

College Procedure: 502.6 – Student Records
Policy Reference: 502 – Student Rights and Assurances
Responsible Department: Student Services
Approval Authority: Cabinet
Procedure Owner: Vice President, Student Services
Effective Date: 6/18/2012

Version Number: 2
Legal Counsel Reviewed (yes/no): No
Legal Reference(s):
Scope: College-wide

Reason for Procedure

Kirkwood Community College collects and retains data and information about students for the express purpose of facilitating the student's educational development. The College recognizes the privacy rights of individuals in exerting control over what information about themselves may be disclosed and at the same time, attempts to balance that right with the institution's need for information relevant to the fulfillment of its educational mission.

The college recognizes its obligation to inform the student of his/her rights under the Family Educational Rights and Privacy Act of 1974 (FERPA); to ensure students' rights to inspect, review and amend their education records; to limit disclosure of personally identifiable information contained in education records; to notify third parties of the re-disclosure prohibition of personally identifiable information (except under circumstances prohibited by law); and to keep records of requests for and disclosures of student education records.

The Procedure

Maintenance of Student Records:

All College personnel, including student employees, involved in the handling and maintenance of education records protected by FERPA shall be instructed concerning the confidential nature of such information and their responsibilities regarding it, pursuant to this policy and the provisions of FERPA. This instruction will be a part of each employee's orientation procedure, including student employees, and will be finalized by their signing the Code of Responsibility form. Annual FERPA refresher instruction will be required for continuation of access to student education records.

Annual Notice to Students of FERPA Rights:

The One Stop office gives public notice of student rights under FERPA annually by email and via the College Web site.

Disclosure of Student Records

Directory Information:

The College may disclose directory information on any student, currently enrolled or not, without prior written consent. Students have the right to request directory information not be made public by completing a Directory Information Block Request or Removal form and filing it with the One Stop office.

Education Records with Consent of the Student:

The College will obtain a signed and dated written consent from a student before it discloses personally identifiable information, other than directory information, from a student's education records, except as authorized by law, to any individual, agency or organization. This consent will specify the records to be disclosed, the purpose of the disclosure, and the parties to whom the disclosure may be made.

Education Records without Prior Consent of the Student as Authorized by Law:

All education records are maintained in confidence. However, under certain circumstances in accordance with the Act, they may be disclosed without the prior consent of the student. The agencies, institutions, entities and individuals who may receive or inspect these records are listed below.

Parties to whom personally identifiable information is released, as a general rule, are not permitted to disclose the information to others without the written consent of the student, nor misuse personally identifiable information, and must destroy these documents and/or electronic records when no longer needed.

The College will maintain a record of the requests for and disclosure of personally identifiable information from a student's education records for the situations outlined below except for paragraphs 1, 9 and 12 below, those made by students for their own education records, requests involving written consent from the student, disclosures to school officials under the conditions of their legitimate educational interest, a party seeking directory information, or a federal grand jury or law enforcement subpoena, or court order, that prohibits disclosure.

The record will include the name of the individual or agency requesting information, the reason for the request including the legitimate educational interest the party had in obtaining the information, the date of the request, and the disposition of the request and will be made part of the student's permanent record.

1. *Kirkwood Community College school officials* or their agents who have a legitimate educational interest in student records and data, and who require personally identifiable information to complete their assigned duties, may review such material.
2. *Officials of another institution* where the student seeks to enroll or is enrolled, or where the student receives services from the other institution in connection with the student's participation in internships, affiliations or other programs related to the student's courses or program at the College.
3. *Authorized representatives of institutions* from which the student has received financial aid or with which a student has applied for financial aid are entitled to access if needed to determine eligibility for, the amount of, or the conditions for aid, or to enforce terms or the conditions of

such aid. "Financial aid" as used in this paragraph means a payment of funds provided to a student that is conditioned on his/her attendance at the College.

4. *Authorized representatives of the federal, state and local educational authorities* may review personally identifiable information from student records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements related to those programs.
5. *Federal, state, local and independent organizations engaged in studies for, or on behalf of, the college* to develop, validate, or administer student aid programs, administer predictive tests, or improve education. Information is disclosed, however, only when these institutions confirm that the study will be conducted in a manner that does not permit personal identification of students by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted.
6. *Accrediting organizations* in order to conduct accrediting functions.
7. *Information will be provided pursuant to a lawful subpoena or court order.* Before complying with a subpoena, the College will attempt to notify the student involved that a subpoena has been issued, unless the subpoena prohibits such notification. The notification will be sent to the student's last known address and to counsel for the student, if known.
8. *In the case of an emergency,* the College may disclose personally identifiable information to the appropriate parties if knowledge of the information is deemed by the College to be necessary to protect the health or safety of the student or other individuals based on the following considerations: (1) the nature of the emergency, (2) the need for information, (3) the relative assistance the parties can offer, (4) and the amount of time available. The Dean of Students will be the responsible officer in emergency cases, and if unavailable, another appropriate administrator.
9. *To an alleged victim of a crime of violence or non-forcible sex offense* of the final result of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime, regardless of the outcome of the proceeding. The final results of any disciplinary proceeding shall include only the name of the student, the violation committed, and any sanction imposed against the student.
10. *To a court of law* those education records that are necessary to defend the College against a student who initiates legal action against it, or those education records that are relevant to the College's case as a plaintiff in a legal action against a student.
11. *Information regarding disciplinary action taken against a student* for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the College community may be released to school officials or to school officials at other institutions who have been determined to have a legitimate educational interest in the behavior of the student.
12. *To the parent of a student who is under the age of 21* information about a violation of any federal, state or local law, or any rule or policy of the College, governing the use or possession of alcohol or a controlled substance if the College determines that the student has committed a disciplinary violation with respect to such use or possession.
13. *Although students have the right to opt out* of the release of directory information, they may not choose to be anonymous within the classroom setting, whether in a traditional or distance learning class, by opting out. Disclosure of name and email address, as required by the instructor and classroom setting, for purposes of conducting the class and class discussion or activities is permissible under FERPA.

14. *The College may disclose to third-parties* any student information that it has designated as directory information, provided that the student has not restricted such information from disclosure.
15. *Under the Solomon Amendment*, student military recruiting information (name, address, telephone number, age or year of birth, level of education [e.g., freshman, sophomore] and major of currently enrolled students) will be released to military recruiters unless students have previously requested that no directory information be disclosed to third parties under FERPA.

Access to Education Records by Students:

The College will provide current and former students access to the student's own education records, with the exception of those listed below, within 45 days of receipt of the student's written request.

- They are not entitled to the financial aid records of the student's parents or guardian.
- They must not be permitted to view their education records if they contain information about another student; in such cases, they will be permitted to access only that part of the record which pertains to the inquiring student.

The substantive judgment of a faculty member about a student's work, expressed in grades and/or evaluations, is not within the purview of this right to challenge. The right to challenge grades does not apply under The Act unless the grade assigned was inaccurately recorded, in which case the record will be corrected.

Students have the right to challenge the content of their education records if they consider the information within to be inaccurate, misleading, or inappropriate. This process includes an opportunity for amendment of the records or insertion of written explanations by the student into such records.

Students challenging information in their records must submit, in writing, a request for a hearing to the College Registrar, listing the specific information in question and the reasons for the challenge. A hearing will be conducted by a College official who has no direct interest in the outcome of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the reasons for the challenge. The hearing officer will render a decision, in writing, noting the reason and summarizing all evidence presented within a reasonable timeframe after the challenge is filed.

If the hearing is in favor of the student, the record shall be amended accordingly. Should the request be denied, an appeal may be made, in writing, and submitted to the Registrar within 10 days of the student's notification of the decision of the hearing officer. The appeal shall be heard by an appeals board of three disinterested senior College officials and a decision rendered, in writing, within a reasonable period of time.

If the appeal is in favor of the student, the record will be amended accordingly. Should the request be denied, the student may choose to place a statement with the record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student's statement and notice of the board's decision, as long as the student's record is maintained by the College.

The student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington DC 20202-5901

Contact Information

Questions related to this procedure should be directed to the Registrar at (319) 398-5476.

References

Please visit talon.kirkwood.edu for College-wide FERPA training.

Additional FERPA information can be found at the Family Policy Compliance Office Website:
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Definitions

Term	Definition
Attendance	Includes, but is not limited to, attendance in person or by correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies, and the period during which a person is working under a work-study program.
Directory Information	Information concerning a student that may be released publicly. The College designates the following items as directory information. <ul style="list-style-type: none"> • Student’s name • Date of birth • Degrees, diplomas, certificates earned and awards (e.g., Dean’s list) • Dates of attendance (e.g., Fall 2010, Fall 2010-Spring 2012) • Enrollment status (full-time, part-time, not enrolled) • Participation in officially recognized activities (e.g., SIFE, DECA) • Participation in officially recognized sports • Height and weight of members of athletic teams • Major (for commencement program only)

	<ul style="list-style-type: none"> • Hometown (for commencement program only)
Disclosure	Permitting access, release, transfer or other communication of personally identifiable information contained in education records by any means to any party.
Legitimate Educational Interests	Demonstrated “need to know” by those school officials who act in the student’s educational interest. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his/her professional responsibility.
Education Records	<p>Information or data recorded in any medium, including but not limited to electronic, print, handwriting, film, microfiche and e-mail, which is directly related to a student and maintained by the College or by a person acting for the College. The term “education records” does not include the following:</p> <ul style="list-style-type: none"> • Records that are kept in the sole possession of the maker of the records, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. • Records created and maintained solely for law enforcement purposes by Campus Security. • Employment records made and maintained in the normal course of business and related exclusively to the individual in that individual’s capacity as an employee and are not available for use for any other purpose. This exception does not include records relating to a student in attendance at the College who is employed as a result of his/her status as a student (e.g., work study); such records are protected as “education records”. • Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity and used only in the treatment of the student and not available

	<p>to individuals other than those providing the treatment.</p> <ul style="list-style-type: none"> • Alumni records created or received by the College after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (e.g., information collected by the College pertaining to alumni accomplishments). • Grades on peer-graded papers before they are collected and recorded by a teacher. • Admission records for an individual who does not enroll at the College.
Legitimate Educational Interests	Demonstrated "need to know" by those school officials who act in the student's educational interest. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his/her professional responsibility.
Parent	Parent of a student and includes a natural parent (custodial and/or non-custodial), a guardian, or an individual acting as a parent in the absence of a parent or a guardian. This definition includes adoptive and custodial stepparents. At the postsecondary level, FERPA rights have transferred to the student and parents have no rights under FERPA to inspect their student's education records, which will not be released to parents except in certain circumstances in which the law allows a student's education records to be disclosed to a parent without the prior consent of the student.
School Official	Demonstrating a legitimate educational interest within the limitations of their "need to know" may have access to student education records protected by FERPA. A school official is a person employed by the College as a faculty, administrative, clerical, medical, legal or professional employee or other person who manages student education records including the campus nurse, student employee or volunteer; a member of the Board of Trustees; a person, company or organization with whom the College has contracted or otherwise arranged to provide services that the College itself would otherwise have to provide, such as an attorney, auditor,

	collection agent, security service or other service provider.
Student	Any individual who is officially registered and in attendance, or who has been officially registered and in attendance, at the College, and about whom the College maintains education records. A person who has applied for admission to but has never been in attendance at the College is not a student. The right to inspect education records resides solely with the student. Parents have no rights under FERPA to their student's education records.

Revision Log

Version Number	Date Approved	Approved by	Brief Description of Change
	6/18/2012	Jon Buse, Vice President, Student Services	
		Cabinet	Procedure template 10/02/2019