



NOORDA COLLEGE
of OSTEOPATHIC MEDICINE

Student Data Security & Confidentiality Policy

Policy Name:	Student Data Security & Confidentiality of Records Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	Presidents Council Compliance Officer
Effective:	January 2019
Expires:	January 2024
	Last Revised: n/a

Family Educational Rights and Privacy Act

Student Data Security & Confidentiality of Records Policy

Public Law 93-380, the Family Educational Rights and Privacy Act of 1974, as amended, (FERPA) is in effect to ensure the security and confidentiality of student information used in College operations. It is the policy of the College to comply with FERPA. The security and confidentiality of student data is a matter of concern not only for the employees within the Office of the Registrar, but all College personnel who are deemed to have the "legal right to know" and are granted access to student data files, systems or physical facilities that hold such records. Each person working in the Office of the Registrar or who has access to student records/data holds a position of trust regarding student information and must recognize the responsibilities entrusted to them to preserve the security and confidentiality of that information. Therefore, to remain in compliance with federal law and College policy, each employee entrusted with student information is expected to read and comply with the regulations outlined below, to engage in FERPA training as determined appropriate by the College, and to abide by the following code of responsibility:

1. Not to make or permit unauthorized use of any student information.
2. Not to exhibit or divulge the contents of any student record or report to any person except in the conduct of their work assignment.
3. Not to seek personal benefit or permit other to benefit personally by any confidential information about students which has come to them by virtue of their work assignment(s).
4. Not to knowingly include or cause to be included in a student's record/report a false, inaccurate or misleading entry.
5. Not to remove any official record (or copy) or report from a student's file or from the office in which it is kept except in the performance of their duties.
6. Not to aid, abet, or act in conspiracy with another to violate any part of this code.
7. To immediately report any violation of this code to his/her supervisor.

While the College has always been aware of and sensitive to FERPA regulations, the primary responsibility for compliance to FERPA fell to the Office of the Registrar - which serves, and will continue to serve, as the official custodian of student academic records.

Disclosure to the Student

Currently enrolled and former students have the right to inspect and review their educational records upon request with proper identification. Request for official records can be made through the eNCOMpass web portal. Hardcopy requests for official documents will be generally accomplished within 3-5 business days within receipt of the request. Students may not have access to educational records that the student has waived his/her right to inspect and review.

Appeal

A student who is denied access to his/her educational records may appeal in writing to the Dean or other appropriate official maintaining the records. If the decision to deny access is upheld, the school official handling the appeal must provide a written statement to the student regarding the basis for the denial within ten (10) business days of receipt of the appeal.

Applicants have the right to review educational records and data submitted for admission with an Admissions Office representative. Those denied admission must exercise this right within six (6) months of the date of denial. The decision to admit or deny admissions is, however, a composite professional decision not subject to review.

Amendment of Record

A currently enrolled or former student has the right to request an amendment of their educational records that he/she believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA. A request to amend a record must be made in writing to the responsible College official for the record, clearly identifying the part of the record the student is contesting and the justification for the requested amendment. If the student's request to amend is denied, the College official will notify the student in writing of the decision and the right for an appeal.

A request for an appeal to a denial of a request to amend records, must be made in writing to the Dean. The Dean will respond to the appeal within ten (10) business days of receipt of the committee recommendation. The Dean's will determination on the appeal is final.

If the Dean deems that the student's record is factually incorrect, the record shall be amended in accord with the final determination. If the student is dissatisfied with the

final determination, the student has the right to file a complaint with the Family Policy Compliance Office at the U.S. Department of Education.

Third Party Disclosure

Personally identifiable information from a student's educational record will not be released to third parties without the prior signed consent of the student, with certain exceptions as allowed by FERPA. Exceptions to the consent requirements include:

- 1. Disclosure to School Officials.** Student records can be disclosed without written consent to school officials who have a legitimate educational interest in the records. All confidential records may be disclosed only on a NEED TO KNOW BASIS. Specifically, school officials requesting information must have a legitimate need for the requested information for the effective functioning of his or her position or office. Determination as to whether the need to know requirement has been satisfied is made by the head administrator for the unit retaining the information or by the Dean or President of the College. All information released can only be used for the purpose intended. For purposes of the school officials exception, education records may be disclosed without consent to contractors, consultants, and other outside parties to whom the College has outsourced institutional services or functions that it would otherwise use employees to perform, provided that the outside party is under the direct control of the College with respect to the use and maintenance of the education records and subject to the same conditions governing the use and redisclosure of education records that apply to other school officials. The outside party must sign a statement indicating their compliance with the non-redisclosure provisions of FERPA prior to receiving any student information.
- 2. Disclosure for Postgraduate Training Applications.** Student education records along with supporting documents relevant to application services used to deliver postgraduate training applications, with whom the student has registered, may be disclosed to the application services without the student's prior written consent.
- 3. Disclosure Pursuant to Judicial Order.** Student education records may be released if properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding. In all such cases, reasonable attempts will be made to notify the student of the judicial order in advance of compliance, as permitted by law.
- 4. Disclosure Pursuant to Requests for Financial Aid.** Student education records relevant to the student's application for, or receipt of, financial aid may be disclosed without the student's prior written consent.

5. **Disclosure to Federal and State Authorities.** Authorized federal and state officials may have access to student education records as required by the audit and evaluation of state and federally supported education programs, or in connection with the enforcement of federal legal requirements which relate to such programs.
6. **Disclosure to Accrediting and Professional Associations.** Designated representatives of accrediting and other professional organizations with which the College is affiliated may have access to student education records to the extent necessary to fulfill the obligation of that affiliation.
7. **Disclosure Pursuant to Student's Delinquency on Payment.** Student education records may be disclosed as necessary to effect collection of a student's financial obligations to the College.
8. **Disclosure Pursuant to Student's Transfer to another Institution.** The College may disclose personally identifiable information from a student's educational records without consent if the disclosure is to another institution for which the student has applied for admission, under the conditions described in §99.31 and §99.34 of the regulations.
9. **Disclosure Pursuant to Litigation against the College.** Student education records deemed necessary for the defense of the College in a suit filed by a student may be disclosed to attorneys representing the College.
10. **Disclosure Pursuant to the College's Obligations to Support Study and Research.** The College may disclose personally identifiable information from a student's education records without consent if the disclosure is to an organization conducting studies for, or on behalf of, the College to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. Requests for access to student education records under the studies exception must be approved by the Dean, Registrar, or the Office of Research and Institutional Effectiveness. Such requests will be fulfilled, if possible, by information from which all identification of the student has been removed.

The written agreement between the College and the organization conducting the study must specify the purpose, scope, and duration of the study and the information to be disclosed; require the organization to use personally identifiable information from education records only to meet the purposes of the study; limit any disclosures of information to individuals in the organization who have a legitimate interest in the information; and require the organization to destroy or return to the College all personally identifiable information within a specified time period when the information is no longer needed for the purposes of the study.

11. **Disclosure to Protect the Health and Safety of an Individual.** The College may disclose information from education records to appropriate parties including, but not limited to, parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of a student or another individual under the conditions described in §99.36 of the regulations.
12. **Disclosure of Student Directory information.** The College may disclose directory information from a student's educational record to third-parties without the written consent of the student. The College has designated the following types of personally identifiable information as directory information: Student's name, address, telephone listing, e-mail address, date and place of birth, photograph, major field of study, participation in officially recognized activities, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended and location, and the training institution and medical specialty identified for postdoctoral education.
13. **Disclosure Pursuant to the Wetterling Act, 42 U.S.C. 14071.** The College may disclose without consent information received under the Wetterling Act about a student who is required to register as a sex offender. Student education records disclosed to a third party are subject to the condition that the third party will not permit any other party to have access to the records without prior approval from the College or the students.

Parents or Legal Guardians

The College does not make disclosures of information to parents or legal guardians without written consent from the student. However, consistent with FERPA, the College does not need a student's consent to release information from education records to parents or other appropriate individuals in the case of health and safety emergencies.

Data Requests

Requests for student information beyond the scope of the systems provided to College constituents based on their roles and security access should be submitted to the Office of the Registrar. Only the Office of the Registrar, the Office of the Dean and the Office of Research and Institutional Effectiveness are authorized to fulfill such requests. All other units and organizations may not release student or institutional data without prior approval by the Dean or Registrar. All data requests are subject to review and approval for compliance with FERPA and College policies. The College does not release student information for commercial purposes.

Fees

Requests which require extensive labor, interfere with regular operations, or require data in specific formats (e.g. mailing labels) may be denied or charged a fee for the service. An estimate of the fees may be provided upon request.

Notification of Student Rights under FERPA

All currently enrolled students at the College are notified annually of their rights under FERPA by the Office of the Registrar.

Faculty/Staff Training

All College personnel who need access to student information to perform their job responsibilities are required to participate in at least one FERPA training session each year as deemed appropriate by College leadership. Access to eNCOMPASS Self-Service, a web utility for student data, will only be given to those personnel who have a legitimate educational interest as defined by FERPA and only after FERPA training has been confirmed. Training may be conducted in a variety of venues (e.g., New Employee Orientation, Lunch-and-Learns, on-line, etc.)

Additional Information

If circumstances arise involving release of confidential information that are not covered in the College's Catalog or by these guidelines, the President, the Dean, or the Registrar should be contacted for advice, clarification, or direction.

Confidential Records

Confidential records are all records containing personally identifiable student information that is not designated as directory information. Such records include, but are not limited to, the following:

- (1) Academic evaluations and grades
- (2) Counseling and advising records
- (3) Disciplinary records
- (4) Financial aid records
- (5) MSPE/Deans Letter or general letters of recommendation
- (6) Medical and psychological records
- (7) Campus security records
- (8) Transcripts and other academic records

- (9) Scores on tests required for new student
- (10) Billing and fee payment records

Personally identifiable information is any information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the campus community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Examples of personally identifiable information include, but are not limited to:

- (1) The student's name
- (2) Name of the student's parent or other family member
- (3) The address of the student or student's family
- (4) A personal identifier, such as a student's social security number or student number
- (5) The student's date and place of birth
- (6) The student's mother's maiden name
- (7) Biometric record
- (8) Citizenship status
- (9) Medical Information
- (10) List of personal characteristics or other information that would identify the student with reasonable certainty

Personally identifiable information also includes information requested by a person who the College reasonably believes knows the identity of the student to whom the education record relates.

Education Records

Education records are those records, files, documents, and other materials which contain information directly related to a student and that are maintained by the College or by a party acting on behalf of the College.

This includes information or data recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, microfiche, and any electronic storage or retrieval media.

Education records exclude:

- (1) Records that are in the sole possession of school officials and are not accessible by other personnel
- (2) Law enforcement or campus security records that are maintained or created by the law enforcement unit for the purpose of law enforcement only
- (3) Employment records relating to students who are employed by the College, unless the employment is a result of his/her status as a student
- (4) Records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, that are used only in

connection with the treatment of the student and are not available to anyone other than those providing such treatment

(5) Records that contain information about an individual after that person is no longer a student at the College, unless the records pertain to the individual's previous attendance as a student

School Official

A school official is a person employed by the College in an administrative, supervisory, academic/research, or support staff position; contractors, consultants, volunteers and other non-employees performing institutional services and functions; and a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Student

A student is any individual with respect to whom the College maintains education records and has been in attendance at the College. A student's education records are protected under these guidelines beginning on the first day of classes of the student's first semester of enrollment. No student shall be required to waive his or her rights under FERPA as a condition of admission or for the receipt of any services or benefits. Human Resources Arranges FERPA training for new hires Registrar Office and/or College Trainer Conducts FERPA training and confirms completion to Human Resources, Registrar's Office and appropriate division leader.

Any faculty/staff who maintains or seeks access to student records as part of their job responsibilities. Participates in FERPA training at least once annually, and maintains and releases records in accordance with FERPA and College policy. Registrar's Office Notifies students annually of FERPA rights, manages process by which students can restrict disclosure of directory information, determines eNCOMpass access rights to employees and communicates approval to. Information Technology, facilitates responses to third-party requests for student data, and serves as a primary resource for FERPA awareness, compliance and education.

Information Technology Creates employee access rights to eNCOMpass and other student record databases as directed by Registrar and Executive Leadership Registrar's Office and Publications Office. Ensures that accurate FERPA information is posted to the College Website and Catalog. Students Read KCUMB's Confidentiality and Disclosure of Student Records information as posted to the College Catalog and website. Read notice of FERPA Rights as provided annually by the Registrar's Office.

A violation of this policy may lead to reprimand, suspension, dismissal or other disciplinary action, consistent with general personnel policies of the College, and the

Code of Student Conduct for student employees (fellows, teaching assistance, etc.)
Registrar, Executive Vice President for Academic and Medical Affairs, or College Legal
Council.