

Title: #VI-13. Student Information/Privacy Act

Date: July 22, 2014 (Replaces version dated February 16, 2004)

The [Family Educational Rights and Privacy Act](#) is a Federal law which requires that:

- a. West Virginia University at Parkersburg will maintain the confidentiality of student educational records
- b. WVUP will establish a written institutional policy
- c. a statement of adopted procedures concerning the privacy rights of students be made available.

These guidelines regarding student information are published yearly in the Student Handbook and WVU Parkersburg annually informs students of the Family Educational Rights and Privacy Act.

Under the provisions of the Family Education Rights and Privacy Act of 1974, all rights are accorded to the student enrolled in a postsecondary institution, regardless of age. No one outside West Virginia University at Parkersburg shall have access to, nor will West Virginia University at Parkersburg disclose any information from students' records except as allowed by law to

1. personnel of West Virginia University at Parkersburg and the West Virginia University at Parkersburg Board of Governors
2. officials of other institutions where students seek to enroll and to whom students have given written permission for such disclosures
3. persons or organizations providing students' financial aid
4. accrediting agencies carrying out their appropriate functions
5. officials complying with judicial orders
6. organizations conducting studies for, or in behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction
7. appropriate officials in cases of health and safety emergencies
8. parties who have secured written consent from the eligible student

Also specifically, records may be disclosed to authorized representatives of

- a. the Comptroller General of the United States,
- b. the Attorney General of the United States or his designee in connection with an *ex parte* order issued to aid in the investigation or prosecution of terrorism crimes,
- c. the Secretary of the Department of Education
- d. an administrative head of an educational agency having authority for records which may be necessary in connection with audit and evaluation of federally supported education programs.

These records are released under the provisions that, except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by these agencies will be protected in a manner which will not permit the personal identification of students and their parents by other than these officials, and such identifiable data will be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

Other non-consensual disclosures of personally identifiable information include:

- (1) The disclosure of the final results of a disciplinary proceeding conducted by the institution to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, whether or not the institution concluded that a violation was committed.
- (2) The disclosure to parents of a student regarding the student's violation of any Federal, State or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, if the institution determines that the student has committed a disciplinary violation with respect to the use or possession, and the student is under the age of 21 at the time of the disclosure to the parent.
- (3) Under provisions of the Campus Security and Crimes Prevention Act, the disclosure of information concerning registered sex offenders that is received under State sex offender registration and community notification programs.

In addition, WVUP will comply with guidance provided by the Family Policy Compliance Office as the law is interpreted and amended.

A record shall be made, and kept with the student's record, of every person who requests or obtains access to that student's record--except for the institution's designated employees who have authorized access.

Within the West Virginia University at Parkersburg community, only those employees with legitimate educational interest are allowed access to student educational records. Other academic personnel may review records within limitations of their need to know. They may be asked to provide written justification of their need to know, which will be included in the student file.

At its discretion, West Virginia University at Parkersburg may provide directory information in accordance with the provisions of the Act to include student name, address, telephone number, email address, date and place of birth, major field of study, dates of attendance, enrollment status (full, part-time or not enrolled), degrees and awards received including Dean's List and President's

Scholar List, the listing of previous educational institutions attended, or participation in officially recognized activities.

Students may withhold the disclosure of directory information by signing a "Request to Prevent Disclosure of Directory Information" form. Once the form is received by the Records Office, the request for non-disclosure will be honored until the student provides signed instruction to revoke the request. West Virginia University at Parkersburg will not contact the student for subsequent permission to revoke the request for non-disclosure and assumes no liability for honoring the student's instruction that directory information be withheld.

The law provides students with the right to inspect and review information contained in their records, to challenge the contents of their educational records, to have a hearing when the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decision of the hearing panel is unacceptable. The Records Office will coordinate the inspection and review procedures for students' educational records, which include:

- a. admission and financial files
- b. academic advising and cooperative education records
- c. placement records

Students wishing to review their educational records must make a written request to the Registrar listing the item or items of interest. Only records covered by the Act will be made available within 45 days of the request. Students may have copies made of their records with certain exceptions--a copy of the academic record for which a financial "hold" exists or a transcript of an original or source document which exists elsewhere. However, they may inspect all of their educational records.

Educational records do not include records of instructional, administrative, and educational personnel (which are the sole possession of the maker and not accessible or revealed to any individual, except a temporary substitute), records of a law enforcement unit, student health records, or alumni records. Health records, however, may be reviewed by a physician of the student's choosing.

Students may not inspect and review the following (as specified/defined by the Act): financial information submitted by the parent; confidential letters and recommendations obtained for admission, employment, and job placement to which they have waived their rights of inspection and review; or educational records containing information about more than one student (in which case West Virginia University at Parkersburg will permit access only to that part of the record which pertains). West Virginia University at Parkersburg is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January, 1975, provided those letters were collected under established policies of confidentiality and used only for the purpose for which they were collected.

Provisions of this policy apply only to persons who have been formally enrolled at WVUP, meaning registered for classes and tuition paid, and not to applicants who have never attended.

A student who believes his/her educational records and the information contained therein are inaccurate, misleading, or in violation of their privacy or other rights, may discuss the problem with the Registrar. If the Registrar's decision is in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified by the Registrar that the records will not

be amended. Such notification by the Registrar will also inform the student of rights to a formal hearing by the Vice President for Student Services. The request for a formal hearing must be made in writing to the Vice President for Student Services. The student will be advised by letter of the Vice President for Student Services' decision. The educational records will be corrected or amended in accordance with the Vice President's decision if the decision favors the student. If the decision is unsatisfactory to the student, the student may submit his/her written comments, or reasons for disagreement with the decisions of the Vice President. The statements will be placed with the respective educational records, maintained as a part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenge were unfair, or are not in keeping with the provisions of the act, may appeal in writing to the President of West Virginia University at Parkersburg. Decisions made by the President may be appealed to

Chancellor, Community and Technical College System of WV
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301

Furthermore, students who believe their rights have been abridged may file complaints concerning the alleged failure of West Virginia University at Parkersburg and/or the WVU at Parkersburg Board of Governors to comply with the Act with the

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

To assure continued compliance with the Family Educational Rights and Privacy Act, if state or federal statutory provisions, regulatory guidance, court interpretations or other guidance provided by the U.S. Department of Education change or conflict with college procedures, the college's procedures will be deemed amended as of the time of the decision, ruling, legislative enactment or guidance.

Responsible Administrator: Vice President for Student Services, 304-424-8209