

Student Records

Policy

Wilmington College recognizes its responsibility to protect students and former students against the improper disclosure of information. The College will comply with all applicable state and federal laws, including the Family Educational Rights and Privacy Act of 1974 (FERPA), that relate to the retention and disclosure of information about students and former students.

Definitions

- Attendance includes attendance in person, online, hybrid (both online and in-person) or by correspondence and the period during which an individual is working for the College under a workstudy program.
- Education records are all records, files, documents, and other materials, maintained in any medium, that contain information directly related to a student and are maintained by the College faculty, staff and/or its agents.
- Education records maintained by the College include:
 - Academic records;
 - Financial records;
 - Computer and network use records;
 - Disciplinary records;
 - Employment records;
 - Security records; and
 - Medical and counseling records.
- Education records do not include the following:
 - Personal notes made by professors, teachers, staff or agents, solely for his or her use that are not shared with anyone;
 - Records created and maintained by the College for purposes of compliance with the Clery Act;
 - Employment records of a student whose employment is not contingent on the fact that he or she is a student;
 - Alumni records containing information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student; and,
 - Applications for admission until an applicant has been officially accepted to and registers at the College.
- Final results include the name of the alleged student perpetrator, the violation(s) committed (policies violated and essential supporting findings), and the sanction imposed (disciplinary action taken, date, and duration).
- A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including College Security personnel and health and counseling staff); a person or company with whom the College has contracted (such as an attorney, auditor, financial aid processing agent, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as the Disciplinary Board or a grievance committee, or assisting another school official in performing his or her tasks.
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility for the College.

- Personally identifiable information is any information which can be used, by itself or in combination with other information, to identify an individual. Examples include name, address, telephone number, social security number, student identification number, photos, or fingerprints.

Disclosure of Personally Identifiable Information in Education Records

With Consent

The College will not disclose personally identifiable information contained in a student's education records without prior written consent, except as authorized by applicable state or federal law. Federal law prohibits the disclosure of personally identifiable information from educational records to a third party without written consent from the student who is at least 18 years old, or written consent from their parent or guardian if the student is a minor. New students may sign a consent form when they are admitted to the College that allows them to consent to the release of educational records of their choosing to certain individuals (e.g., parents). Students can change their consent form at any time by visiting Academic Affairs in College Hall 202.

Without Consent

In addition to directory information, the College will disclose personally identifiable information contained in a student's education records without prior written consent to:

- School officials with a legitimate educational interest;
- Authorized agents of the state or federal government in connection with an audit or evaluation of federally or state supported programs;
- Authorized agents in connection with financial aid for which the student has applied or which the student has received;
- Accrediting organizations in order to carry out their accrediting functions;
- To comply with a lawfully issued court order or subpoena (the College will make reasonable efforts to notify the student prior to compliance with the subpoena) ;
- To appropriate persons in relation to a health and safety emergency, as specifically determined by the College, in accordance with FERPA;
- To an alleged victim, the final results of any disciplinary proceeding conducted by the College, where the behavior alleged constituted a crime of violence, or a non-forcible sexual offense. The disclosure will be made regardless of whether the alleged perpetrator was found to have violated any College policy with respect to the alleged crime or offense;
- To third parties, the final results of any disciplinary proceeding conducted by the College, where the behavior alleged constituted a crime of violence, or a non-forcible sexual offense, only when the alleged perpetrator has been found to have violated any College policy with respect to the alleged crime or offense;
- To comply with a court order obtained under the USA Patriot Act for education records considered relevant to a terrorism investigation or prosecution, without advance notice to the student;
- To disclose to a student's parent information regarding any violation of law or of College rule or policy as to alcohol or use or possession of other drugs, if the student is under age 21 at the time of the disclosure and the College determines that such alcohol/drug use or possession constitutes a disciplinary violation;

- To disclose information provided to the College under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under that section; and
- To the U.S. Citizenship and Immigration Services (USCIS) / Department of Homeland Security (DHS) concerning an F, J, or M non-immigrant alien, only to the extent necessary for the College to comply with Student and Exchange Visitor Program (SEVP) reporting requirements, as mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the USA Patriot Act, the Enhanced Border Security and Visa Entry Reform Act of 2002, and the regulation at 8 CFR 214.1(h). Consent is not necessary for the College to disclose required information to USCIS or DHS in compliance with SEVP reporting obligations.
- To the National Student Clearinghouse to function as the College's agent in matters including but not limited to:
 - FELP loan deferment;
 - Reporting enrollment to the NSLDS and other related enrollment and degree verification service

Directory Information

Directory information will be disclosed by the College without prior written consent. Students may direct the College not to disclose their directory information by notifying the Office of the Registrar in writing, within two weeks of the first day of the fall term. Requests to withhold directory information will remain in effect until rescinded in writing by the student. (Reference our online FERPA policy: second paragraph)

At Wilmington College, directory information may include the following

- Student name;
- Home and local address and telephone numbers;
- Major fields of study and College of enrollment;
- Degrees, honors, awards, and dates received;
- Teaching certificates/licensures received;
- Class (year of study);
- Dates of attendance;
- Most recent institution previously attended;
- Previous degrees earned and granting institutions;
- Participation in officially recognized activities and sports;
- Height and weight of members of athletic teams;
- Enrollment status (enrolled, withdrawn, full or part-time);
- Date of birth;
- Student email address; and,
- Student photo.

Records of Disclosures

The College shall maintain within the student's education records a record for each disclosure request and each disclosure, except for the following:

- Disclosures to the student;
- Disclosures pursuant to student's written consent;
- Disclosures to school officials with a legitimate educational interest;
- Disclosures in order to comply with a lawfully issued court order or subpoena;

- Disclosures to comply with a court order obtained under the USA Patriot Act; and
- Directory information.

Destruction of Records

Nothing in this policy requires the continued maintenance of any student record for any particular length of time. If, under the terms of this policy, an individual has requested access to a student's education record, the record will not be destroyed before the custodian has determined whether and to what extent access is permitted.

Students' Rights with Respect to Education Records

Inspection

A student has the right, upon written request, to review the materials that are contained in the student's education records, except:

- Financial information submitted by the student's parents;
- Confidential letters and recommendations associated with admission, application for employment or receipt of an honor or honorary recognition to which the student has waived the rights of inspection and review;
- Education records containing information about more than one student, in which case the College will only permit access to that part of the record pertaining to the inquiring student.

Students wishing to review their educational records, excluding the records identified above, must make a written request to the Office of Academic Affairs or the Office of Student Affairs. The appropriate office will make the requested records available within forty-five (45) days of the receipt of the request. Unless the student has an outstanding financial indebtedness to the College, copies of the records can be made at the student's expense at prevailing institutional rates.

Amendment

Students who believe their education records contain information that is inaccurate, misleading or otherwise in violation of their privacy or other rights may request an amendment of the records. Students wishing to amend their records should submit a request for the amendment in writing to the Office of Academic Affairs. The request should clearly identify what records the student wants to amend and the reasons supporting the amendment. Within a reasonable amount of time, the Office of Academic Affairs will notify students of the decision regarding their request. If the education record is not amended pursuant to the student's request, the Office of Academic Affairs will inform the student of the student's right to request a formal hearing.

Formal Hearing

A request for a formal hearing must be made in writing to the Associate Vice President for Retention and Academic Success or the Vice President Chief Student Affairs Officer and Dean of Students, who, within a reasonable period will inform the student of the time, date and place of the hearing. A student may present relevant evidence to the issues raised and may be assisted by any person of their choice.

the panel for the hearing will consist of the Associate Vice President for Retention and Academic Success and the Vice President Chief Student Affairs Officer and Dean of Students. In the event that one of these individuals is the party alleged to be responsible for the disputed contents of the record, the President will appoint an alternate member to the panel.

The panel shall base its decision only upon the evidence presented at the hearing. Panel decisions are considered final and will consist of a written statement summarizing the evidence presented, the findings of the panel, and its decision. The written statement will be delivered to all parties concerned.

If the decision is in favor of the student, the education records will be amended according to the decision of the panel. If the panel finds against the student, the student has the right to place a statement commenting on the information in the record and that the student disagrees with the panel. The statement will be maintained as part of the student's education records and released whenever those records are disclosed.

Any student who believes that the adjudication of the student's request for amendment was unfair or not in keeping with the provisions of FERPA may make a written request for the assistance of the President of the College. In addition, students who believe the College is not in compliance with FERPA may file a complaint with the:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-5920
Phone: 1-800-872-5327 108