

Release of Student Information Policy (Privacy Law)

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that sets forth requirements pertaining to the disclosure of, and access to, education records maintained by Wichita State University.

Wichita State University accords all rights under the law to students. Those rights are:

1. The right to inspect and review the student's education records;
2. The right to request amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. The right to file with the U.S. Department of Education a complaint concerning alleged failures by Wichita State University to comply with the requirements of FERPA.

No one outside the institution shall have access to, nor will the institution disclose any information from, students' education records without the prior written consent of the student **with the exception of** disclosure to:

1. Personnel within the institution who have a legitimate educational interest,
2. Persons or organizations providing students financial aid,
3. Accrediting agencies carrying out an accreditation function,
4. Persons in compliance with a judicial order,
5. Persons in an emergency in order to protect the health or safety of the student or other persons, or
6. Other persons or entities to whom disclosure is permitted under FERPA.

Upon request, the institution may also disclose, without the student's consent, education records to officials of another school in which the student seeks or intends to enroll, or is enrolled.

Within the Wichita State community, only those members, individually or collectively, acting in the students' "legitimate educational interests" are allowed access to student education records. These members include personnel in the offices of admissions, registrar, financial operations, computing center, dean of students, financial aid, career services, cooperative education, planning, testing, library, college deans, academic advisors, and other administrative and academic personnel within the limitation of their need to know. "Legitimate educational interests" means:

1. The information or records requested is/are relevant and necessary to the accomplishment of some task or determination; and
2. The task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer's employment responsibility.

A Social Security number and student status data may be provided to other state agencies for use in detection of fraudulent or illegal claims against state monies.

Family Educational Rights and Privacy Act (FERPA)

1. Definitions

- a. **Attendance:** Attendance at Wichita State University is considered to begin on the announced first day of classes for the initial semester (fall, spring or summer) for which a person is enrolled in one or more classes, and shall include any person "attending" on campus or via any format (e.g., online, face-to-face, hybrid, etc.) as prescribed by the class requirements. Noncredit-bearing courses, workshops, seminars, etc., developed for and targeted to external audiences or consisting solely of minor children shall not be considered in attendance for the purposes of this policy.
- b. **Consent:** Consent shall be in writing and shall be signed and dated by the student giving consent. It shall include:
 - i. Specification of records to be released;
 - ii. Purposes for such release; and
 - iii. Parties or class of parties to whom such records may be released.
- c. **Directory Information:** FERPA defines directory information as: "Information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." Under FERPA, such information includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.
- d. **Disclosure:** Permitting access to, or the release, transfer, or other communication of, the education records of the student or the personally identifiable information contained therein, orally, or in writing, or by electronic means, or by any other means to any party.
- e. **Education Records:** Those records that are directly related to a student and that are maintained by the university or by a party acting for the university. A record means any information recorded in any way, including, but not limited to, handwriting, print, tape, film, microfilm, microfiche, computerized and/or digitized storage. Records described in items i-vi below are excluded from the category of "education records." Therefore, the law does not guarantee the right of student access to the following:
 - i. **Sole possession records:** Records that are kept in the sole possession of the maker, 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.
 - ii. **Employment records:** Records related solely to the employment of a student by the institution, provided the student is not "employed as a result of his or her status as a student." Records on a work study or GTA/GRA student are covered by FERPA.
 - iii. **Medical and mental health records used only for the treatment of the student:** Such records may be personally reviewed by a physician or other appropriate professional of the student's choice and with the student's written consent.
 - iv. **University law enforcement records:** Records of the WSU Police Department maintained solely for law enforcement purposes, which are maintained separately, and which are

not disclosed to individuals other than law enforcement officials sharing the same territorial jurisdiction.

- v. **Alumni records:** Records that contain only information relating to a person after that person is no longer a student at the university. An example would be information collected by the university or the WSU Alumni Association pertaining to the accomplishments of its alumni.
- vi. **Peer graded papers and exams prior to the grade being recorded in the instructor's grade book.**
- f. **Legitimate Educational Interests:** The interests of university personnel who have a demonstrably legitimate need to review records in order to fulfill their official professional responsibilities. Such responsibilities must involve the university in its primary educational and scholarly functions and/or secondary administrative functions of maintaining property, disbursing funds, keeping records, providing living accommodations and other services, sponsoring activities, and protecting the health and safety of persons or property in the university community. If a question arises concerning the legitimacy of a request to review records, such question shall be referred to the registrar and/or the general counsel prior to release of the records.
- g. **Parent:** Includes a parent, guardian, or individual acting as a parent of a student in the absence of a parent or guardian.
- h. **Personally Identifiable Information:** Includes the name of the student; the student's parent(s) or other family member(s); the address of the student or student's family; personal identifiers such as a social security number, student number, or biometric record; or other indirect identifiers such as the student's date of birth, place of birth, and mother's maiden name; or other information that, alone or in combination, is linked or is linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who WSU reasonably believes knows the identity of the student to whom the education record relates.
- i. **School Official:** Includes a teacher, school principal, president, chancellor, board member, trustee, registrar, counselor, admissions officer, attorney, accountant, human resources professional, information systems specialist, and support or clerical personnel. A contractor, consultant, volunteer, or other party to whom a school or institution has outsourced institutional services or functions may also be considered a "school official" provided that they are performing an institutional service or function for which the agency would otherwise use employees and is under the direct control of the agency or institution with respect to the use and maintenance of education records.
- j. **Student:** Anyone who is or has been enrolled at Wichita State University, with the following exception: A person who has applied for admission to, but has never been in attendance at a component unit of the university (such as the various schools and colleges of the university), even if that individual is or has been in attendance at another component unit of the university, is not considered to be a student with respect to the component to which an application for admission has been made. Enrolled is defined as registered for any course in any format (online, face-to-face, hybrid) on the first day of a regular (full) term — spring, summer or fall.
- k. **Unit Custodian of Student Records:** The head of each academic or administrative unit that is responsible for the

education records within the unit (unless otherwise defined elsewhere in this policy).

2. **Student Access to Education Records**

- a. A student has the right and shall be accorded the opportunity to inspect, review, and/or receive copies of his or her educational record, except as provided for below. The university must comply with the student's request within a reasonable period of time, not to exceed 45 days after the request.
- b. The student has the right to a reasonable request for explanation of the records and to copies of the records where necessary to provide full inspection and review. Such copies will be provided at the student's request and expense; however, the charge to the student for any such records may not exceed \$0.25 per page. The university may not charge a fee to search for or retrieve a record. If any question arises as to the identity of the requesting student, the student shall be asked to provide his or her university ID card and/or other positive identification.
- c. The university is not required to afford inspection and review of the following records:
 - i. Financial records of the student's parents submitted as part of the financial aid process;
 - ii. Confidential letters and statements of recommendation that were placed in the student's education records prior to January 1, 1975, if such letters were submitted with an understanding of confidentiality, and are used only for the purpose for which they were specifically intended;
 - iii. Confidential letters and statements of recommendation received after January 1, 1975, for which the student has signed a waiver of the right to access and which pertain to:
 - 1. Admission to this or any other educational institution or agency;
 - 2. Application for employment; or
 - 3. Receipt of an honor or honorary recognition so long as these letters are used solely for the purpose(s) for which they were specifically intended.
 - iv. Records connected with an application to attend Wichita State University if that application was denied.
 - v. Those records which are excluded from the FERPA definition of education records.
- d. If an education record contains information about more than one student, the student may inspect only the information about himself or herself.

3. **Waiver of Rights**

The university may request, but not require, students to waive rights under this policy. All waivers must be in writing and signed by the student. Applicants for admission to the university and eligible students may waive rights to review confidential letters of recommendation only if:

- a. The applicant or student, upon request, is notified of the names of all persons providing letters;
- b. The letters are used only for the purpose for which they were originally intended;
- c. The waiver is not required as a condition of admission or for any other service or benefit of the university.

All waivers under this paragraph must be executed by the individual, regardless of age, rather than by the parent or legal guardian of the individual. All waivers must be in writing and signed by the student. The student may revoke any waiver in writing, the revocation to apply only to documents received or entered into the record after the date of execution of the revocation.

4. **Disclosure of “Personally Identifiable” and “Directory Information”**

The university shall obtain the written consent of the student before disclosing personally identifiable information from education records, other than directory information, except as otherwise provided in this policy.

The university may, without the consent of the student, disclose *directory information*. If a student wishes to have such information withheld, they must notify the Office of the Registrar in writing, as described previously. If a student wishes to prevent the inclusion of such information in the online student directory, they must notify the Office of the Registrar.

The university may disclose personally identifiable information from a student's education record(s) without the consent of the student if the disclosure is made to:

- a. School officials within the institution determined to have a legitimate educational interest(s).
- b. Authorized persons to comply with a judicial order or lawfully issued subpoena, provided the university makes a reasonable effort to notify the student in advance of compliance; except the university will not disclose to the student information about a grand jury subpoena, a subpoena issued for a law enforcement purpose when notice is prohibited, or a court order obtained by the United States Attorney General or Assistant Attorney General in investigations or prosecutions of certain criminal offenses or an act of terrorism, in accordance with the law or regulations, certain officials of the U.S. Department of Education, the Comptroller General and state and local educational authorities 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 that relate to those programs.
- c. Financial aid personnel in conjunction with an application for or receipt of financial assistance, provided that the disclosure is needed:
 - i. To determine the eligibility of the student for financial aid;
 - ii. To determine the amount of financial aid;
 - iii. To determine the conditions for the financial aid; or
 - iv. To enforce the terms or conditions of the financial aid.
- d. Appropriate parties, including parents, in connection with an emergency, if knowledge of the information is reasonably considered to be necessary to protect the health or safety of the student or other individuals. Disclosures for this purpose shall take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the university determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is reasonably considered necessary to protect the health or safety of the student or other individuals.
- e. A parent regarding the student's violation of any federal, state or local law, or of any rule or policy of the university, 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 that use or possession and the student is under the age of 21 at the time of disclosure to the parent.
- f. Parent(s) or legal guardian(s) of dependent students who provide a written request for grades to the university registrar pursuant to Board of Regents policy. Dependency, for this purpose, is defined by the Internal Revenue Code of 1954,

Section 152. The student will be notified in writing and/or electronically of any disclosure of grades made to the student's parent(s) or legal guardian(s).

- g. Another institution of postsecondary education where the student seeks or intends to enroll, or is enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.
 - h. Authorized representatives of federal, state and local educational authorities, to organizations conducting studies for or on behalf of educational agencies or institutions, to accrediting organizations, to comply with judicial orders or lawfully issued subpoenas, to victims of a crime of violence or nonforcible sex offense, in connection with university disciplinary proceedings, or if disclosure concerns sex offenders and other individuals required to register under federal law.
 - i. The university student health service is required to report to the Kansas Department of Health the names of students who have certain communicable diseases such as hepatitis, tuberculosis, and venereal disease. The health service is also required to report to local law enforcement officials the name of any student who is wounded with a deadly weapon.
5. **Notice to Third Parties**
The university must inform the parties to whom personally identifiable information is given that they are not permitted to disclose that information to others without the written consent of the student and that the information is to be used only for the purpose(s) intended.
6. **Providing Copies of Disclosed Records**
When the unit custodian discloses personally identifiable information from the education record of a student, the unit custodian shall, at the student's request and expense, provide a copy of the disclosed record to the student, unless otherwise specified by this policy.
7. **Destruction of Records**
Education records shall be maintained consistent with university policy on the retention of records. No education record, however, may be destroyed if there is an outstanding request to inspect and review the record. Also, the record of access to the education record and any explanations which are a part of the record must be maintained for as long as the education record to which it pertains is maintained.
8. **Maintaining Records of Requests and Disclosures**
The unit custodian shall maintain a record of requests and disclosures of personally identifiable information from a student's education record. The record shall include, whether requests are granted or not, the name(s) of the person(s) who requested the information and their legitimate interests in the information. Records of requests and disclosures will not be maintained:
- a. For requests made by the student;
 - b. For requests for which the student has given written consent;
 - c. For requests made by school officials with legitimate educational interests;
 - d. For requests for directory information;
 - e. For disclosures in compliance with certain judicial orders or lawfully issued subpoenas, after a reasonable attempt has been made to notify the eligible student or parent.
The record of requests and disclosures may be inspected by the student, by school officials responsible for the custody of the records, and by federal and state officials who have been given permission to access records by the registrar.

9. *Students' Right to Challenge Information Contained in Education Records*

- a. The student has the right, upon reasonable request, for a brief explanation and interpretation of the record in question from the respective unit custodian.
 - b. The unit custodian of the challenged education record, after reviewing the record with the student, may settle the dispute informally with the student with regard to the deletion or modification of the education record. The unit custodian shall make his or her decision within a reasonable amount of time and shall notify the student of the decision.
 - c. In the event the unit custodian disapproves the student's request to delete or modify the record in question, the student shall be notified by the unit custodian, in writing, of the decision and of the student's right to a formal hearing upon the request.
 - i. All requests for formal hearings by the student shall be directed to the registrar, and shall contain a plain and concise written statement of the specific facts constituting the student's claim.
 - ii. The hearings shall be conducted by a university staff member (hearing officer) who does not have a direct interest in the outcome of the challenge and who shall be appointed by the registrar. The hearing shall be held within a reasonable time of receipt of the student's request and the student shall be notified reasonably in advance by the hearing officer of the date, place, and time of the hearing.
 - iii. At the hearing the student shall be afforded a full and fair opportunity to present evidence relevant to the claim and may, at his or her expense, receive assistance or be represented by any individuals of choice.
 - iv. Based solely on the evidence presented at the hearing, and within ten (10) working days of the hearing, the hearing officer shall make a written recommendation to the registrar together with written findings of fact concerning the student's request. Within an additional fourteen (14) working days of receipt of the hearing officer's report, the registrar shall notify the student in writing of the decision. The decision must include a summary of the evidence and the reasons for the decision.
 - d. In the event the decision of the registrar is adverse to the student's request, the student shall be notified of the opportunity to place with the education record a summary statement commenting upon the information in the records and/or setting forth any reason for disagreeing with the decision. If the questioned document is released to a third person, the student's summary statement shall accompany the release of any such information. The summary information shall be maintained for as long as the contested record is maintained.
 - e. If a student challenge to the content of a given record is successful, the university shall amend the education record accordingly and so inform the student. Upon the student's specific written request to the registrar, the university shall make a reasonable effort to contact student-designated third persons who have received copies of the previous record to inform them of the change which has been made.
10. A student may challenge the content of an education record on the grounds that the record is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. No hearing under this policy shall be granted for challenging the underlying basis for the grade. However, the accuracy of its recording could be challenged.

The following procedure for challenging the content of an education record shall apply:

11. *Complaint Procedure*

If a student believes that the university is not in compliance with FERPA, the student should first contact the office involved and/or the Office of the Registrar.

If a student wishes to file a complaint with the federal government concerning the university's failure to comply with FERPA, they must submit the complaint, on the FERPA complaint form, within 180 days of an alleged violation of FERPA to the Student Privacy Policy Office (SPPO), U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. The form can be found at <https://studentprivacy.ed.gov/file-a-complaint>. The SPPO will notify the student when the complaint has been received. The SPPO will investigate the complaint and may require further information. In the event the university is found not to be in compliance, it will be afforded the necessary time to comply. If it does not then comply, the matter will be sent to a review board for a hearing. For information concerning this hearing procedure, see 34 C.F.R. Sections 99.64 through 99.67.

Public Notice Designating "Directory Information"

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, designates certain information related to a student as "directory information." FERPA gives the university the right to disclose such information to anyone inquiring without having to ask a student for permission, unless the student specifically requests in writing that *all* such information not be made public without written consent, except by the National Student Clearinghouse to loan guarantors.

Wichita State University hereby designates the following student information as public or directory information.

Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, age in years, place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and dates awarded, honors and awards received, and the most recent educational agency or institution attended.

The name(s) and address(es) of the student's parent(s) or guardian(s) may be disclosed when used for an official university news release about the student's receipt of degrees or awards or about participation in officially recognized activities or sports. Parent name, address, telephone number and email address is designated as directory information for the limited purpose of disclosure to the Wichita State University Foundation, Inc. to support programs and activities of the institution and the WSU Foundation.

Currently enrolled students may withhold disclosure of directory information (on an all or none basis) to non-institutional persons or organizations. If a student wishes to withhold the disclosure of all directory information items, they may obtain the request form from the Office of the Registrar, 117 Jardine Hall, or call 316-978-3090. Return the completed form, along with a *readable* copy of a government-issued photo ID (e.g., a driver's license) to the Office of the Registrar. The request form will be processed within one business day of receipt.

Consider carefully the consequences of any decision to withhold directory information, as any future requests for such information will be refused. Examples of, but not limited to, potential impacts are: no acknowledgement of a student's attendance at WSU to potential employers, no verification of degrees to requestors, no printing of

the student's name in the commencement program and no press releases pertaining to graduation and/or honors. The institution will honor a request to hold directory information but does not assume responsibility to contact the student for subsequent permission to release it. Regardless of the effect upon the student, WSU assumes no liability for honoring instructions that such information be withheld.

If a student has previously submitted a nondisclosure request, but now wishes to disclose the information (i.e., release the nondisclosure hold), please contact the Office of the Registrar.