

Family Education Rights & Privacy Act

Preamble

The intent of this section is to comply with the Federal "Family Educational Rights and Privacy Act of 1974," as amended. Davis & Elkins College collects and retains information about students for designated periods of time. The College recognizes the privacy rights of individuals in exerting control over what information may be disclosed, and, at the same time, attempts to balance that right with the institution's need for information.

Definition of Student Records

Student records are defined as those files, documents, and other materials that contain information directly related to a student which are maintained by Davis & Elkins College or by a person acting for the College pursuant to College or departmental policy.

Exclusions to student records are the following:

- Notes belonging to a professor or staff member and intended for the professor's/staff member's own use are not subject to inspection, disclosure, or challenge unless the person maintaining the notes disclosed the information to a person in the College community other than the student named in the notes. (Upon such a disclosure, the records are then open for review by the student).
- Records of the Department of Public Safety pertaining to an investigation.
- Student employment records.
- Student records that are made or maintained by a physician, counselor, psychologist, or other recognized professional acting in that capacity are not subject to the provisions of access, disclosure, and challenge.

Definition of a Student

For the purpose of this policy, a student is defined as an individual currently or previously matriculated in any academic course offering of the College.

Public/Directory and Non-Directory Information

Davis & Elkins College from time to time makes public certain kinds of information about students, such as the names of those who receive scholarships, who hold offices, or who are members of athletic teams. Various kinds of campus directories are published throughout the year to help members of the College community locate and communicate with each other. The commencement programs publish the names of those who have received degrees during the year.

The Family Educational Rights and Privacy Act of 1974, as amended, defines the term "directory information" to include the following categories of information: the student's name, address, telephone number, e-mail address, date and place of birth and citizenship, major field of study, participation in officially recognized activities and sports, photographs, weight and height of members of athletic teams, date of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student and classification. The College will limit information that is made public to these categories but will not necessarily publish all such information in every listing. Students who do not wish to have such directory published without their prior consent must complete the "Prevent Disclosure of Directory Information" form in the Office of the Registrar. The form should be completed before the sixth class day of the spring or fall semester or the fourth class day of the summer term.

Davis & Elkins College will not disclose non-directory information from a student's education record without the written consent of the student. A student may request that non-directory information or educational records be released to a third party by completing the Release of Student Information form in the Office of the Registrar.

Disclosure of Student Records

Students are accorded the right to inspect, in the presence of a staff member, official College records, files, and data primarily and directly related to themselves. This right includes an explanation of any information contained in these records. Students are entitled to exercise this right within a reasonable time after they personally appear in the appropriate College office to initiate such a request in writing. If students cannot appear personally, they must submit a notarized request to the appropriate office, authorizing a designated individual to receive a copy of the record.

Where any such records, files, or data contain information about a third person, the student may inspect and review only the records that relate to him or her.

The law allows schools to disclose records, without consent, to the following parties:

- School employees who have a need to know;
- Other schools to which a student is transferring;
- Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954 as amended
- Certain government officials in order to carry out lawful functions;
- Appropriate parties in connection with financial aid to a student;
- Organizations doing certain studies for the school;
- Accrediting organizations;
- Individuals who have obtained court orders or subpoenas;
- Persons who need to know in cases of health and safety emergencies;
- State and local authorities to whom disclosure is required by state laws adopted before November 19, 1974.

Challenge of Record Entry

The student is entitled to challenge and/or add to the factual basis of any record entry contained in records, files, and/or data. The purpose of this challenge is to ensure that such entries are not inaccurate, misleading, or otherwise contain inappropriate data. The challenge should be submitted in a timely manner to the appropriate College official in whose area of responsibility the questioned material is kept. The College official is authorized to rectify the entry and so notify the student without a hearing if such a course of action is warranted. The designated official will provide the student with an opportunity to present both a verbal and written challenge to the questioned entry, and will determine whether or not the material is defective in a manner justifying its correction or removal from the records. The student's written statement of challenge will remain part of the record, regardless of the outcome of the challenge.

The student may appeal in writing an adverse decision to the next level of administrative authority.

Annual Notification

All students are notified of this policy prior to the beginning of the Fall Semester each year. New students that enroll beginning in the Winter Term or Spring Semester, are notified prior to that semester's start date.

Parental Access

At the postsecondary level, parents have no inherent rights to inspect a student's education record. The right to inspect is limited solely to the student. Records may be released to parents only under the following circumstances:

- Through the written consent of the student.
- In compliance with a subpoena.
- If a health or safety emergency involves their son or daughter.
- If a student under age 21 has violated any law or policy concerning the use or possession of alcohol or a controlled substance.