



UNIVERSIDAD PROFESIONAL  
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**UPDCJBR**

# **PRIVACY OF STUDENTS RECORDS (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) is a federal law regarding the privacy of student records and the obligations of PUDCJBR as an institution, primarily in the areas of release of the records and the access provided to these records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld.

PUDCJBR is committed to the protection and confidentiality of student educational records, adhering closely to the guidelines established by the Family Educational Rights and Privacy Act. Currently, there are two important policies related to the students' information: the Release of Student Information Policy, which governs how we secure and disseminate student records, and Student Rights under FERPA, which informs students of their rights with respect to their records.

## **Release of Students Information Policy**

### **Scope**

This policy applies to employees, students, contractual agents of the institution, and individuals requesting access to student information.

### **Policy Statement**

The following constitutes the institution's policy which instructs the student in the procedures available to provide appropriate access to personal records, while protecting their confidentiality. Public information shall be released freely unless the student files the appropriate form requesting that certain public information not be released.

The privacy of all records may be broken at a time of emergency defined in terms of the following considerations:

- The seriousness of the threat to health or safety
- The need for access to the record in meeting the emergency
- Whether the person requesting the records is able to deal with the emergency
- The extent to which time is of the essence in dealing with the emergency

A student's record is open to the student, with the following exceptions:

- Records of parents' financial estatus
- Employment records

- Medical and psychological records
- Some items of academic record under certain conditions

The employment records excluded from accessibility are those kept in the normal course of business, which relate exclusively to persons as employees and are not used for any other purposes. However, records relating to an individual in attendance at PUDCJBR who is employed because of his or her status as a student (e.g., work study students and graduate assistants) are considered education records and therefore are not included in this exception.

To ensure the validity and confidentiality of references prepared off-campus and on-campus, certain documents may carry waivers, signed by the student relinquishing the right of access to the document. Waivers are subject to the following conditions:

- Waivers can be signed only for the specific purposes of application for admission, candidacy for honor or honorary recognition (including financial aid based at least in part on merit), and candidacy for employment.
- Waivers cannot be required.

The student shall be told, upon request, the names of those supplying references. All items in the academic record not covered by waivers are open to the student. Material not covered by waivers may not be protected by keeping it out of the student's file.

Student records are open to school officials who have a legitimate educational interest in their contents, except where access is prohibited by special policies such as those governing medical and psychological records.

PUDCJBR has established the following procedures enabling the student to have access to his or her record and has provided for interpretation and challenge:

- The student may see his or her record by filling out a request form at the office where the record of interest is maintained.
- Access is to be granted promptly and no later than 30 days from the date of request.
- The student may make the request in person or by mail.

Please note that FERPA states that, "...students have rights to inspect and review their education records." That includes the "right to access." PUDCJBR does NOT have to provide a copy of said record unless failure to do so would effectively prevent the student from inspecting and reviewing the record.

The student may request and receive interpretation of his or her record from the person (or designee) responsible for the maintenance of the record. If the student considers the record faulty, he or she can request and receive an informal and/or formal hearing of the case to the end that the record will be corrected if judged faulty or in violation of privacy:

- The informal hearing will be in conference with the person (or his or her designee) responsible for the maintenance of the record and-- where appropriate--the party or parties authoring the record segment in question.

- The student may request, in writing, a formal hearing from the Chief Executive Officer or records custodian. The student should indicate the record in question and provide a brief explanation of the reason for faulting the record.
- The hearing shall be held within a reasonable period of time; notice of the date, place, and time must be given reasonably in advance. The student shall be afforded a full and fair opportunity to present relevant evidence and may be assisted or represented by any person of his or her choosing (including an attorney at his or her own expense). A written decision based solely upon the evidence presented shall be prepared within a reasonable amount of time and shall include a summary of the evidence and the reasons for the decision. The judgment of the Chief Executive Officer shall be final, and the record shall be changed or retained as recommended.

If PUDCJBR decides the information is accurate, it shall inform the student of his or her right to place in his or her educational record a statement commenting upon the information, and/or noting any reasons for disagreeing with the decision. Any statement of this sort shall be maintained as long as the student's educational record or contested portion is maintained; if the student's educational record or contested portion is disclosed to any party, the student's statement shall also be disclosed.

FERPA allows the institution the right to disclose education records or identifiable information to third parties without the student's consent under the following circumstances:

- Appropriate officials in connection with a health or safety emergency
- Federal officers as prescribed by law
- As required by state law
- Officials of other institutions at which a student seeks to enroll
- Persons or organizations providing financial aid to students
- Accrediting agencies carrying out their functions
- Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152; While permitted under FERPA, PUDCJBR generally does not use this exception and in most cases will refer the parents to the Third Party Pin tool for access
- Parents of a student regarding the student's violation of any Federal, State or local law or policy of the school, governing the use or possession of alcohol or controlled substance if the school determines the student committed a disciplinary violation and is under the age of 21
- Research projects on behalf of educational agencies for test norms, improving instruction.
- An alleged victim of a crime of violence or the results of any institutional disciplinary proceeding against the alleged perpetrator. Information may only be given in respect to the crime committed.
- Information the school has designated as "directory information" or public may be released if the student has not filed a FERPA restriction
- In response to a judicial order or lawfully issued subpoena (provided that the student is notified prior to compliance or provided that a reasonable attempt to notify the student has been made)
- Other law enforcement agencies in the investigation of a specific criminal case
- Attorney General of the United States or his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes, under the US Patriot Act.
- Veteran's Administration officials

- Representatives of the Department of Homeland Security or Immigration and Customs Enforcement, for purposes of the coordinated interagency partnership regulating the Student and Exchange Visitor Information System (SEVIS)

Nothing in this policy requires the continued maintenance of any student record. However, if under the terms of this policy a student has requested access to the record, no destruction of the record shall be made before access has been granted to the student. Persons in charge of records should ensure that only pertinent items are retained in student files.

## **Students' Rights Under FERPA**

### **Scope**

This policy applies to all PUDCJBR students (former and current) who have attended classes resulting in education records maintained at the university.

### **Policy Statement**

The Family Educational Rights and Privacy Act (FERPA) provides students certain rights with respect to their education records. These rights include:

- The right to inspect and review the student's education records within 45 days of the day PUDCJBR receives a request for access. A student should submit to the registrar, dean, program director, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will decide 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 University 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 the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the University to amend a record should write to the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's 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 University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. Upon request, the University may disclose education records without consent of officials of another school in which a student seeks or intends to enroll. The month and year of date of birth will be disclosed only for purposes of law enforcement, health and safety, and identity verification.
- "Public information" may be released freely unless the student files the appropriate form requesting that certain public information not be released. This form is available at the Office of the Registrar. "Public information" is limited to the following:
  - Student's name
  - University e-mail address
  - Hometown City, State
  - Major field of study

- Dates of attendance
- Admission or enrollment status (admitted, full-time, part-time)
- Campus
- School or division
- Class standing (freshman, sophomore, junior, senior)
- Degrees and awards
- Activities
- Sports and athletic information

Records of arrests and/or convictions and traffic accident information are public information and may be released to anyone making an inquiry.

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by PUDCJBR to comply with the requirements of FERPA.