

SOUTHERN WESLEYAN UNIVERSITY

P O L I C Y

Policy Title: Provision of External Reports	Policy Number: 13.15
Authority: Family Educational Rights and Privacy Act of 1974 (FERPA) 20 U.S.C. § 1232g; 34 CFR Part 99; Solomon Amendment, Federal Register – 32 CFR Part 216	See Also: <ul style="list-style-type: none"> • Family Educational Rights and Privacy Act (FERPA) • General Data Protection Regulation (GDPR) • Health Insurance Portability and Accountability Act (HIPAA) • Solomon Amendment • Fee Invoice
Date Adopted: 5/17/2019	

I. Policy Statement

The Provision of External Reports Policy directs Southern Wesleyan University’s (SWU) procedures for responding to requests for University Data and/or Records from external entities who have no contractual relationship or association with the University.

Definitions

- a. Data and Records are created, received, maintained and destroyed in the ordinary course of the University’s business. Data and Records are the property of the University and must be maintained, preserved or destroyed in accordance with lawfully regulated or internal document retention policies. Data and Records include, but are not limited to: correspondence (written and electronic); minutes; memos; drawings; maps; photographs; data (written and electronic); machine readable data; intellectual property; reports; newsletters; published materials; institutional policies and procedures; financial records including invoices, journals, ledgers, purchase orders, grant documentation or other records pertaining to fiscal information; personnel records including evaluations and other records regarding an employee’s credentials and performance.
- b. The Solomon Amendment is a Federal law whereas the Department of Defense promulgates the rule addressing military recruiting and Reserve Officer Training Corps program access at institutions of higher education.
- c. The Family Educational Rights and Privacy Act (FERPA) is a Federal law that is administered by the Family Policy Compliance Office in the U.S.

Department of Education that protects the privacy of student education records and provides requirements for the proper release of information pertaining to students' educational records.

- d. The Health Insurance Portability and Accountability Act (HIPAA) is a Federal law that provides data privacy and security provisions for safeguarding medical information.
- e. Confidential Data and Records are protected as required by law (see FERPA and HIPAA) and by University practice and policy. Confidential Data and Records include, but are not limited to:
 - i. Student or University personnel Data and Records regulated as confidential according to FERPA, HIPAA, the American with Disabilities Act (ADA) or the Family Medical Leave Act (FMLA);
 - ii. University personnel Data and Records;
 - iii. Purchasing records prior to the opening of bids or prior to the award of contracts resulting from requests for proposals;
 - iv. Trade Secret Proprietary information;
 - v. Financial Data and Records;
 - vi. Contractual information the University has contractually agreed not to disclose;
 - vii. Data and Records the University deems confidential.

II. Responsibility for Administration

All requests for Data or Records that are collected, stored, utilized and archived by SWU should be submitted via the Data Request Form

(https://my.swu.edu/ICS/Campus_Life/Public_Forms.jnz) or by written request (in the form of a memo, subpoena, court order or other legal document) to the Director of Institutional Research, or designee.

- A. External Requests for University Data or Records will be handled accordingly:
 - a. The Director of Institutional Research, or designee, will forward external requests for University Data or Records to the administrator, vice president, or director with authority over the campus unit most appropriately responsible for the Data or Records requested;
 - b. According to lawful regulations and/or University practices or policies, a determination as to the release of the information should be made within 10 work days (excepting Saturdays, Sundays, and University holidays) of the date the University receives the request;
 - c. The requestor will be notified in writing as to the public availability of the data or information;
 - d. Non-confidential student or personnel Data or Records may be disclosed only as lawfully regulated or when the disclosure of the Data or Records is considered by the University to be academically or otherwise of benefit to students or personnel. The University reserves the right to deny any external request for student or employee Data or Records that is not lawfully regulated and is intended to be used for marketing purposes;

- e. Records or portions of records may be disclosed, redacted or may be withheld consistent with the University's handling of confidential Data and Records;
- f. Data or information prepared for disclosure is subject to review by the Board of Trustees, the University President and the University's representative legal counsel prior to its release;
- g. Individuals about whom requests have been made may be notified of the requests and of the information released, as may appropriate administrative officials;
- h. SWU will not create an electronic version of a record when such records do not exist in order to fulfill a request for Data or Records.

B. Solomon Amendment

The Director of Institutional Research, or designee, will produce available records in accordance with the Solomon Amendment 32 CFR Part 216:

- a. Requests for student information must be made in writing on appropriate military letterhead or via appropriate .gov email account containing complete contact information for the requestor and the facility;
- b. A final determination as to the release of the information must be made within 15 work days of the date the University receives the request;
- c. Provision of information in response to a request may be limited to once a semester to each of the Military Services: Army, Navy, Marine Corps, Air Force, and Coast Guard, including their Reserve or National Guard components;
- d. In the case of receipt of multiple requests in a given semester from a single service, an explanation for denying the request must be sent to any additional requestors from that service along with the contact name and address of the facility who received the requested information (see appendix for sample);
- e. Permissible student recruiting information to be released if requested regardless of releasable directory information as defined by SWU: student's name; address; telephone listing; age (or year of birth) and place of birth; level of education (class standing); major; degree; and most recent educational institution enrollment. Additional information designated as directory information per the SWU FERPA annual notification may be provided if requested. Additional information designated as confidential information, disclosed only to authorized school officials, should not be disclosed per FERPA regulations;
- f. Requested non-confidential information for students who are enrolled in at least 1 credit hour should be provided;
- g. Requested non-confidential information for students who are less than 17 years of age should not be provided;
- h. Data and Records that are not collected and or maintained by SWU need not be provided. An explanation for any omissions should be included in the University's response;
- i. As regulated by FERPA, information is NOT to be released for any student who has submitted a non-disclosure of academic and non-academic information through the Office of Academic Records;
- j. The Director of Institutional Research, or designee, will maintain copies of all military service requests for student information for at least one academic year.

II. Fee Schedule and Collection of Fees

SWU will charge fees for the search, retrieval, redaction and copying of records based on the following fee schedule:

- a. A flat rate of \$50 (\$25 for doctoral research) is charged for each external report, payable at the time the request for data form is submitted by the requestor;
- b. Additional fees are assessed at the rate of \$50 per hour (\$25 per hour for doctoral research) when the cost of the individual's work in collecting/generating electronic and/or hard copy student information and redacting/copying/report creating for the response exceeds one hour of labor;
- c. Other fees may be incurred in order to respond to a request (e.g., reimbursement for postage/ mailing costs, requests for expedited shipping, or \$.20 (20 cents) per page for hard copy responses);
- d. Fees in excess of the flat rate are provided to the requestor and are payable immediately via an online payment form;
- e. All fees are payable by debit and credit card (American Express, Discover, Master Card, and Visa);
- f. Reports and/or data will not be provided until all assessed fees are paid in full;
- g. The fee schedule may be changed without notice to ensure consistency with the actual cost incurred by the University in responding to requests for records.