate, misleading, or otherwise in violation of his or her privacy rights, he or she may request that a change in the record be made. Such a request must be in writing and submitted to the appropriate College official in whose office the record in question is located. The request should clearly identify the part of the record the student wants amended and why it should be amended or is a violation of the student's privacy rights. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. If the student disagrees with the action taken, he or she may make a written request to that official for a hearing to contest the decision. A hearing will be conducted within three weeks (or as soon thereafter as is practicable) of the written request with the student having an opportunity to present all relevant evidence. The hearing panel will consist of the College official in charge of the record in question and two other officials selected by the official in charge. The student will be notified within two weeks of the hearing (or as soon thereafter as is practicable) as to the decision of the official or hearing panel. The decision of the hearing panel is final. If the student disagrees with the action taken by the hearing panel or official, he or she may place a statement in his or her educational record giving the reasons for disagreeing with the decision. (Note: In respect to grades for courses taken, this policy applies to the way in which the grade may have been recorded but does not apply to the grade itself as submitted by the instructor – see the academic grievance policy in the current Student Handbook.)

6. "Directory" and "Non-directory information" <u>may</u> be released without the written consent of the student to:
   a. Wheaton College personnel who have a legitimate educational interest in the records.
   b. A person or organization retained to be an agent for, or under contract with Wheaton College (e.g. financial auditors, attorney, National Student Clearinghouse, etc).
   c. Officials of another school in which the student seeks to enroll.
   d. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or State or local educational authorities for audit and evaluation of Federal and State supported education programs, for the enforcement of or compliance with Federal legal requirements which relate to those programs, or for research.
   e. Persons or organizations involving financial aid in order to determine the students eligibility for financial aid, including veteran's benefits; to determine the amount of financial aid; to

determine conditions to be imposed regarding financial aid; and to enforce conditions of financial aid.

f. State and local officials as allowed by state statutes concerning the juvenile justice system.
g. Organizations who are conducting studies to develop, validate, and administer predictive tests; administer student aid programs; and improve instruction. Those organizations cannot redisclose personally identifiable information of students.
h. Accrediting agencies carrying out their accrediting functions.
i. Parents of dependent students (i.e., Students who are claimed as dependents on their parents'/guardians' most recent federal tax return).
j. Comply with a judicial order or lawfully issued subpoena. The College will notify the student when such a request occurs without the student's knowledge unless prohibited by law.
k. Appropriate persons in a health or safety emergency.
l. The victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing conducted by the College against the alleged perpetrator of such crime or offense with respect to the alleged crime or offense.
m. Any third party, the final results of a disciplinary proceeding against an alleged perpetrator of a crime of violence or non-forcible sex offense, provided the student is found to have violated College policies. This release is strictly confined to the student's name, the violation, and the sanctions imposed, and must exclude the names of other students unless they provide written consent.
n. Parents/guardians of students under the age of 21 who violated federal, state, or local laws, or College policies governing the use or possession of alcohol or a controlled substance, where the College determines the student has committed a disciplinary violation with respect to that use or possession.
o. Publish the list of registered sex offenders, which is provided under state sex offender registration and campus community notification programs for institutions of higher education.
p. Immigration officers upon request, the immigration records for F, M, and J nonimmigrant visa students or exchange visitors must be provided.

7. "Directory" and "Non-directory information" ("Student Recruiting Information") must be released without the written consent of the student to Department of Defense representatives as defined by Solomon Amendment (1996).

8. The College can release information related to a student contained in law enforcement records so long as such records are created by a law enforcement unit, created for a law enforcement purpose, and maintained by a law enforcement unit in a manner that segregates them from records maintained by other components of the College.

9. Wheaton College will maintain a record of requests for access to and disclosure of a student's non-directory information to anyone other than the student, School Officials with a legitimate educational interest, a party with the student's written consent, a party seeking only directory information, or a party seeking or receiving the records as directed by a court order or lawfully issued subpoena that directs the College to refrain from disclosing the contents of the subpoena or the information furnished in response to the subpoena. A student may inspect the record of disclosure unless such inspection is prohibited under the terms of a court order or lawfully issued subpoena.

10. The *Act* does not guarantee any rights to parents or guardians of students who are attending post-secondary

education institutions. The *Act* does, however, allow such institutions to provide parent(s)with access to student records if the parent(s) claims the student as a dependent on his or her income tax return. Students who are not U.S. citizens are considered to be independent and their records will not be released to parents without the student's express written consent unless the student experiences a health or safety emergency.

11. Enforcement of FERPA is the responsibility of the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5920.

    Further information concerning FERPA is available from the Office of the Registrar, Wheaton College, Wheaton, Illinois 60187. The Registrar's Office is located in the Student Services Building, Room 222.