

GUIDELINES FOR ACCESS TO AND DISCLOSURE OF EDUCATIONAL RECORDS MAINTAINED BY RUDOLF STEINER COLLEGE

In accordance with the Family Education Rights and Privacy Act of 1974, the following represent guidelines for access to and disclosure of educational records maintained for students who are or have been in attendance at Rudolf Steiner College .

Note: This document was crafted using advice of officers who wrote or caused the writing of similar documents in use in other institutions of higher learning. This wording, I am told, is generic, however I none-the-less sought permission to use terminology and etc. from another document.

I. Definitions

The following definitions are used herein:

1. " College " means Rudolf Steiner College
2. "Directory information" includes the following information relating to a student: The student's name, address (permanent and present), telephone number, date and place of birth, undergraduate institution attended and degree, registration number, class level, marital status, home state, dates of attendance, degrees and awards received, the most recent previous educational institution attended and other similar information.
3. "Disclosure" means permitting access to or the release, transfer or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing or by electronic means, or by any other means to any party.
4. "Education records" means those records which are directly related to a student and are maintained by the College, or by a party acting for the College, as a part of its official records of a student's College work. The term does not include:
 - a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute (for the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who makes the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position);
 - b. Records of violation of student conduct code, academic plagiarism etc. of the College, which are maintained apart from educational records solely for code infractions. These records are not disclosed to individuals other than officials of, for example another institution, who carries the same jurisdiction. A case of disclosure is and is not limited to transfer to another institution, which requests such records. The Dean of Students reviews all

such requests and such records are only released if and when the Executive Committee of the College approves the release.

- c. Records relating to an individual who is employed by the College, which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not for use for any purpose (this sub-paragraph does not apply to records relating to any individual in attendance at the College who is employed as a result of his or her status as a student);
 - d. Personal health records of a student, which are created or maintained by a professional acting in his or her professional capacity, used only in connection with the provision of treatment to a student, and not disclosed to anyone other than individuals providing the treatment (provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice); and
 - e. Alumni records compiled after graduation.
5. "Personally identifiable" means that the data or information includes:
- a. The name of a student, the student's parent or other family member;
 - b. The address of the student
 - c. A personal identifier, such as the student's social security number or student number;
 - d. A list of personal characteristics which would make the student's identity easily traceable; or
 - e. Other information, which would make the student's identity easily traceable.
6. "Record" means any information or data recorded in any medium, including, but not limited to: handwriting, print, digital files, CD archives, tapes, film, microfilm and microfiche.
7. "Completed course work" means any information regarding the satisfactory completion of a course formally recorded on a transcript record as units gained. This is maintained in the Registrar's office.
8. "Student" means any person who has matriculated at the College and commenced classes, for whom the College maintains education records. The term does not include an individual who has applied for admission to but had not been in attendance at the College, nor does it include alumni status. "Student" status terminates at the time a student ceases to attend classes and leaves the institution.

II. Inspection and Review of Education Records

1. Education records maintained: The College maintains the following types of education records:
 - a. Personal data which identifies each student enrolled in the College, including full legal name, address, race, sex, date and place of birth, marriage status, names of spouse, name of parent or guardian.
 - b. Description of student academic status including grade level completed, grades, standardized test scores and clinical evaluations of work competency and achievement.
 - c. Scores on standardized intelligence and aptitude tests.
 - d. Scores on standardized professional examination boards.
 - e. Scores on performance assessments completed as part of the educational program.
 - f. Scores on entrance examinations, such as but not exclusive to the TOEFL, or TWE.
 - g. Records of extracurricular activities.
 - h. Health data relevant to educational assignments.
 - i. academic and field evaluations.
 - j. Reports of disciplinary and criminal proceedings provided the reports contain only factual information and not subjective information.
2. Retention and security of records
 - a. College Registrar shall maintain all education records of completed course work. The records office will maintain any and all records necessary to College administration. The Dean of Students shall keep disciplinary and criminal records separated from other records.
 - b. Security of all records of completed course work, shall be the responsibility of the Registrar. Other educational records of, for example incomplete course work of continuing matriculating students are the responsibility of the Academic Dean & Records Office. Incomplete course work records will be kept according to the agreement made with the student. This written agreement accompanies the record and specifies the date upon which the agreement expires and a course is to be repeated if credit is to be given.

- c. With the exception of records of disciplinary and criminal proceedings, the records of subsection 2.a. shall be kept as permanent record of transcripts. Upon graduation the student records of disciplinary and criminal proceedings shall be reviewed by the Academic Dean and the Dean of Students. They make a recommendation to the Executive Committee and this committee will determine whether the record shall be maintained for professional certification or legally related reasons. If there is not sound legal or professional reason for such maintenance, the records shall be destroyed upon order of the Dean of Students.
- d. The Academic Dean shall at any time deemed appropriate, review any and all records for which he/she shall have responsibility, inclusive of transcripts. Such review shall be done to eliminate those records which no longer have meaning in determining the educational accomplishments of the student or which are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

3. Right to inspect and review education records

- a. College shall, permit a student who is or has been in attendance at the institution to inspect and review the education records of that student. This right to inspect and review includes the right to a response from the College to reasonable requests for explanations and interpretations of the records.
- b. Students shall not be permitted to inspect and review the following records:
 - i. Financial records and statements of their parents or any information contained therein.
 - ii. Confidential letters and confidential statements of recommendation which were placed in the education records provided that: (1) the letters and statements were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality, and (2) the letters and statements are used only for the purposes for which they were specifically intended.
 - iii. Confidential letters and confidential statements of recommendation placed in the education records of a student with respect to College admission, an application for employment, or the receipt of an honor or honorary recognition, provided that the student has waived in writing his or her right to inspect and review those letters and statements of recommendation. In the event of such a waiver: (1) the applicant or student shall be, upon request, notified of the names of all individuals providing the letters or statements;

- (2) the letter or statements shall be used only for the purpose for which they are originally intended; and (3) such waiver shall not be required by College as a condition of admission to or receipt of any other service or benefit.. Such a waiver may be revoked at any time with respect to any actions occurring after the revocation.
- iv. The Record of Evidence (ROE) or other recording sheet used by an assessor in determining the score on a teaching performance assessment required by the program.
- c. The procedure for inspection and review of records shall be as follows:
- i. A student desiring to inspect and review his/her records shall submit a written request directly to the person in charge of the desired records.
 - ii. Such request must specify the records requested.
 - iii. A request to inspect the desired records will be granted within a reasonable period of time, not exceeding 45 days after the request has been made.
 - iv. The student will be notified by mail or email as to when and where he/she may inspect the requested records.
 - v. Inspection of records will be made in front of the responsible administrator or designee.
 - vi. A notation will be placed in the file each time it is inspected, stating the date of inspection, person inspecting, and reason for the inspection. In the case of transcript transmittal, a student must submit such request in writing and a notation shall be made on the file as to date and place sent.
- d. A student may request copies of his/her education records from the official in charge of keeping those records in accordance with the following:
- i. A transcript of the student's academic record will be made at a charge of \$10.00 per copy to students or alumni. All other records shall be reproduced at a charge of 50 cents per page.
 - ii. Requests for reproduction of a transcript must be made in writing to College Registrar on the appropriate form to be obtained from the Office of the Registrar.
 - iii. Requests for reproduction of other records must be made in writing to the appropriate official holding the desired records.

- iv. All reproduction requests must be accompanied by the payment of record reproduction charges.
- v. Reproduction shall be done as soon as feasible, but not to exceed 45 days after receipt of the request.

III. Amendment of Education Records

1. Request of education records

- a. A student who believes that information contained in his/her education records is inaccurate or misleading, or violates privacy or other rights, may request that the records be amended.
- b. Such a request shall be made in writing and submitted to the custodian of the disputed record, who shall decide whether to amend the record in accordance with the request within a reasonable period of time (not exceeding 45 days) of receipt of the request.
- c. If the custodian of the disputed record, after consultation with the Academic Dean, refuses to amend the record in accordance with the student's request, he/she shall immediately notify the student in writing of such refusal and advise the student of the right to a hearing under subsection III.2 below.

2. Right to and conduct of hearing

- a. If the request by a student to amend education records is denied, he/she may, in writing submitted to the custodian of the record within 45 days after the denial, request a hearing in order to challenge the content of the records to insure that information therein is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student.
- b. The hearing shall be conducted before a review board composed of one member of the faculty who has no direct interest in the outcome of the hearing, one administrator of College (appointed by the President of College) who has no direct interest in the outcome of the hearing and, at the option of the student requesting the hearing, one student representative.
- c. The hearing shall be held within a reasonable period of time (not exceeding 45 days) after receipt of the request by the custodian of the record. The student shall be given notice of the date, place and time of the hearing at least 21 days prior thereto. Hearings may occur in person or by video conferencing. The images of those partaking in the hearing must be identifiable and clear.

- d. The student shall have a full and fair opportunity to present all evidence relevant to the issues, and may be assisted or represented at the hearing by an individual of his/her choice at his/her own expense, including an attorney. If an attorney is retained, video conferencing is prohibited. If the student opts for a video-conference hearing, all information packets must be provided at least 72 hours prior to the hearing.
 - e. The decision of the review board shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. The review board shall render its decision in writing within a reasonable period of time (not exceeding 60 days) after the conclusion of the hearing.
 3. Results of hearing. If, as a result of the hearing, College decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in his/her education records a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of College. Any explanation placed in the education records of the student hereunder shall be maintained by College as part of the education records of the student so long as the record or contested portion thereof is maintained, and shall be disclosed to any party subsequently receiving the education records of the student or contested portion thereof.

IV. Disclosure of Personally Identifiable Information from Education Records

1. Prior consent for disclosure required
 - a. Except as provided in subsection IV.2 below and except with respect to directory information, College shall obtain the written consent of a student before disclosing personally identifiable information from the education records of the student.
 - b. The written consent thus required shall be signed and dated by the student and shall include: a specification of the records to be disclosed; the purpose(s) of the disclosure; and the party or class of parties to whom the disclosure may be made.
 - c. Whenever a disclosure is made pursuant to the written request of a student, College shall, upon request, provide a copy of the disclosed record.
2. Prior consent for disclosure not required. College may, but need not, disclose personally identifiable information without the written consent of a student if the disclosure is:
 - a. To the student himself/herself, or to anyone who has the written permission of the student.

- b. College officials, including the heads of programs as well as faculty members having classroom or advisory responsibility to the student, provided that such officials have legitimate educational interests in the information. For purposes hereof, "legitimate educational interest" shall mean any interest of those officials directly related to the performance of their duties, but shall not include any interest having as its principal source the personal prejudice of any such official.
- c. To authorized representatives of: The Comptroller General of the United States; the Secretary of Health, Education and Welfare; the U.S. Commissioner of Education; the Director of the National Institute of Education, or the Assistant Secretary for Education; State educational authorities. It is provided that any such disclosures shall be only for use in connection with the audit and evaluation of federally supported education programs, or in legal requirements relating to such programs. When the collection of personally identifiable information is specifically authorized by federal law, any data collected by officials hereunder shall be protected in a manner which will not permit the personal identification of the student by other than those officials, and the personally identifiable data shall be destroyed when no longer need for such audit, evaluation or enforcement of or compliance with federal legal requirements.
- d. In connection with financial aid for which a student has applied or which student has received, provided that personally identifiable information from the education records of a student will be disclosed only as may be necessary to: determine eligibility for financial aid; determine the amount of financial aid; determine the conditions which will be imposed regarding the financial aid; or to enforce the terms or conditions of the financial aid.
- e. To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
- f. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs and improving instruction. It is provided that the studies are conducted in a manner which will not permit the personal identification of students by individuals other than representatives of the organization and the information will be destroyed when no longer need for the purposes for which the study was conducted.
- g. To accrediting organizations in order to carry out accrediting functions.
- h. To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

- i. To comply with a judicial order or a lawfully issued subpoena, in which event the student will be notified in advance of compliance, if feasible, of the order or subpoena, the compliance date and of College 's intention to comply.
- j. To appropriate parties in a health or safety emergency, when the information is necessary to protect the health or safety of the student or other individuals, based upon the following factors: the seriousness of the threat to the health or safety of the student or other individuals; the need for the information to meet the emergency; whether the parties to whom the information is disclosed are in a position to deal with the emergency; and the extent to which time is of the essence in dealing with the emergency.

3. Record of disclosures

- a. College shall maintain a record, kept with the education records of its students, of each request for and disclosure of personally identifiable information from the education records of its students. Such record shall indicate the parties who have requested or obtained personally identifiable information, and the legitimate interests these parties had in requesting or obtaining the information.
- b. Subparagraph IV.3.a above shall not apply to: disclosures to a student; disclosures pursuant to a written consent of a student when the consent is specific with respect to the party or parties to whom the disclosure is to be made; disclosures College officials under subsection IV.2.b above; or disclosures of directory information under subsection IV.5 below.
- c. The record of disclosures may be inspected by: the student; the College official responsible for custody of the records; and the parties authorized in, and under conditions set forth in subsection IV.2 above, for the purpose of auditing the record-keeping procedures of the College .

4. Limitation on re-disclosure

- a. College will disclose personally identifiable information from the education records of a student only on condition that the party to whom the information is disclosed will not disclose the information to any party without the prior written consent of the student, except that such information disclosed to an institution, agency or organization may be used by its officers, employees and agents for the purposes of which the disclosure was made.
- b. Notwithstanding subparagraph IV.4.a above, College may disclose personally identifiable information under subsection IV.2 above with the understanding that the information will or may be re-disclosed to other

parties under that section, provided that the record keeping requirements of subsection IV.3 above are met with respect to each of those parties.

- c. Except for the disclosure of directory information under subsection IV.5 below, the College will inform the party to whom a disclosure is made of the requirement of subparagraph IV.4.a above.

5. Disclosure of directory information

- a. College may disclose personally identifiable information from the education records of a student who is in attendance at the institution if that information consists of "Directory information" as defined in subsection I.2 above. It is provided, however, that any student may refuse to permit the designation of any such information with respect to him/her as directory information by serving written notice to that effect on College's Registrar within 30 days after the commencement of any academic year.
- b. College may disclose directory information from the education records of an individual who is no longer in attendance at the College without following any procedures under subparagraph IV.5.a above.

V. Annual Notification of Rights

1. Notice requirement. College shall give students in attendance at the institution annual notice of the following:
 - a. Their rights under the Federal Education Rights and Privacy Act of 1974 (FERPA), regulations promulgated there under, and the Guidelines of College adopted herein;
 - b. The location where copies of these Guidelines may be obtained; and
 - c. The right to file complaints concerning alleged failures by College to comply with the requirements of FERPA and regulations promulgated there under, with The Family Educational Rights and Privacy Act Office (FERPA), Department of Health, Education and Welfare, 330 Independence Avenue SW, Washington, DC 20201.
2. Form of notice. The notice required under subparagraph V.1 above shall be given annually and shall be published in the student handbook or school catalog, or posted on bulletin boards at College, or any other means reasonably likely to inform students of these rights.