

**Section:** Support Services

**Index:** 2200:20:01

**Subject:** Family Educational Rights & Privacy Act Records Statement & Review Procedure

**Effective Date:** June 5, 1996

**Revision Date:** August 16, 1999

**SCOPE:**

This procedure applies to all education records covered under the Family Educational Rights and Privacy Act of 1974, as amended.

**RESPONSIBILITY:**

The Vice President for Student Services and other College administrators, who are responsible for maintaining the various education records, are responsible for implementing and monitoring this procedure.

**PROCEDURE:**

**Definitions:** For the purposes of this procedure the following terms will be understood in accordance with the definitions presented.

- The term **student** includes all persons taking courses at the College, both full-time and part-time, as well as credit, non-credit, continuing education and community service courses offered by Casper College.
- The term **education record** includes any record (handwritten, printed, taped, film or other medium) maintained by the College, or an agent of the College, which is related directly to a student. The following records are not considered education records within the scope of this procedure:
  - a. A personal record kept by 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 or substitute for the maker of the record.
  - b. 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.
  - c. Records maintained by the Campus Security Department, if the record is maintained solely for law enforcement purposes, and if the record is revealed only to law enforcement agencies of the same jurisdiction, and if the Campus Security Department does not have access to education records maintained by the College.

- d. Records maintained by the Student Health Service if the records are used only for treatment of a student and made available only to those persons providing the treatment.
  - e. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.
3. The term **College official** includes any person employed by the College performing administrative, research, academic or professional responsibilities.
  4. The term **legitimate educational interest** includes:
    - a. tasks of college officials which are within his or her position description or contract agreement;
    - b. tasks which are related to a student's education [e.g., maintenance of records, completing degree checks, conducting academic planning, etc.];
    - c. tasks which are related to the conduct of student discipline.

**Annual Notification:** Students will be notified of their FERPA rights annually by publication in the Casper College Student Handbook.

**Inspection of Education Records:** Students may inspect and review his or her education records upon request to the appropriate record custodian. In order to obtain access to their education records students must submit, to the appropriate record custodian, a written statement requesting the review and identifying the record(s) he or she wishes to inspect. After receiving the request, the appropriate record custodian will make arrangements for access as promptly as possible and notify the student of the time and place where the record(s) may be reviewed. Access shall be granted within 45 or fewer working days from the receipt of the written request.

If an education record contains information about more than one student, the student requesting the review may inspect only those portions of the record(s) which relate to him or her.

Although the student has the right to inspect and review his or her education records, the College reverses the right to deny transcripts or copies of records not required to be made available by FERPA if:

- a. the student has unpaid financial obligations to the College, or;
- b. there is an unresolved disciplinary action against the student.

**Right of the College to Refuse Access:** The College reserves the right to refuse to permit a student to inspect the following types of records:

- a. the financial statement of the student's parents/guardians;
- b. letters and statements of recommendation for which the student has waived his or her right to access, or which were placed in his or her file prior to January 1, 1975;

- c. records connected with an application to attend the College or one of its limited enrollment programs, if that application was denied;
- d. those records which are excluded from the FERPA definition of education records.

**Types, Locations and Custodians of Education Records:** All of the following records are maintained on the Casper College campus. Requests for information need to be addressed to the specific custodian of the records, at: 125 College Drive, Casper, WY 82601.

<u>TYPE OF RECORD</u>	<u>LOCATION OF RECORD</u>	<u>CUSTODIAN OF RECORD</u>
Admission Records	Admissions & Records Office	Director of Admissions
Cumulative Academic Records	Admissions & Records Office	Registrar
Health Records	Student Health Service	Student Health Director
Counseling & Testing Records	Counseling & Student Development	Counseling Director
Student Financial Assistance Records	Student Financial Assistance Office	Financial Aid Director
Financial Records	Accounting & Financial Management Office	Director of Financial Services
Student Housing Records	Office of Residence Life	Director of Housing
Placement & Student Employment Records	Placement & Career Resource Center	Placement Director
Disciplinary Records	Student Services Office	Dean of Students
Student Payroll Records	Payroll & Benefits Office	Payroll & Benefits Manager

**Disclosure of Education Records:** The College will disclose information from a student's education records only with the written consent of the student, except in the following circumstances:

- a. to College officials who have a legitimate educational interest in the records;
- b. to officials of the US Department of Education, the Comptroller General, the Attorney General of the United States (for law enforcement purposes) and Wyoming Community College Commission, in connection with state or federally supported educational programs;
- c. in connection with a student's request for or receipt of financial aid, as necessary to determine eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- d. to organizations conducting studies for or on behalf of the College;
- e. to accrediting organizations to carry out their functions;
- f. if a student, or legal representative of the student, initiates legal action against the College, the College may disclose to the court information from the student's records that is necessary for its defense;

- g. to appropriate parties in a health or safety emergency;
- h. to alleged victims of acts of violence of the results of any College disciplinary proceeding against the alleged perpetrator(s) of those acts, in compliance with the Student Right-to-Know and Campus Crime Awareness Act, as amended;
- i. the disclosure is in connection with a College disciplinary proceeding against a perpetrator of a FERPA defined "crime of violence;"
- j. to the parent or legal guardian of a student under the age of 21 who has been found responsible by a College disciplinary proceeding for the violation of any federal, state, or local law, or College rules governing the use, possession, manufacture or distribution of alcohol or a controlled substance;
- k. to comply with a judicial order or a lawfully issued subpoena.

**Record of Requests for Disclosure:** Each custodian, identified above, of a student's education records will maintain a record of all requests for and/or disclosure of information from a student's education records. This record will indicate the name of the party making the request, the legitimate educational interest under which the request was made, the date of the request and the results of the request.

**Directory Information:** The College does not release directory information about students over the phone. If a person comes to Admissions and Records Office or the Student Services Office and provides the Registrar or Vice President for Student Services, or their designated representatives, with appropriate picture identification, and identifies the purpose of his/her request, the following directory information may be released: student name, local address, and local phone number. Students wishing to have no directory information disclosed must notify the Registrar, in writing, by the first day of class for the semester in which they do not want the directory information released.

**Correction of Education Records:** When students believe that their education records contain inaccurate or misleading information or information in violation of their privacy rights, they may request that their records be corrected by using the following procedural steps:

- a. The student must address his/her written request, to have his/her education record(s) amended, to the Vice President for Student Services. The request must identify the portion of the record(s) he/she wants changed and specify why he/she believes it is inaccurate, misleading or in violation of his/her privacy rights.
- b. The Vice President for Student Services shall have five (5) days to conduct an administrative inquiry into the request before determining whether or not to comply with the request. If it is determined that the College will not comply with the request, the student will be notified of the decision and advised of his/her right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
- c. Upon receiving notice of the College's intent to not amend the student's education record(s), the student may request in writing a hearing. The student shall be given written notice of the date, time and place of the hearing within two (2) working days

after the request for a hearing is received. The hearing will be scheduled not fewer than five (5) working days nor more than (10) working days from the date of the request.

- d. The hearing officer will be appointed by either the Vice President of Academic Affairs or the Vice President for Administrative Services.
- e. In the hearing the student will be afforded a full and fair opportunity to present information relevant to the issues raised in his/her original request to amend the education record(s). Although the student may bring any advisor he/she chooses to the hearing, the student is responsible for presenting his/her own information and the advisor is not permitted to speak or participate directly in the hearing.
- f. The Vice President for Student Services will be responsible for presenting the information obtained during the administrative inquiry which lead to the decision to not comply with the request.
- g. Following the gathering of information, the hearing officer will prepare a written decision based solely upon the information presented during the hearing.
- h. If the hearing officer decides that the challenged information in the education record(s) is inaccurate, misleading or in violation of the student's privacy, the record(s) custodian(s) will amend the record and provide the student with written notice when the record(s) has/have been amended.
- i. If the hearing officer decides that the challenged information in the education record(s) is not inaccurate, misleading or in violation of the student's privacy, the student will be notified of the decision and given the opportunity to place in the record(s) in question a statement commenting on the challenged information and/or a statement setting forth the reasons for disagreeing with the decision. Whenever the education record in question is released, the student's statement must also be released as a part of the record.