

## **Maintenance of Student Records Policy**

### **I. Family Educational Rights and Privacy Act (FERPA)**

West Virginia University Hospitals (WVUH) maintains student records within the scope of the provisions established by the Family Educational Rights and Privacy Act (34 CFR 99) and its subsequent revisions herein referred to as FERPA or the "Act". This policy attempts to articulate the principle components of FERPA as applicable to enrolled eligible students and/or parents. In situations not specifically addressed by this document, WVUH will defer to requirements of the Act which may be accessed in its entirety at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

### **II. FERPA Provisions**

- FERPA gives parents certain rights with respect to accessing their children's education records. These rights transfer to the student when he or she reaches the age of 18 or enters a postsecondary institution. Students to whom the rights have transferred are "eligible students." Parents may retain these rights in accordance to CFR 99.31(a)(8) when the student is a dependent as defined by the Section 152 of the IRS Code. WVUH may request documentation from the student to ascertain parent's eligibility in situations when disclosure requests are received.
- Eligible students and/or parents have the right to inspect and review the student's education records maintained by WVUH. WVUH is not required to provide copies of records unless, for reasons such as geographical location, it is impossible for eligible students and/or parents to review the records. WVUH may charge a fee for copies.
- Eligible students and/or parents have the right to request that WVUH correct records which they believe to be inaccurate or misleading. If WVUH decides not to amend the record, the eligible student and/or parent then has the right to a formal hearing. After the hearing, if WVUH still decides not to amend the record, the eligible student and/or parent has the right to place a statement in the record setting forth his or her view about the contested information.
- Generally, WVUH must have written permission from the eligible student and/or parent in order to release any information from a student's education record (See Section VIII). However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

### **III. Directory Information**

- Under the provisions of the Act, WVUH may disclose, without consent, "directory" information such as a student's name, address, telephone number, birth date, place of birth, honors and awards, and dates of attendance.
- Prior to disclosure of directory information, WVUH will give public notice of such and will specify the information it has designated to disclose and the time frame for such disclosure. Notice will be given at a minimum advance of at least two weeks.

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- Eligible students and/or parents may refuse to permit WVUH from releasing directory information by submitting their request in writing within the designated public notice time frame.

#### **IV. Annual Notice**

- WVUH will notify eligible students and/or parents annually of their rights under FERPA.
- This mechanism for distribution of this notice will be at the discretion of WVUH and may include special letters, electronic media, posting in student areas, or publication on the program's web page. (See attached Annual Notice)

#### **V. Education Records Maintained during Enrollment**

- In accordance with the provisions established by American Association of Collegiate Registrars and Admissions Officers (AACRAO) WVUH will maintain the following records for enrolled students for a period of 5 years:
  - Transcript(s) of grades
  - Student clinical records
  - Semester end clinical & didactic grades
  - Disciplinary actions
  - Student counseling documentation
  - Application & supporting materials
  - Statement of Intent to Enroll form (Student Contract)
  - Attendance records
  - Health records - as required for admission standards.
  - Radiation monitoring records - maintained in the Office of the Department of Radiation Safety.
  - Financial Aid Records

#### **VI. Permanent Records Maintained by WVUH**

- In accordance with the provisions established by American Association of Collegiate Registrars and Admissions Officers (AACRAO) WVUH will permanently maintain the following student records:
  - Graduation Roster
  - Final Transcript of WVUH grades
- Permanent records will be archived in both paper and electronic format in two different secure locations.

#### **VII. Limitations of Destruction of Student Records:**

- With the exception of those records identified as "permanent", program officials are not precluded from destroying education records, subject to the following:
  - The Program may not destroy any education records if there is an outstanding request to inspect and review the records;
  - Any written explanation placed in his or her own education record by the student setting forth any reasons for disagreement with the decision of the hearing of the school;
  - The record of disclosure must be maintained for as long as the education record to which it pertains is maintained.

### **VIII. Requests for Education Records**

- Eligible students and/or parents shall provide a signed and dated written consent before WVUH will release educational records with personally identifiable information to a third party. Students may request copies of their educational records by submitting the attached “Education Records Release” form or other acceptable documentation.
- Acceptable documentation must
  1. Include verifiable student identifiers.
  2. State the purpose of the disclosure.
  3. Identify the party to which the records are to be sent (name & address).
  4. Identify the record(s) to be released.
  5. Be submitted in the form of the Education Records Release form, a signed letter, or an e-mail.
- WVUH shall respond to a request for educational records within 45 days.
- WVUH may charge a fee not to exceed \$5.00 per each for copies of educational records.
- WVUH will retain a copy of all Education Records Release forms or other acceptable documentation as long as the records are maintained.

**In addition to Family Educational Rights and Privacy Act, this policy may be subject to the provisions established by the following regulatory agencies and professional organizations:**

- American Association of Collegiate Registrars and Admissions Officers (AACRAO) <http://www.aacrao.org>
- Nuclear Regulatory Commission (NRC). For some institutions, the addition of nuclear medicine or physics programs including the use of radiological materials as part of laboratory programs can bring them under the rules of this commission. <http://www.nrc.gov/reading-rm/adams.html>
- USA Patriot Act. This Act, passed October 2001, updates 15 different laws, including FERPA. <http://epic.org/privacy/terrorism/hr3162.html>
- U.S. Wage and Hour/Internal Revenue Service/Americans with Disabilities Act. A wide variety of federal agencies and programs have regulations that apply to higher education.