

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

PURPOSE AND APPLICABILITY

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, (“The Act”) is a federal law enacted to establish procedures for disclosing information contained in student records and to protect the privacy of these records.

The Act applies to currently enrolled students, beginning on the first day of attendance, and former students.

The Act does not apply to individuals who have applied for admission but never attended Westmont College or applicants for admission who are denied enrollment.

Information obtained on a former student subsequent to graduation or termination and not related to his or her time as a student is not an education record (e.g., data accumulated on alumni).

All rights under The Act cease when a person dies; Westmont will decide on a case by case basis what records of deceased students can be released and to whom they will be released.

DEFINITIONS

Eligible Student: A student who has reached 18 years of age **or** is attending an institution of postsecondary education at any age.

School Official:

- A person employed by Westmont College in an administrative, supervisory, academic or research, or support staff position including security and safety personnel and health services staff.
- A person or company with whom Westmont College has contracted, such as auditors, attorneys, or the National Student Clearinghouse.
- A person serving on the Board of Trustees.
- A student serving on an official committee or assisting another College official in performing his or her tasks.

Legitimate Educational Interest: An educationally related purpose, which has a directly identifiable educational relationship to the student involved and underlies a request for the disclosure of education records.

Education Records: Records that directly relate to a student and are maintained by an educational institution.

Education records may include:

- class lists;
- grade rosters;
- student schedules;
- correspondence about or with a student;
- care and incident reports;



- Public Safety reports involving the student;
- data in an electronic database;
- employment records of a currently enrolled student who is employed as a result of his or her status as a student;
- Financial Aid records;
- Student Accounts records.

OFFICES THAT MAINTAIN EDUCATION RECORDS

For information about records and the length of time records are maintained, contact the Office of Student Life, or the applicable office below. Types of records held by Westmont College are as follows:

- Records Office—Personal information data, photograph, OID Card Information, course registration, records of all courses taken including grades, documents related to degree completion requirements, and other related information.
- Office of Financial Aid—Financial aid applications, records of financial aid awarded, and related documents.
- Business Office—Records related to charges, payments, and loans, (including Perkins Loans and Westmont Interest-Free Loans) for educational services rendered by Westmont.
- Office of Career Development and Calling—Placement data completed by the student, resumés, information on courses taken toward degree, letters of recommendation from faculty and/or employers
- Academic Departments—Student applications to program, copies of grades, notes from student interviews, faculty recommendations, department recommendations, records of field experiences, clinicals, practica, internships, and other related documents.
- Office of Student Life— emergency contact information, housing applications, correspondence and other documentation related to student care and conduct.
- Campus Pastor’s Office—student information and data that is not exempt under a Clergy exception.
- Office of Disability Services—student information and data related to disabilities and accommodations.
- Faculty Advisors—Notes from advising sessions; copies of various communications to and from advisee, faculty, and other offices; and related advising material.

OFFICES THAT MAINTAIN RECORDS THAT ARE NOT EDUCATION RECORDS

- Counseling and Psychological Services—Student intake forms, therapist notes and records of psychological services rendered to the student through the College.
- Health Services—Student medical forms, copies of athletic physicals, and records of medical services rendered to the student through the College.
- Office of College Advancement —Personal data on alumni and parents of the College and records of financial giving.

Education records do NOT include:

- records about students made by faculty and staff for their own use and not shown to others (sole possession records);
- non-documented personal interactions and/or observations;
- Public Safety records maintained solely for law enforcement purposes and kept separate from the education records described above;



- employment records, except where a currently enrolled student is employed as a result of his or her status as a student;
- records of a physician, psychologist, or other recognized professional made or used only for treatment purposes and available only to persons providing treatment.
- records that contain only information relating to a person's activities after that person is no longer a student at the College;
- financial information submitted by parents(s)/guardian(s);
- directory information not restricted by the student; and
- confidential letters and recommendations placed in the student's record if the student has waived in writing his or her right to inspect those letters and recommendations. Students may revoke such a waiver at a later time, but the revocation must be in writing and is only effective with respect to actions occurring after the revocation.

Personally Identifiable Information: All information that is directly related to a student. This information includes both "directory information" and "non-directory information."

Directory Information: Information contained in a record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. At Westmont College, directory information includes:

- student's name;
- home and local address;
- home and local telephone listing;
- personal and campus email address;
- photograph or digital image;
- date and place of birth;
- major field of study;
- grade level (freshman, sophomore, etc.);
- enrollment status (e.g.; undergraduate; full time or part time);
- dates of attendance;
- participation in officially recognized activities and sports;
- weight and height of members of athletic teams;
- degrees, honors, and awards received;
- most recent educational agency or institution attended; and
- Westmont account username, which is used by the student for purposes of accessing or communicating in electronic systems, since this identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user

Non-Directory Information: Any personally identifiable student information that is not directory information. At Westmont College, non-directory information includes, but is not limited to, a student's Social Security number or student identification (ID) number.

STUDENT RIGHTS

Currently enrolled and former students have the right to:

- inspect and review information contained in education records within 45 days after Westmont receives a written request for access;
- request the amendment of the student's education records that a student believes is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- consent to disclosure, subject to certain exceptions specified in The Act, of personally identifiable information from education records; and
- file a complaint with the Department of Education concerning an alleged failure by Westmont to comply with The Act.

Procedure for Inspecting Records

Students must request permission in writing to inspect their records and must present that request to the Student Life Office, which will coordinate the inspection of records.

- The records will be made available to the student for inspection not more than 45 days following the receipt of the request.
- A Westmont employee must be present while the student inspects his or her records in person.
- Students may request copies of available records when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. Students may be required to pay a per copy fee. A request for a copy may be refused, but only if, in doing so, the institution does not limit the student's right to inspect and review that record.

A student may inspect records of disclosure, which will be kept by the office in which the record is maintained unless such inspection is prohibited under the terms of a court order or lawfully issued subpoena.

Procedure for Requesting the Amendment of Records

With the exception of grades or disciplinary actions, if a student believes that information in his or her record is inaccurate, misleading, or otherwise in violation of his or her privacy rights, he or she may request that a change in the record be made.

- Such a request must be in writing, clearly identify the part of the record the student wants changed, and be submitted to the appropriate College official in whose office the record in question is located.
- If Westmont decides not to amend the record as requested, Westmont will notify the student in writing that he or she may make a written request to that official for a review to contest the record.
- A review will be conducted within 30 days of the written request (or as soon thereafter as is practical) with the student having an opportunity to present all relevant evidence. The review panel will consist of the College official in charge of the record in question and two other college officials he or she selects.
- The student will be notified within two weeks of the review (or as soon thereafter as is practical) as to the decision of the official or review panel. The decision of the review panel is final.
- If the student disagrees with the action taken by the review panel, he or she may place a statement in his or her educational record giving the reasons for disagreeing with the decision.

NOTE: An appeal of grades or student conduct action should follow the processes outlined in the applicable policies.

Procedure to Request Withholding of Directory Information

- In the fall semester, students will be notified about the opportunity to request that Directory Information be withheld.
- The request to withhold Directory Information may be completed at any time; however, if printed materials have been published for the academic year, the student's Directory Information cannot be removed from already the printed materials (e.g.; athletics program).
- Students may request to withhold disclosure of Directory Information by completing a form in the Records Office or [online](#).
- Westmont will continue to honor a student's last request with regard to the disclosure or non-disclosure of Directory Information made while the student was in attendance at Westmont. Westmont cannot assume the responsibility to contact the student for subsequent permission to release Directory Information. Regardless of the effect upon the student, Westmont assumes no liability for honoring an instruction to restrict/withhold Directory Information.
- A student who is no longer enrolled cannot request that Directory Information be withheld. A student who is no longer enrolled can rescind their request to withhold Directory Information.

PARENT RIGHTS

The Act generally does not guarantee the right of parents or guardians of students who are attending post-secondary institutions to review educational records.

At Westmont's discretion, The Act allows Westmont to inform parents of information in their student's educational records provided the parents claim the student as a dependent on their federal income tax return. If a student is claimed as a dependent for federal income tax purposes by either parent (regardless of the parents' current marital status), then, at Westmont's discretion, Westmont may disclose information in the student's education records without the student's consent.

The Act permits colleges and universities to inform the parents of a student under 21 years of age when their student has been found in violation of College alcohol or drug policies and/or in the case of a health or safety emergency, whether or not the student is a dependent.

DISCLOSURE OF EDUCATION RECORDS

Conditions Under Which Directory Information May Be Released

Directory Information may be released at the discretion of College officials without the written permission of the student, unless the student has requested that directory information be withheld. If the student has requested that directory information be withheld, the information will not be released without their written consent.

Conditions Under Which Directory and Non-Directory Information May Be Released

Directory and Non-Directory Information may be released without the written consent of the student to:

- Westmont College personnel or other school officials who have a legitimate educational interest in the records. This category includes a person or organization retained to be an agent for, or under contract with, Westmont College, such as financial auditors, attorneys, or National Student Clearinghouse. Disclosure to



a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to a third party.

- Parents of dependent students (that is, students who are claimed as dependents on their parents'/guardians' most recent federal tax return). However, as a matter of general practice, Westmont does not release student education records to parents of dependent students without the student's written authorization. Instead, Westmont provides all students with the ability to give parents and other third parties online proxy access to their education records.
- A financially dependent student's co-signer on Westmont's master payment agreement. This individual will have access to the student's account.
- Appropriate persons in a health or safety emergency. If Westmont 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 educational records to any person whose knowledge of the information is necessary to protect the health or safety of the student or others, provided that Westmont will only exercise this authority for the duration of the emergency.
- The final result of a conduct proceeding to the victim of an act of violence or nonforcible sex offense allegedly perpetrated by the subject of the records, regardless of the outcome of the proceeding. Schools may not disclose the names of other students connected with the proceedings, including the victim or any witnesses, without the written consent of those students.
- State or local educational authorities, for audit and evaluation of federal- and state-supported education programs, or for the enforcement of or compliance with federal legal requirements that related to those programs.
- Officials of another school in which the student seeks to enroll.
- Persons or organizations involving financial aid in order to determine the student's eligibility for financial aid; to determine the amount of financial aid; to determine conditions to be imposed regarding financial aid; and to enforce conditions of financial aid.
- State and local officials as allowed by state statutes concerning the juvenile justice system.
- Organizations that are conducting studies to develop, validate, and administer predictive tests; administer student aid programs; and improve instruction. Those organizations cannot redisclose personally identifiable information of students.
- Accrediting agencies carrying out their accrediting functions.
- To comply with a judicial order or lawfully issued subpoena. The College will notify the student when such a request occurs without the student's knowledge unless prohibited by law.
- Authorized representatives of the Comptroller General of the United States.
- The Attorney General of the United States.
- The Secretary of Education.

The College can release information related to a student contained in law enforcement records so long as such records are created by a law enforcement unit, created for a law enforcement purpose, and maintained by a law enforcement unit in a manner that segregates them from records maintained by other components of the College.

Conditions Under Which Education Records Will Not Be Released

Unless otherwise required by law, Westmont College official transcripts will not be issued to students who are delinquent in paying College charges for educational services or who are behind in financial loan repayments.

Copies will not be provided of education records (e.g., transcripts) that were issued by other educational institutions unless authorized by the Registrar.

Release of FERPA directory and non-directory information may be subject to other laws and regulations that govern privacy of student data. Privacy of student records will be managed in accordance with all relevant laws and regulations.

UNAUTHORIZED DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM THE EDUCATION RECORD OF ANY STUDENT IS PROHIBITED.

Criteria Used to Determine the Legitimate Educational Interest of School Officials

Generally, a school official has a legitimate educational interest if the school official needs to review a student's educational record in order to fulfill a task within the scope of his/her or official responsibility to the College.

OTHER FACULTY AND STAFF RESPONSIBILITIES

Westmont College will notify students annually of their rights under The Act by publishing such information in the Student Handbook. A complete policy is available in the Student Life Office.

Westmont College will maintain a record of requests for access to and disclosure of a student's Non- Directory Information to anyone other than:

- the student;
- College officials with a legitimate educational interest;
- a party with the student's written consent; and
- a party seeking or receiving the records as directed by a court order or lawfully issued subpoena that directs the College to refrain from disclosing the contents of the subpoena or the information furnished in response to the subpoena.

ENFORCEMENT

Enforcement of this Act is the responsibility of the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5920.

Further information concerning The Family Educational Rights and Privacy Act is available at www.ed.gov.

Policy approved by President's Executive Team, April 24, 2019