

CONFIDENTIALITY AND NOTICE OF FERPA RIGHTS

Policy

WITS adheres to the Family Educational Rights and Privacy Act of 1974 (FERPA), also referred to as the Buckley Amendment. This act is designed to protect the privacy of education records and establish the rights of eligible students to inspect their records, correct inaccurate data, and file complaints with the FERPA office, US Department of Education, in cases of alleged failures in compliance. An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age. The rights under this policy include the following:

- The right to inspect and review one’s education records within 45 days after the day WITS receives a request for access. A student must submit to the Registrar, Executive Dean/Menahes, Academic Dean, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The institutional official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the institutional official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- The right to request amendment to one’s education records that a student believes information contained therein is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to ask the institution to amend an education record must request such in writing to the institutional official responsible for the record. The written request must clearly identify the part of the record the student wants changed and specify why the information should be changed.

If WITS chooses not to amend the education record as requested, the student will be notified in writing of the decision and advised of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- The right to provide written consent before the institution discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

WITS discloses education records without a student’s prior written consent under the FERPA exception for disclosure to institutional officials with legitimate educational interests. An institutional official typically includes a person employed by WITS in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit

personnel and health staff); a person serving on the Board of Directors; or a person serving on an official committee. An institutional official may also include a volunteer or contractor outside of WITS who performs an institutional service or function for which the institution would otherwise use its own employees and who is under the direct control of the institution with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another institutional official in performing his or her tasks. An institutional official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the institution.

- The right to file a complaint with the US Department of Education concerning alleged failures by WITS to comply with the requirements of FERPA. The name and address of the office that administers FERPA is as follows:

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to institutional officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student as follows:

- To other institutional officials, including faculty, within WITS whom the institution has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the institution has outsourced institutional services or functions, provided that the conditions listed in FERPA regulation §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§99.31(a)(1)).
- To officials of another institution where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2)(2)).
- To authorized representatives of the US Comptroller General, US Attorney General, US Secretary of Education, or state and local educational authorities, such as a state postsecondary authority that is responsible for supervising the institution's state-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal

requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf (§99.31(a)(3) and §99.35).

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4).
- To organizations conducting studies for, or on behalf of, the institution, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction (§99.31(a)(6).
- To accrediting organizations to carry out their accrediting functions (§99.31(a)(7).
- To parents of an eligible student if the student is a dependent for IRS tax purposes (§99.31(a)(8).
- To comply with a judicial order or lawfully issued subpoena (§99.31(a)(9).
- To appropriate officials in connection with a health or safety emergency, subject to §99.36 (§99.31(a)(10).
- Information the institution has designated as “directory information” under §99.37. (§99.31(a)(11), such as student name, status, marital status, spouse's name, telephone number, address, date of birth, place of birth, dates of attendance, degrees granted, dates degrees granted, names of prior institutions attended, photos, parents' and parents in-law's names, addresses, occupations, congregations, and similar background information. Note: Students have the right to restrict the sharing of directory information. Students who wish to make such a request must contact the Office of the Registrar, and submit the request in writing within 90 days from the beginning of the semester. Once a student requests that the institution not disclose directory information, this hold on sharing directory information will remain in place until revoked by the student in writing. Requests cannot be put into effect retroactively.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding (§99.31(a)(13).
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the institution determines the student is an alleged perpetrator

of a crime of violence or non-forcible sex offense and the student has committed a violation of the institution's rules or policies with respect to the allegation made against him or her (§99.31(a)(14).

- To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if the institution determines the student committed a disciplinary violation and the student is under the age of 21 (§99.31(a)(15).

WITS may use written comments, letters, and/or essays written by students and photographs/videos of students taken at WITS functions for publicity, illustration, advertising, and website content.

Review of Academic Records

The official academic records of all students, past and present, are maintained in the Office of the Registrar. The official transcript contains identifying information, a complete record of all coursework, transfer credits, academic status, and any degrees or certificates granted. The transcript is retained as a permanent record of WITS.

A digital academic folder is maintained for each student, and includes the Personal Program Plan, application for admission, high school transcripts, standardized test scores reports, and transcripts from colleges attended. These files are open for student review upon request. All information in a student's file is confidential.

Review of Transcripts

Students are encouraged to periodically review their transcripts. Students have one semester after the completion of courses to inform WITS of any error on their transcripts.

Students may request an official WITS transcript to be sent to a designated recipient. This request must be submitted online with the required transcript fee. The link to request a transcript is available on the institutional website. Students should allow two weeks from the date of submission of the transcript request for processing. Telephone requests cannot be honored. Students may receive unofficial copies of their transcript at no charge.

Change of Name or Address

If a student experiences a name or address change during enrollment at WITS, the student is responsible for updating all academic records by notifying the Registrar of such changes or updating their demographic information on their student portal on Populi.

Procedure

Individuals seeking to file a discrimination-based complaint must submit a written complaint as noted in the policy.