

WHEATON COLLEGE

POLICY STATEMENT - THE FAMILY RIGHTS AND PRIVACY ACT

The *Family Educational Rights and Privacy Act* of 1974 (FERPA), as amended, is a federal law enacted to establish procedures for disclosing information contained in student records and to protect the privacy of these records. 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. 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 not currently enrolled 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* by publishing such information in the College catalog. That notice will inform the student that a complete policy is available from the Office of the Registrar.

A school official is a person employed by Wheaton College in an administrative, supervisory, academic or research, or support staff position (including Public Safety personnel and Health Center staff); a person or company with whom Wheaton College has contracted (e.g. auditors, attorney, National Student Clearinghouse, etc.); a person serving on the Board of Trustees; or a student serving in an official committee or assisting another College official in performing his or her tasks.

1. Currently enrolled and former students have a right to inspect their educational records upon written request except for financial statements and records of parents or confidential letters and recommendations placed in the student's record 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 waiver must be in writing and is only effective with respect to actions occurring after the revocation. Students must request permission in writing to inspect their records and must present that request to the appropriate office as noted in item three of this policy. The records will be made available to the student for inspection no less than 48 hours following receipt of the request and not more than 45 days following the request. A College employee will be present while the student inspects his or her records.
2. The following files 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 teacher).
 - 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 an 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 (e.g. accomplishments of alumni).
 - f. Parent financial documentation or the information contained in such documentation (e.g. tax returns, W-2, etc.)

3. Types of educational records maintained by Wheaton College are as follows:
 - 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 is enrolled.
 - b. Financial Aid Office – Financial statements and reports, aid applications, records of financial aid awarded, and related documents. See the Director of Financial Aid.
 - c. Office of the Registrar – Personal information data, course registration, records of all courses taken including grades, documents related to degree completion requirements, requests for teacher certification and other related information. See the Registrar.
 - d. Business Office – Records related to all charges, payments, and loans for educational services rendered by the College. See the College Controller.
 - e. Career Services – Placement data completed by the student, resumes, information on courses taken toward degree, letters of recommendation from faculty and/or employers. See Director of Career Services.
 - f. Teacher Education Office – Student Application to Teacher Education, copies of grades, notes from student interviews, faculty recommendations, department recommendations, and related documents. See Education Department Chair.
 - g. Health Services – Student medical forms and records of medical services rendered to the student through the College. See Director of Student Health Services.
 - h. Athletic Office – Copies of athletic physicals. See Athletic Director.
 - i. Office of Undergraduate Student Development – Admission Application (duplicate copy), recommendations, evaluations from resident hall personnel, interest test results, housing applications, community covenant and miscellaneous correspondence. See Vice President for Student Development or one of the Student Development Deans.
 - j. Graduate Student Services – Student recommendations. See Director of Graduate/International Student Services.
 - k. Office of Advancement – Personal data on alumni of the College and records of financial giving. See Vice President for Advancement.
 - l. Faculty Advisors and Academic Department Offices – Records of courses taken and grades, documents related to degree completion requirements, copies of various communications to students from other offices, and related advising material. See the Registrar.
 - m. Public Safety – Photograph, ID card information, data on car registrations and tickets issued; information related to criminal investigations and charges. See Chief of Public Safety.
4. Students may request copies of available records but must pay 10 cents per copy for the copies except for copies of the Wheaton transcript for which there is no charge. Unless otherwise required by law, Wheaton College transcripts will not be issued to students who are delinquent in paying College charges for educational services or who are behind in financial loan repayments. Copies will not be provided of education records (e.g. transcripts) which were issued by other educational institutions unless authorized by the Registrar.
5. Student records will be designated as “directory” or “non-directory” information. “Directory information” may be released at the discretion of College officials without the written permission of the student. Once a year students will be given the opportunity to request that directory information be withheld unless their written approval is given. Wheaton College may disclose directory information concerning former students at its discretion. See attachment at the end of this policy statement for a listing of directory information items. “Non-directory information” is defined as any personally identifiable student information which is not directory information.

6. “Directory” and “Non-directory information” must be released without the written consent of the student to:
- 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, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.
 - “Student Recruiting Information” to Department of Defense representatives as defined by Solomon Amendment (1996).
7. “Directory” and “Non-directory information” may be released without the written consent of the student to:
- Wheaton College personnel who have a legitimate educational interest in the records.
 - Officials of another school in which the student seeks to enroll.
 - Persons or organizations involving financial aid in order to determine the student’s eligibility for financial aid; to determine the amount of financial aid; to determine conditions to be imposed regarding financial aid; and to enforce conditions of financial aid.
 - 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).
 - State and local officials as allowed by state statutes concerning the juvenile justice system.
 - 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.
 - Accrediting agencies carrying out their accrediting functions.
 - Parents of dependent students. Students who are claimed dependents on their parents’/guardians’ most recent federal tax return.
 - To 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.
 - Appropriate persons in a health or safety emergency.
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. The *Act* does not guarantee any rights to parents or guardian of students who are attending post-secondary education institutions. The *Act* does, however, allow such institutions to provide parents with access to student records if the student is dependent upon the parent or guardian for financial support as defined by the Internal Revenue Code (the Code defines a dependent student as one who receives more than half of his or her financial support from a parent during the calendar year). If a student’s parents are divorced, the College may only disclose student information to the parent who 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.
10. 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, College officials with a legitimate educational interest, a party with the student’s written consent, 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

which will be kept by the office in which the record is maintained unless such inspection is prohibited under the terms of a court order or lawfully issued subpoena.

11. 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 (see section three). 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 record. 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 grievance policy in the current Student Handbook.)
12. Enforcement of this *Act* 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 The *Family Educational Rights and Privacy Act* 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.

WHEATON COLLEGE PUBLIC NOTICE DESIGNATION DIRECTORY INFORMATION

Wheaton College hereby designates the following student information as public or “Directory Information.” Such information may be disclosed by the institution for any purpose, at its discretion.

- Category II -- Name, campus or local address, e-mail address, telephone number, photograph, and class year
- Category III -- Home address, telephone number, name of parents, guardian and/or spouse, date and place of birth
- Category IV -- Most recent educational institution attended, major field(s) of study, degrees, honors, and awards received (including Dean’s List), current enrollment status (including hours registered), past and present participation in officially recognized activities and sports, and weight and height of members of athletic teams.

Currently enrolled students may withhold permission to disclosure of any category of directory information under *The Family Educational Rights and Privacy Act* of 1974, as amended. To prevent disclosure, the student must provide written notification to the Registrar’s Office, Wheaton College, Wheaton, Illinois by the end of the second week of the fall semester for the current academic year (request form available in the Registrar’s Office). Requests for non-disclosure received after the second week of the fall semester will be begin on the date processed--but student’s directory information may have published in the annual student directory and cannot be restricted subsequent to its publication.

Wheaton College assumes that the failure on the part of any student to specifically request the withholding of categories of “Directory Information” constitutes approval for disclosure.

Any request to withhold directory information must be renewed annually.

Students should very carefully consider the consequences of any decision made to withhold any category of directory information, as any future requests for such information from other schools, prospective employer, friends or other persons or organizations will be refused. Wheaton College will honor the request to withhold any category of directory information, but cannot assume responsibility to contact the student every time a request is received. Please note, however, that students may not restrict disclosure of whether they were ever enrolled at the College or any degrees awarded by the College. Regardless of the effect on the student, Wheaton College assumes no liability for honoring the instructions that such information be withheld.

Note: Unless a student decides to withhold his or her information, items of “Directory Information” from categories II and III above are made available for campus distribution in/at the following:

- *Campus Directory and Switchboard*: Name, local and home addresses, telephone numbers, CPO and class year.
- *Internet/intranet pages*: E-mail address
- *Intranet pages “Who’s New”*: Name and photograph

WHEATON COLLEGE STATEMENT ON LEGITIMATE EDUCATIONAL INTEREST

For these purposes, 'legitimate educational interest' shall mean an *EDUCATIONALLY RELATED* purpose, performed by a school official who has a need to know the information to perform his or her official duties.

The following criteria shall be taken into account in determining whether a school official has a legitimate educational interest in the information contained in the student records at issue:

- The official must seek the information within the context of the responsibilities that he or she has been assigned;
- The information sought must be used within the context of official College business and not for purposes extraneous to the official's area of responsibility or to the College;
- The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of College employment;
- The task must be determined to be consistent with the purposes for which the data are maintained. Requests related to institutional research and studies are subject to this criterion;
- The College will give student information where prescribed by law or when retained by an agent of the College or a party with whom the College has contracted (e.g. auditors, National Student Clearinghouse).

Disclosure to a school official having a legitimate education interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to a third party.

UNAUTHORIZED DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM THE EDUCATION RECORD OF ANY STUDENT IS PROHIBITED.