

IP0010 | Confidentiality and Privacy Policy

Westcliff University is committed to maintaining the integrity and security of confidential and personally identifiable information (PII), and records created, received, maintained and/or stored by the university in the course of carrying out its educational objectives and mission. This policy addresses the obligations to secure confidential student records from unauthorized or unlawful disclosure. It is intended to reflect federal and state laws governing the privacy and confidentiality of records.

Family Educational Rights and Privacy Act (FERPA) of 1974

The university complies with all applicable laws and regulations relating to student privacy and rights pertaining to education records under the Family Education Rights and Privacy Act (FERPA) of 1974.

Eligibility

FERPA applies to any schools that receive funding from the Department of Education (DOE). When a student turns **18 years old (majority age) or attends an institution of postsecondary education at any age, they become an “eligible student,”** and all FERPA rights transfer from the parent to the student. For more information about parental rights under FERPA, visit [this page](#) on the DOE website. Additionally, Part B of the Individuals with Disabilities Education Act (IDEA) protects that confidentiality of personally identifiable information (PII).

Protected Records

FERPA is administered by the Student Privacy Policy Office (SPPO) in the Department of Education (DOE). **FERPA protects “education records,”** which are any records directly associated with the student and maintained by the educational agency or institution, or a party acting on behalf of the school (such as an employee or consultant). FERPA maintains certain exceptions to education records, such as law enforcement records; more information can be found on [this page](#) on the DOE website.

FERPA Rights, Protections, and Allowances

Eligible students are granted:

(1) ACCESS to Their Education Records

Students have the right to inspect and review their education records, and may do so by making an oral or written request to the school official responsible for the requested record. The official must respond within 45 days of the request by sending the student a copy of the requested record or by arranging an appointment for the student to review it. Students may not have access to the confidential financial statement of parents or any information contained in such statements.

Students may waive their right to access confidential letters of recommendation that they seek for admission to any educational agency or institution for employment, or application for an honor or honorary recognition. Students must be notified of requests of all such individuals furnishing recommendations, and the letters must be solely for the stated purpose for which the student was notified and for which they waived their right of access. Such waivers may not be required as a condition for admission to, receipt of financial aid for, or receipt of any other services or benefits from such an agency or institution. Where any such records, files, or data contain information related to a third-party, the student is entitled to be informed of only the portion of that record as it pertains to them.

Each record-keeping unit of the school will establish procedures for accommodating requests for access to student records. An administrative charge not exceeding the actual cost to the school for providing access to a student is entitled to copy privilege regarding their records, files, and data at a reasonable administrative cost.

(2) AMENDMENT of Their Education Records

Eligible students have the right to an explanation of any information contained in their record, and to request amendments or corrections to their education records if they believe them to be inaccurate, misleading, or in violation of their privacy. While a school is not required to grant the request, it is required to consider the request and notify the student of the decision and the student's right to a hearing and—upon denial of the amendment—insertion of a statement in their record regarding the contested information. Eligible students may not amend substantive education records, such as academic or disciplinary records and FERPA may not require schools to make these amendments.

(3) DISCLOSURE of Their Education Records

Educational records of the student, or the contents thereof, are not released to the student, their parents, or any third party if the student remains in an unresolved academic issue or disciplinary matter. This limitation does not preclude students from having personal access to their records, merely from obtaining the release of the information.

Disclosure of Discipline Records to Parents or Guardians of Dependent and Non-Dependent Students

Student disciplinary records are maintained as a part of each student's Educational Records. The school reserves the right to report general discipline information to the parent or legal guardian of a dependent student pursuant to guidelines set forth in this section and in the section above. In addition, federal legislation authorizes the school to disclose records of disciplinary violations concerning violations of state, federal, or local governing the use or possession of alcohol or controlled substances, which involve students who are under the age of 21. Disclosure of these types of disciplinary violations may be made to a parent or guardian regardless of whether the student is a dependent. Accordingly, the school may report general discipline information to parents or legal guardians of dependent students, and disciplinary

information concerning alcohol and drug violations to parents or legal guardians of students under 21, regardless of dependency, under any of the circumstances:

1. The parent or legal guardian inquires about a specific university Code of Conduct violation which the student was accused of committing;
2. The student exhibits a repeated pattern of misconduct and has exhausted or failed to complete required program or other performance requirements;
3. The Code of Conduct violation constitutes a felony under state or federal law;
4. The student has been involved, or has involved others, in a potentially life-threatening situation;
5. In a professional judgment of the staff of the Office of Judicial Affairs, a report to the parent or guardian of the student is advisable under the specific facts and circumstances of the disciplinary incident in question
6. The school will not provide any information or documentation for any student or graduate who is delinquent in payment of tuition, fees or any other financial obligation incurred through the university. Westcliff University has the right to deny students to sit for final examinations, to have final examinations graded, or to register for the next term.
7. Documents and files (both electronic and hard copy) containing confidential information are to be accessed, used, and disclosed only with explicit authority and only based on need-to-know for the purpose of a job function, contract, volunteer or paid service to the school.
8. Confidential information regarding any individual or entity acquired during the course of employment at, or providing services to, the university must never be divulged to anyone outside of the university without authorization or to anyone within the university except on a need-to-know basis.
9. Upon conclusion of employment or service, or upon request of a supervisor, all originals and copies of confidential records, whether electronic or hardcopy, must be returned to the school and all further access to and use of such information relinquished.
10. Records must be maintained and disposed of according to the university's policy on Record Retention. The school takes no responsibility for the unauthorized collection, storage or transmittal of third-party information regarding any individual or entity by students, faculty, staff, volunteers or vendors.

Disclosure to Third Parties

Disclosure of information contained in student records, files, and the student normally controls data. Such disclosures will be made to someone other than a university official having a legitimate educational interest in the records only on the condition that prior written consent is obtained from the student. The third party is to be reminded that they should not permit additional access to the information by an additional person without further written consent of the student prior to such an additional transfer of information.

When information on a student must be shared outside the school, all persons, agencies, or organizations desiring access to the records of a student shall be required to sign a written form,

to be kept permanently with the file of the student, indicating specifically the legitimate educational or other interests in seeking this information. This form will be available solely to the student and to the university officer responsible for the record as a means of auditing the operation of the record system.

Disclosure to Other Educational Institutions

Disclosure of appropriate academic records may be made to officials of other educational institutions to which the student has applied and where he/she intends to enroll.

Disclosure Pursuant to Judicial Order

Information concerning a student shall be released if properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding. Effort will be made to give advance notice to the student of such an order before compliance by the university.

Disclosure Pursuant to Requests for Financial Aid

Necessary academic and/or financial student records may be disclosed without the student's prior consent in connection with the student's application for, or receipt of, financial aid.

Disclosure to Federal and State Authorities

This policy shall not preclude access to student records by authorized federal and state officials in connection with the audit and evaluation of federally supported education programs or in connection with enforcement of federal and state legal requirements that relate to such programs. Except when collection of personally identifiable data is specifically authorized by federal and state law, any data collected and reported with respect to an individual student shall not include information (including social security number) that would permit the personal identification of such student.

Disclosure Under Emergency Conditions

On an emergency basis, a designated school officer may release information about a student when that information is necessary to protect the health or safety of a student.

Disclosure to Educational Agencies and Institutions

Information that will not permit the individual identification of students may be released to organizations of educational agencies or institutions for the purpose of developing, validating, and administering predictive tests and measurements. Similarly, information may be released to accrediting organizations in order to carry out their accrediting functions.

Disclosure to Parents of Dependent Students

Information concerning a student who is dependent within the meaning of Section 152 of the Internal Revenue Code of 1954 may be released to that student's parents. The Internal Revenue Code defines a dependent student as one who has attended an educational institution full-time for any five calendar months of a tax year and who was provided more than one-half of his/her support as claimed by the parent or parents on their income tax statement. For purposes

of this policy, the assumption, unless individually certified to the contrary under the above criteria, will be that university students are not dependents within the meaning of the Internal Revenue Code.

Exceptions to Prior Written Consent: Disclosure Without Consent

1. "School officials" of postsecondary institutions may access PII if they have a legitimate educational interest in the information. Additionally, the school's annual notification of rights under FERPA must include the criteria for "school officials" and "legitimate educational interests." The "school official" exception under FERPA also includes contractors, consultants, volunteers, or other third-party services outsourced by the school, provided that they:
 - a. Perform a function or service for which the school would otherwise use employees;
 - b. Are under the direct control of the school regarding use and maintenance of education records;
 - c. Are subject to FERPA requirements for the use and redisclosure of PII; and
 - d. Meet the school's definitions for "school official" with "legitimate educational interest" that goes out in the annual report on FERPA rights.
2. FERPA permits the disclosure of PII to another school where a student "seeks or intends to enroll," or where they are already enrolled—as long as the information is related to their enrollment or transfer. Disclosure without consent is permitted as long as reasonable attempts were made to notify the students, or if the annual notice of students rights related to FERPA contains a statement explaining that the school forwards PII related to enrollment or transfer to schools that request it. The disclosed records must be provided to the eligible students if requested and, if requested, the student must be provided a hearing and an opportunity to request amendment to the education records.
3. FERPA also permits the disclosure of PII without consent when it has been appropriately identified as "directory information," which is information generally not considered harmful to students if disclosed. Westcliff University may disclose directory information for any purpose at its discretion without the consent of the student. However, students 18 years of age and older, or the parents or guardians of dependent students, may request that the university not release their directory information. Westcliff University considers the following information is considered directory information:

A. <i>Name</i>	E. <i>Academic Classification (by year)</i>
B. <i>Major/Field of Study</i>	F. <i>Degrees and Awards</i>
C. <i>Part-time/Full-time Enrollment Status</i>	G. <i>The most recent previous educational agency or institution attended</i>
D. <i>Dates of Attendance (including matriculation and/or withdrawal dates)</i>	H. <i>Photograph</i>

Violations of this policy are treated seriously. Employees' failure to comply with this policy may lead to discipline, up to and including termination. Student workers employed by the university who violate this policy may be terminated from their jobs and may also face discipline under the Student Code of Conduct. Others covered by this policy may lose opportunity to contract with, volunteer for, or otherwise provide service to the university. Violations might also subject the violator to criminal or civil prosecution under federal or state laws.

For more information about the rights, protections, and allowances regarding student records, please reference the United States Department of Education (DOE)'s [*An Eligible Student Guide to the Family Educational Rights and Privacy Act \(FERPA\)*](#).

Assigned Leadership

University Registrar

Related Resources

[A Parent Guide to the Family Educational Rights and Privacy Act \(FERPA\)](#)

[An Eligible Student Guide to the Family Educational Rights and Privacy Act \(FERPA\)](#)

Revision Dates

08/31/2012

12/31/2016

06/14/2023

