

## UNIVERSITY POLICIES AND PROCEDURES

### **CONFIDENTIALITY AND PRIVACY POLICY**

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

This policy applies to all members of the university community, including students, faculty, staff, alumni in connection with university activities, as well as contractors, vendors, consultants and affiliates when performing services for the University. It encompasses all information acquired during the course of employment or service to the University, whether paid or unpaid.

All members of the University community are required to maintain the confidentiality of business and nonpublic University records and data entrusted to them, except when disclosure is authorized by an appropriate officer of the University or required by law. University data and information may only be used for University purposes. In accordance with federal and state law and University policy, confidential records should never be disclosed without appropriate authorization, and should be maintained and secured.

The University complies with all applicable laws relating to personal privacy, including the Family Education Rights and Privacy Act (FERPA) of 1974. The University has designated certain information contained in the education records of its student as directory information for purposes of the Family Educational Rights and Privacy Act (FERPA).

The following information regarding students is considered directory information:

1. Name
2. Major Field of Study
3. Part-time/Full-time Enrollment Status
4. Dates of Attendance (including matriculation and withdrawal dates).
5. Academic Classification by Year

6. Degrees and Awards Received
7. The Most Recent Previous Educational Agency or Institution Attended by the Student
8. Student's Photograph

This institution may disclose directory information for any purpose in its discretion, without the consent of a student. Students have a right, however, to refuse to permit the designation of any or all of the above information as directory information. In that case, this information will not be disclosed except with the consent of a student, or as otherwise allowed by FERPA.

The following guidelines will be utilized with respect to the disclosure of student records:

### **Disclosure to the Student**

The student has the right to inspect and review his/her educational records, and may do so by making an oral or written request to the University official responsible for the specific record desired. The official must respond within forty-five 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. The student has the right to an explanation of any information contained in the record. Educational records of the student, or the contents thereof, will not be released to the student, his/her parents, or any third party so long as a financial indebtedness or a serious academic and/or disciplinary matter involving the student remains unresolved. This limitation does not preclude the student from having personal access to the records, merely from obtaining the release of the information. The student may not have access to the confidential financial statement of parents or any information contained in such statements.

A student may waive his/her right to access confidential letters of recommendation that he/she seeks for admission to any educational agency or institution, for employment, or for application for an honor or honorary recognition. The student must be notified on request 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 he/she waived his/her right of access. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such an agency or institution. Where any such records, files, or data contain information relative to a third person, the student is entitled to be informed of only the portion of that record as pertains to him/her. Each record-keeping unit of the University will establish procedures for accommodating requests for access to student records. An administrative charge not exceeding the actual cost to the University for providing access

may be initiated in certain areas for access to record information. The student is entitled to copy privilege in regards to his/her records, files, and data at a reasonable administrative cost.

### **Disclosure of Information 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 he/she 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 University, 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 University 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 or 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.

### **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 University 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 University 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 University 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.

The University 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. Irvine University has the right to deny students to sit for final examinations, to have final examinations graded, or to register for the next term.

Documents and files (both electronic and hard copy) containing confidential information are to be accessed, used, and disclosed only with explicit authority and only on a need-to-know basis for the purpose of a job function, contract, volunteer or paid service to the University.

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.

Upon conclusion of employment of service, or upon request of a supervisor, all originals and copies of confidential records, whether electronic or hardcopy, must be returned to the University and all further access to and use of such information relinquished.

Records must be maintained and disposed of according to the University's Policy on Record Retention Policy. The University 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.

Violations of this policy will be 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.