

STUDENT RIGHTS AND PROCEDURES UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

STUDENT RIGHTS TO ACADEMIC RECORDS

The General Education Provision Act of 1974, originally titled Privacy Rights of Parents and Students, was re-titled Family Educational Rights and Privacy in 1988. These rights are spelled out in Public Law 98-380 as amended by Public Law 93-568, and in regulations published by the Department of Health, Education, and Welfare in the June 17, 1976, Federal Register. In compliance with this act, the following policy statement of students' rights regarding academic records has been developed at Donnelly College.

For the purposes of this policy, Donnelly College has used the following definitions of terms: Student - any person who attends or has attended Donnelly College.

Education Records - any record (in handwriting, print, tapes, film, other medium) maintained by Donnelly College or an agent of the

College which is directly related to a student, except:

- 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 substitute for the maker of the record.
- 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.
- Records maintained by the Donnelly College Campus Police unit if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and the unit does not have access to education records maintained by Donnelly College.
- Alumni records which contain information about a student after he/she is no longer in attendance at Donnelly College and which do not relate to the person as a student.

ANNUAL FERPA NOTIFICATION

Students will be notified of these rights by publication in the College Catalog.

Notice of Privacy Practices

FERPA (the Family Educational Rights and Privacy Act) is a federal law and its sole purpose is to afford certain rights to students concerning their educational records. The primary rights afforded include:

- The right to inspect and review your educational records by advanced request.
- The right to seek your records amended if you suspect a discrepancy.
- The right to have some control over the disclosure of information from your records.
- The right to file a complaint concerning alleged failures to comply with FERPA.

If you have any questions or feel that Donnelly College employees have not handled information about you properly, please contact: Donnelly College Registrar
(913) 621-8733

OR

The Family Policy Compliance Office,
U.S. Department of Education,
Washington, DC 20202-4605
1-202-260-3887

Who is Covered by FERPA?

- Students who have reached the age of 18 **OR**
- Students who attend a postsecondary institution. This includes high school students who are dual enrolled or who participate in the high school partnership program.

What is Considered Directory Information?

Donnelly College has the right to disclose certain information about you called "Directory Information". Donnelly College has designated the following items as Directory Information:

- Name, address, telephone number and e-mail address
- Date and place of birth
- College major field of study, year in Donnelly College
- Dates of Attendance at Donnelly College
- Awards and academic honors
- Degree and dates awarded
- Most recent educational institution attended
- Participation in officially recognized activities and sports

Exceptions to Disclosure

Donnelly College will disclose information from a student's educational record only with the written consent of the student.

Exception: school officials who have a legitimate educational interest may receive the educational records without prior consent given. A school official is:

- A person employed by the college in administrative, supervisory, academic/research, or support staff positions.
- A person serving on an institutional governing board
- A person employed by or under contract to the institution to perform a special task, such as an attorney or auditor.

Donnelly College employees (including student workers) are bound by policy that requires confidential treatment of student information. Non-compliance with the policy is a FERPA violation and may be grounds for termination of employment.

Can I Prevent Disclosure?

You have the right to prevent disclosure of directory or any other information pertaining to you. Complete and submit the "Request to Prevent Disclosure of Directory Information" form, available in the Registrar's Office. This request is renewable each semester. If you submit this form, we will not disclose any information about you to anyone without your specific written consent. *Note: Once the form has been processed, you will not receive automatic mailings and correspondence from Donnelly College and your name will not be printed in certain publications (i.e. commencement program, honors listings, newspaper, releases, etc.)*

Release of Information Form

Donnelly College will honor your request to withhold any information you choose but cannot assume responsibility to contact you for permission to release that information.

If you want someone in your family or another person to occasionally take care of your affairs at Donnelly College, you can grant them access by completing and submitting the "Release of Information" form. This form requires your name and student ID, the person and relationship to whom you are allowing access to your records and the information you are allowing them to have access to. This request is renewable academic year semester.

Ways to Protect Your Own Privacy

- Do not leave paperwork (with personal information) in your classroom
- Do not keep your Student ID and Password together. It is the combination of those two numbers that will allow you access to your Donnelly College student information.
- Do not leave your personal information on the screen when you are working in a computer lab.

Donnelly College will allow access to your information to those authorized to take care of, view, inquire, or handle your affairs. When your written consent is required, we will protect your information from unauthorized access.

Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the Registrar. Students should submit to the Registrar a written request which identifies as precisely as possible the record or records he/she wishes to inspect. The Registrar 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 must be given in 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 which relate to him/her.

Right of the College to Refuse Access

Donnelly College reserves the right to refuse to permit a student to inspect the following records:

- The financial statement of the student's parents.
- Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975.
- Records connected with an application to attend Donnelly College if that application was denied.

Refusal to Provide Copies

Donnelly College reserves the right to deny transcripts or copies of records not required to be made available by FERPA in any of the following situations:

1. The student lives within commuting distance of Donnelly College.
2. The student has an unpaid financial obligation to Donnelly College.
3. There is an unresolved disciplinary action against the student.

Types, Location, and Custodians of Education Records.

The following is a list of the types of records, their locations and their custodians.

Admission Records	Admissions Office
Cumulative Academic Records	Registrar's Office
Financial Aid Records	Financial Aid Office
Disability Records	Dean's office
Financial Records	Business Office
Advising Records	Student Success Center
Progress Records	Student Success
Disciplinary Records	Dean's office

Occasional Records

Appropriate College Staff

Veterans' Educational Records

Financial Aid Office

Disclosure of Education Records

Donnelly College will disclose information from a student's education records only with the written consent of the student, except:

1. To college officials who have a legitimate educational interest in the records.

A college official is:

- A person employed by the College in an administrative, supervisory, academic research, or support staff position.
- A person elected to the Board of Trustees.
- A person employed by or under contract to the College to perform a special task, such as the attorney or auditor.

A college official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

Note: An instructor is considered to be a "college official" and is perceived as having a "legitimate educational interest" relative to current students in his/her classes.

2. To officials of another college, upon request, in which a student seeks or intends to enroll.
3. 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. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. If required by a state law requiring disclosure that was adopted before 11/19/94.
6. To organizations conducting certain studies for or on behalf of Donnelly College.
7. To accrediting organizations to carry out their functions.
8. To comply with a judicial order or a lawfully issued subpoena.

Record of Request for Disclosure

Donnelly College will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be sent, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

Correction of Education Records

Students have the right to ask to have records corrected that they believe are incorrect, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student must ask the Registrar of Donnelly College to amend a record. In so doing, the student should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading, or in violation of his or her privacy or other rights.
2. Donnelly College may comply with the request or it may decide not to comply. If it decides not to comply, Donnelly College will notify the student of the decision and advise him/her of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Donnelly College will arrange for a hearing and notify the student, reasonably in advance, of the date, place, and time of the hearing.

4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.
5. Donnelly College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If Donnelly College decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Donnelly College discloses the contested portion of the record, it must also disclose the statement.
8. If Donnelly College decides the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.