
TITLE: STUDENT PRIVACY AND RELEASE OF STUDENT INFORMATION

POLICY NO: 1-26

EFFECTIVE DATE: 10/01/90

VCCS POLICY NO: [6.25](#), [6.26](#), [6.27](#)

REVISED DATE: 12/18/18

I. Purpose:

To describe the maintenance and confidentiality of student records and the circumstances under which the institution may release information in student records.

II. Definitions:

Directory information: student data which would not generally be considered harmful or an invasion of privacy if disclosed (see [Directory Information Addendum](#)).

Disclosure: when access is permitted, or student information contained in educational records is released orally, electronically, or in writing to any party other than the party identified as the party that provided or created the record.

Education record: data that contains information directly related to a student and is maintained by an educational agency or institution, or an individual acting on behalf of the institution.

FERPA shade: functionality within the Student Information System, which is placed on the student record if the student does not want directory information released.

Legitimate educational interest: when a college official (or someone acting on behalf of the institution, such as a consultant or volunteer) needs to review a student's educational record in order to fulfill his/her job; the information is relevant and necessary to complete a task; the task is an employment responsibility or properly assigned subject for the inquirer's determination; and the task or determination is consistent with the purpose for which the records, information, or data are maintained. An example of when an educational interest may exist is when one office needs to work with another office to address an educational issue or concerns of a student and information within the file is shared in order to resolve the matter. This may include work within the college between various units or outside of the college, such as in clinical settings, etc.

Personally identifiable information: information that would reveal the identity of a student or would make the student's identity easily traceable.

III. Policy:

In compliance with the Family Educational Rights to Privacy Act (FERPA) and applicable state law, J. Sargeant Reynolds Community College (Reynolds) protects the confidentiality of

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educational records. The following outlines the provisions of this policy, as well as those procedures which students, faculty, or staff may follow in order to disclose information from a student's record:

- A. Faculty and staff shall protect the privacy of students. This includes taking the appropriate steps to protect personally identifiable information.
- B. Faculty and staff are restricted to reviewing educational records directly related to their function at the college, unless there is legitimate educational interest for having access to other information regarding a student or students.
- C. Educational records shall be maintained by the creator of the record, or the unit in which an individual works.
- D. The college shall take steps to ensure that student data is secure within the Student Information System.
- E. The college shall notify students of the provisions of this policy annually. Notification of the policy shall be placed on the college website and publications, such as the *College Catalog*, the *Registration Information Handbook*, and the *Student Handbook*.

Student rights

Students are afforded the following rights under FERPA and the college's policy related to student records:

- A. A student has the right to inspect and review his/her educational record within forty-five (45) days of submitting a request for access to such record.
- B. A student has the right to request an amendment to his/her educational record in the event that the student thinks the record is inaccurate or misleading.
- C. A student may consent to disclose personally identifiable information contained in his/her educational record.
- D. A student has the right to file a complaint at the college or with the United States Department of Education, if he/she thinks that the college has failed to comply with this policy.

Disclosure of information in student records

The following outlines those instances in which the college may disclose information within a student's educational record without consent of the student:

- A. When a legitimate educational interest exists.

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- B. When a parent or legal guardian of the student requests information related to a student file, provided the parent or legal guardian has demonstrated that the student is indeed a legal dependent. The most recent IRS tax return listing the student as a dependent shall suffice as documentation.
- C. In the instance that an emergency exists and information is necessary to protect the health or safety of the student or other persons. The college may disclose information to appropriate health or safety authorities.
- D. When a student is seeking or intending to enroll at another institution.
- E. In order to comply with a judicial order or subpoena provided the college makes a reasonable effort to inform the student in advance of compliance so that the student may take protective action, except when the college is legally required to not disclose the existence of a subpoena.
- F. To accrediting organizations/agencies or federal, state, or local authorities conducting studies for or on behalf of educational institutions.
- G. To persons or organizations in connection with financial aid (such as the Virginia Community College System and the State Council of Higher Education for Virginia).
- H. When a study or studies are being conducted on behalf of the college, provided such studies are conducted in a way that shall not permit the identification of a student.
- I. As warranted in instances where the results of a disciplinary proceeding are to be reported to an alleged victim of a violent crime or a non-forcible sexual offense, regardless of whether the alleged offender is found responsible for violating the student conduct policy.
- J. To military personnel in accordance with the Solomon Amendment.
- K. In response to an *ex parte* order in connection with the investigation or prosecution of terrorism.

In accordance with the *Code of Virginia*, and VCCS Policy 6.2.7.1, the college shall not disclose any directory information without the consent of the student.

All officials shall document when information is disclosed.

Control over the release of information

If desired, a student may request that directory information not be released in a particular case. Such a request must be submitted in writing to the Office of Admissions and Records or the Office of Student Affairs. The student may also indicate this desire by placing a "FERPA shade" or block on his/her student record within the Student Information System. Requests for such blocks may prevent student information from being printed in publications, such as the commencement

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program or other activities of the college. If a student has an obligation to the college, (e.g., financial hold, student conduct, etc.), his/her record (which may include academic transcripts, diplomas, etc.) shall be withheld until the obligation(s) is met.

IV. Procedures:

A. Review of records

1. In order to review an educational record, a student or parent of a dependent student must submit in writing a request to review such record to the Office of Admissions and Records. The request must identify the record(s) he or she wishes to review. If the request is from a parent, the parent must provide a copy of the most recent year's federal tax return documenting that the student, whose record is being requested for review, is indeed his or her dependent.
2. The Office of Admissions and Records staff will respond to the inquiry within a reasonable amount of time, but within the forty-five (45) day requirement prescribed by FERPA, informing of the date, time, and place that the record(s) may be reviewed.
3. If the record is not housed within the Office of Admissions and Records, the staff will direct the student to the appropriate office in which the record is maintained.

B. Amendment of record(s)

1. In order to amend information within a record, a student may submit [JSRCC Form No. 11-0007](#), Student Request to Update Information, in order to update any demographic information.
2. If the information is not covered by [JSRCC Form No. 11-0007](#), the student will indicate in writing to the Office of Admissions and Records or the unit that houses the record for which he or she seeks to amend.
3. The Office of Admissions and Records, or the unit that houses the record, will review the request and arrange a meeting within a reasonable amount of time, but no more than forty-five (45) days. The student should bring documentation supporting his/her request for amending the record(s).
4. Within ten (10) business days of the meeting, the Office of Admissions and Records, or unit where the records is housed, will issue a decision regarding the request.
5. If the student is dissatisfied with the decision, he/she may appeal the decision to the executive officer to whom the unit reports.

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6. If after the appeal the college does not amend the record, the student may place a statement in the record.

This procedure does not replace [Reynolds Policy No. 1-12](#), Student Appeal of Academic and/or Administrative Decisions, whereby a student may grieve an administrative decision (related to his/her record).

C. Consent to disclose personally identifiable information to a third party

In the event that a student authorizes the college to provide information to a third party (e.g., parent or agency), the student will:

1. Complete [JSRCC Form No. 11-0020](#), Release of Information, outlining the individual(s) that may receive the information, the record(s), and duration for which the information may be provided.
2. The college official will comply with the request within ten (10) business days.
3. [JSRCC Form No. 11-0020](#) will be forwarded to the Office of Admissions and Records.

D. Release of information to volunteer, consultant, researcher, or agency for research or other functions

If the college enters into an agreement with a volunteer, consultant, or agency, the college shall:

1. Establish a memorandum of agreement to be signed by the consultant or agency.
2. The memorandum of agreement shall include (but not be limited to)
 - a. purpose of agreement;
 - b. functions/service to be provided by third party;
 - c. direct control (of college);
 - d. requirements in order to maintain student privacy;
 - e. provision on the retention of records; and
 - f. length of service.

E. Record retention

The disposal of student records follows guidelines set forth by the Records Management and Imaging Services Division of the Library of Virginia.

V. Other Information:

[Family Educational Rights to Privacy Act \(FERPA\)](#)

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[HB 1 Scholastic Records; prohibited access to directory information.](#)

[Directory Information Addendum](#)

[Reynolds Policy No. 1-12](#), Student Appeal of Academic and/or Administrative Decisions

[JSRCC Form No. 11-0007](#), Student Request to Update Information

[JSRCC Form No. 11-0020](#), Release of Information