

Student Records and Family Educational Rights and Privacy Act (FERPA)

A. General Background

1. The Family Educational Rights and Privacy Act (“FERPA”) gives “students” a right of access to their "education records." It also limits the disclosure of a student's education records by the University’s without the student's written permission.
2. Under this policy, “students” are individuals who are or were registered students in attendance at Jose Maria Vargas University. Persons who unsuccessfully applied for admission or who were accepted but never attended the University are not “students.” An unsuccessful applicant for admission to the University is not a University "student."
3. Records Covered:
 - a. A student’s "education records" include records, files, documents, and other materials regularly maintained by the University that contain information directly related to the student.
 - b. Certain types of records are excluded from the scope of FERPA. For example, a student is not entitled to examine:
 - 1) Records maintained personally by an individual faculty member that have not been shared with and are not accessible by others.
 - 2) Records created or maintained by a physician, psychologist, or other recognized health care provider that are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment.
 - 3) Records that are confidential as a matter of law, such as those that might be maintained by the University’s attorneys.
 - 4) Records containing financial information about a student’s parents, such as information submitted with an application for financial aid.

B. Maintenance of Education Records

A student’s official academic record is maintained by the Registrar, and its use is carefully controlled. Official records include the transcript, certain documents submitted in support of admission to the University and degree programs. Documents may be kept in digital form. In accordance with established records management procedures, some records are purged periodically.

Jose Maria Vargas University students, alumni and former students may inspect their student records in accordance with FERPA. With the exceptions set out below, such records are generally not available to anyone other than University representatives with

an institutional reason for reviewing them. Transcripts and other student records are released only in accordance with the University's FERPA statement.

C. Family Education Rights and Privacy Act (FERPA) Statement

FERPA affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the Registrar a written request that identifies the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. The student must bring valid photo identification to the appointment. Students will not be provided with copies of any part of their records other than the University transcript unless the inability to obtain copies of any part of his or her record other than the transcript would effectively prevent him or her from exercising his or her right to inspect and review his or her education records.
2. The right to request the amendment of any parts of the student's education records that the student believes are inaccurate or otherwise in violation of the student's privacy rights under FERPA. Students who request amendment of a record that they believe is inaccurate should submit a written request to the Registrar in which they clearly identify the part of the record they want changed and why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student 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. If, after a hearing, the University decides that the records are not inaccurate, misleading, or otherwise in violation of the student's rights, the student may place in the records a statement commenting upon the information and setting forth reasons for disagreeing with the decision.
3. The right to withhold consent to disclosures of personally identifiable information ("PII") contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. It shall be a condition of the University's disclosure of PII to a third party (1) that the party to which the information is released will not permit any other party to have access to such information without the written consent of the student and (2) that the released information may be used only for the purposes for which the disclosure was made. These conditions do not apply to certain subpoenas and court orders.

Under FERPA, records containing PII may be disclosed without consent as follows:

- a. To "School Officials" with legitimate educational interests. A "School Official" includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position; public safety officials, members of the Board of Directors; or a student serving on an official committee, such as a

- disciplinary or grievance committee or admission committee, or assisting another School Official in performing his or her tasks for the University. In addition, a School Official may be a contractor who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records such as an attorney, auditor or collection agent. 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 responsibilities for the University.
- b. Upon request and in the discretion of the Registrar, to officials of another school in which the student seeks or intends to enroll.
 - c. To authorized representatives of the U.S. Controller General, Attorney General, or Secretary of Education, or to State and local educational authorities. Disclosures under this provision may be made, subject to the FERPA requirements, 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.
 - d. In connection with financial aid for which the student has applied or received, if the information is necessary to determine eligibility for the aid, the amount of the aid, or the conditions of the aid; or enforce the terms and conditions of the aid.
 - e. To organizations conducting studies for, or on behalf of, the University, in order to:
 - (a) develop, validate, or administer predictive tests;
 - (b) administer student aid programs; or
 - (c) improve instruction.
 - f. To accrediting organizations to carry out their accrediting functions.
 - g. To comply with a judicial order or lawfully issued subpoena.
 - h. If designated as “directory information.” The University has designated the following categories of information as directory information with respect to each student: name, mailing, campus and permanent addresses, photo, email address, degree program and major field of study, dates of attendance at the University, full-time, half-time or part-time status, degrees conferred and their dates, Master’s thesis title and thesis committee members. A student who does not wish to have “directory information” released to third parties should notify the Office of the Registrar in writing of his or her wish to withhold such information in the future.
 - i. Under limited circumstances, to a victim of an alleged perpetrator of a crime of violence or sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.

- j. Under limited circumstances, to the general public, the final results of a disciplinary proceeding, if the University determines the student has committed a violation of the University's rules or policies with respect to the allegation against the student.
 - k. To appropriate officials in connection with a health or safety emergency subject to the provisions of the Regulations.
 - l. To parents of a student under the age of 21 regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance if the University determines the student committed a disciplinary violation.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with FERPA. More information about FERPA is available at www.ed.gov/policy/gen/guid/fpc/ferpa. FERPA is administered by:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

D. Student Requests for Release of Records.

Upon written request by a student, the University may release information in that student's Jose Maria Vargas University education records to third parties. The student should make a request for such release in writing with the student's signature to the Registrar. The third-party designated by the student will ordinarily not be provided with copies of any part of the student's record other than the University transcript. The University may impose a charge for copying a student's records in connection with such a release, generally 20 cents per page. Transcripts have a \$25 fee per copy upon request.

Questions about the interpretation of the guidelines should be referred to the University Registrar at info@jmvu.edu.

Responsible Department: Registration Department

Last updated: August 1st, 2016