

FERPA

Watts College of Nursing adheres to a policy of compliance with the Family Educational Rights and Privacy Act. The policy (1) permits students to inspect their education records, (2) limits disclosure to others of personally-identifiable information from education records without students' prior written consent, and (3) provides students the opportunity to seek correction of their education records where appropriate.

Definitions

Student. An individual who is, or who has become, *in attendance* at Watts College of Nursing. It does not include an individual who was an unsuccessful applicant for admission to the College. A student definition also includes alumni/former students.

In Attendance. A student in attendance can be participating in person or by paper correspondence, video conference, satellite, Internet, or other electronic information and telecommunications technologies for students not physically present in a classroom. Attendance could also be the period in which a person is working in a work-study program. Watts College of Nursing defines attendance to begin the first day a student arrives on campus for an official, organized campus activity (e.g. orientation, athletic practice, class, etc.) or participates in any official, organized activity offered by technology (e.g. orientation, class, etc.).

Education Records. Education records include those records that are *personally identifiable* and which are maintained by the College or a College official. Records could be information or data recorded in any medium, including but not limited to photos, handwriting, print, tapes, film, microfilm, and microfiche.

The following are not considered education records:

- Records about students made by professors and administrators for their own use and not shown to others.
- Campus police records maintained solely for law enforcement purposes and kept separate from the education records described above.
- Employment records, except where a currently-enrolled student is employed as a result of his or her status as a student (i.e. work-study).
- Records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment. However, these records may be reviewed by an appropriate professional of the student's choice.
- Records which contain only information relating to a person's activities after that person is no longer a student at the College.
- Application for admissions records in which the student is not currently in attendance.

Personally Identifiable. Data or information that contains the name of a student; the student's parent or other family member's name; the address of the student, parent, or family member; a personal identifier, such as the social security number or student ID number; other information which would make the student's identity easily traceable.

Directory Information. The following categories of information have been designated directory information at Watts College of Nursing:

- Name(s)
- Duke Unique ID
- Email Addresses
- Program of Study

The College will give annual public notice to students of the categories of information designated as directory information and will allow a reasonable period of time after such notice for the student to inform the College that he/she wishes to suppress the information from being disclosed. Directory information may appear in public documents and may otherwise be disclosed without student consent unless the student objects as indicated. See Disclosure of Personally Identifiable Information section below for additional information.

Disclosure. Permitting of access or the release, transfer, or other communication of *education records* orally or in writing, or by electronic means, or by any other means to any party.

School Official. A person employed by the College in an administrative, supervisory, academic, research, or support staff position, including public safety and health care personnel; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees or a student serving on an official committee or assisting another school official in performing his or her tasks. School officials may only access and use education records as necessary to conduct official College business or for which they have *legitimate educational interest*.

Legitimate Educational Interest. An interest in reviewing student education records for the purpose of performing an appropriate College research, educational, or administrative function. A school official has legitimate educational interest if the need to see an education record is necessary in order to perform his or her professional responsibilities. Interests essential to the general process of higher education, including teaching, research, public service, and directly supportive activities such as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, academic assistance activities, and co-curricular activities including varsity and intramural sports, social fraternities, specific interest clubs, and student government.

Right to Inspect Records

Each student has a right of access to his or her education records, with the following exceptions:

- Financial records of the student's parents.
- Confidential letters and confidential statements of recommendation placed in education records of students before January 1, 1975, provided that the letters and statements were used only for the purposes for which they were intended.
- Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975, in connection with admission to an institution, an application for employment, or the receipt of an honor or honorary recognition, provided that the student has waived his or her right to inspect and review those letters and statements of recommendation.
 - Persons applying for admission may waive in writing their right to inspect and review confidential letters of recommendation and confidential statements of recommendation. The waiver may apply to confidential letters and statements only if the applicant or student is, upon request, notified of the names of all individuals providing the letters or statements, and such letters and statements are used solely for the purpose for which they were originally intended. The University will not require such waivers as a condition for admission or receipt of any service or benefit normally provided to students. A waiver may be revoked in writing at any time, and the revocation will apply to all subsequent recommendations.
- Education records of other students, if included on the education record of the student. The student may only inspect his/her own information.

Students wishing to review their records should submit a written request to the Registrar 2828 Croasdaile Drive, Suite 200, Durham, NC 27705, or wconinfo@duke.edu. The request should include the following: full name, Unique ID, records requested to be reviewed, purpose of review, admit term(s), phone, and home and local addresses. The College will comply with record review requests within 45 days.

For students living locally (within commuting distance of approximately 50 miles), arrangements will be made for the student to read his or her records in the presence of a staff member. Copies are not provided, including copies of transcripts from other institutions. Other arrangements will be made for students not living locally.

A student who exercises the right to review his/her education record is also entitled to a reasonable request for explanation and interpretation of those records. If a student has made the request to review his/her record, none of those records shall be destroyed until the student's request to inspect or review has been honored.

Disclosure of Personally Identifiable Information

The College will not release personally-identifiable information in education records or allow access to those records without prior consent of the student, other than information deemed

"directory information." Unless disclosure is to the student himself or herself, the consent must be written, signed and dated, and must specify the records to be disclosed and the identity of the recipient.

Prior consent may not be required for disclosure of education records to the following:

- School officials of Watts College of Nursing who have been determined to have legitimate educational interests.
- Officials of other schools in which a student seeks or intends to enroll or is enrolled. Authorized representative of the Comptroller General of the U.S., the Attorney General of the U.S., the U.S. Secretary of Education, and state and local educational authorities, but only in connection with the audit or evaluation of federally supported educational programs, or in connection with the enforcement of, or compliance with, federal legal requirements relating to these programs. These officials will protect information received so as not to permit personal identification of students to outsiders, and the data shall be destroyed when no longer needed for the purposes above.
- In connection with a student's application for, or receipt of, financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions.
- State and local officials to which such information is specifically required to be reported by effective state law.
- Organizations conducting educational studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to anyone other than representatives of the organizations, and the information will be destroyed when no longer needed for these purposes.
- Accrediting organizations for purposes necessary to carry out their functions.
- Parents of a student who is a dependent for income tax purposes (dependency must be documented).
- Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- In response to a court order or subpoena (*The College will make reasonable efforts to notify the student before complying with the court order*).
- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- On request, the final results of a disciplinary proceeding where a student has allegedly perpetrated a crime of violence or non-forcible sex offense and has been found to have violated University rules or policies. The names of the victims, witnesses, or other students will not be disclosed without consent.
- Parents of a student under the age of 21 who has been found with an alcohol-related disciplinary violation.

It is Watts College of Nursing's practice not to provide student education record information to any party outside the institution with the exception of vendors contracted to provide a service to the institution and are considered school officials and a few entities that provide support for major Watts College of Nursing events, such as commencement.

The College will maintain with the student's education records a record for each request and each disclosure, except:

- disclosures to the student himself or herself;
- disclosures pursuant to the written consent of the student;
- disclosures to instructional or administrative officials of Watts College of Nursing;
- disclosures of directory information;
- disclosures pursuant to a Federal grand jury's subpoena or other law enforcement subpoenas where the court or other agency issuing the subpoena has ordered the institution to not disclose the existence of the subpoena.

The record of disclosure may be inspected by the student, the official custodian of the records, and other University and governmental officials.

A student wishing to suppress the release of "Directory Information" may do so by completing the Request for Non-Disclosure form. The form may be obtained by contacting the Registrar at wconinfo@duke.edu. The student should weigh the implication of placing the suppression. By withholding the release of "Directory Information" Watts College of Nursing will:

- not include the student's name, address, email address, or phone number in the student directory;
- refuse to release any information about the student to the student's insurance company, current or future employers, all forms of media, and any non-institutional persons or organizations;
- give no personal information over the phone;
- will state "do not have any documentation that would support the release of information for a student by that name" to any person/organization/company that would seek information about a student's status.

The Request for Non-Disclosure does not prevent the disclosure of information to University personnel with a legitimate educational interest.

The Request for Non-Disclosure remains in effect until the student rescinds the request. A student who wishes to revoke a Request for Non-Disclosure must complete the Request for Revocation of Non-Disclosure for Directory Information form. A request in place at the time of graduation or at the time of leaving Watts College of Nursing remains in effect in perpetuity.

Right to Seek Correction of Records

A student who believes that information contained in his or her education records is incorrect, misleading, or violation of privacy or other rights may submit a written request to the Office of the Registrar, specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the custodian of the record in question. Within a reasonable period of time of receipt of the request, the University will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student will be so notified and will be advised of the right to a hearing.

A student request for a formal hearing must be made within 30 calendar days after the student receives notice from the record custodian that the record(s) will not be amended. The request for hearing must be made in writing to the Registrar, signed by the student, and contain: 1) a statement that the student is requesting a formal hearing on a request to amend a record, 2) the date the student received notice from the record custodian, and the name of the record custodian, that the record would not be amended, 3) a summary of the attempts to resolve the matter with the records custodian and the result of those attempts, and 4) a summary of the evidence and arguments the student would present at a hearing.

A hearing will be held within 30 calendar days after the receipt of the student's request, and the student will be given ample advance notice of the date, place, and time of the hearing.

Conduct of the Hearing:

The hearing will be conducted by a College official who does not have a direct interest in the outcome. The student will have a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney. The official conducting the hearing will, after considering all relevant information, make a recommendation to the Registrar.

Decision of the Hearing:

Within a reasonable period of time after the conclusion of the hearing, the College will notify the student in writing of the decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision.

If the College decides that the information in the student's records is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the College will amend the record(s) accordingly.

If, as a result of the hearing, the College decides that the information is not inaccurate, misleading, or violation of the student's right, the student has the right to place, in his or her record, a statement commenting on the information and/or explaining any reasons for disagreeing with the College's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept and will be disclosed whenever the contested portion of the record is disclosed.

Limit to FERPA Protection of Records

FERPA's protection of personally identifiable information in a student's education record ends at the time of death.

Complaints

Complaints alleging violation of the provisions of FERPA may be submitted to:
Family Policy and Compliance Office
US Department of Education
400 Maryland Avenue SW
Washington, DC 20202-5920
1-800-872-5327