FERPA Policy

PURPOSE: To communicate FERPA related information to University community members.

MONITOR: Registrar

AUTHORIZATION: Registrar

AUTHORIZATION DATE: N/A

REVIEWED BY: Registrar, Dean of Enrollment Management, Director of Student Affairs

REVISION DATE(S): September 2019

EFFECTIVE DATE: 2014

NEXT REVIEW DATE: September 2027

POLICY APPLIES TO: All community members

INTRODUCTION

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.)

POLICY

These rights include:

1. The right to review and inspect his or her own education records. An eligible student has the right to inspect and review the student's education records within 45 days after the day Virginia University of Integrative Medicine (the "university") receives a request for access. A student should submit to the registrar, academic dean, or other appropriate university records custodian a written request that identifies the record(s) the student wishes to inspect. The appropriate records custodian 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 records custodian to whom the request was submitted, that person shall advise the student of the correct records custodian to whom the request should be addressed.

2. The right to request an amendment of the education record. An eligible student has the right to seek amendment of the student's education records that the student believes to be 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 the records custodian responsible for the record, clearly identify the part of the record the student wants changed and specify why it should be changed.

• The university will, within a reasonable time after receiving the request, decide whether to amend the record as requested.

• 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 will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before personally identifiable information is disclosed, except when FERPA authorizes disclosure without consent. An eligible student has the right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The university may, and from time to time does, disclose education records without a student's prior written consent when authorized by FERPA, including to university officials whom the university has determined to have legitimate educational interests. VUIM defines "university officials" and "legitimate educational interests" as follows:

• "University officials" include (a) persons employed by VUIM in an administrative, supervisory, academic, research, or clerical or support staff position (including but not limited to law enforcement unit personnel, attorneys, counselors, and health staff); (b) persons serving on the board of trustees; or (c) persons (including students) serving on an official university committee,

such as a disciplinary or grievance committee.

• A university official also may include a volunteer, contractor, consultant or other party outside of VUIM (i) who performs an institutional service or function for which the university would otherwise use its own employees, (ii) who is under the direct control of the university with respect to the use and maintenance of education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another university official in performing his or her tasks, and (iii) who is subject to the obligation not to disclose PII from any education record without the prior written consent of the student.

• "Legitimate educational interests" include performing a task or engaging in an activity related to (i) one's regular duties or professional responsibilities, (ii) a student's education, (iii) the discipline of a student, (iv) a service to or benefit for a student, (v) measures to support student success, and (vi) the safety and security of the campus.

4. The right to file a complaint. An eligible student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by VUIM to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

When does FERPA permit disclosure of personally identifiable information (PII) without student consent?

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to university officials (as defined above), disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

The university may disclose PII from the education records without obtaining prior written consent of an eligible student —

• To other university officials whom the university has determined to have legitimate

educational interests, as described above under paragraph 3. This includes contractors, consultants, volunteers, or other parties to whom the university has outsourced institutional services or functions, provided that certain conditions are met. (§99.31(a)(1))

• To officials of another university where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))

• To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, 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. (§§99.31(a)(3) and 99.35)

• In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))

• To certain state and local officials or authorities when authorized by state statute in certain cases. (§99.31(a)(5))

• 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. (§99.31(a)(6))

• To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))

• To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))

• To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))

• To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

• When it is information the university has designated as "directory information" under §99.37. (§99.31(a)(11))

• To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense,

subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))

• To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the university determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the university's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

• To parents of a student 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 and the student is under the age of 21. (§99.31(a)(15))

• The disclosure concerns sex offenders and other individuals required to register under section 17010 of the Violent Crime Control and Law Enforcement Act of 1994.

Directory Information

Institutions may disclose a student's "Directory Information" without their consent, and without violating FERPA if the student has not restricted their personal information. VUIM considers the following to be "Directory Information":

- name
- email address
- address (local & home)
- telephone number (any listed)
- college/school & curriculum
- enrollment status & credit hours
- dates of attendance
- classification
- receipt or non-receipt of degree
- academic awards received
- participation in officially recognized activities
- sports photograph(s)

PROCESS

Request to Restrict Directory Information

While attending VUIM, students may request to restrict the release of their Directory Information except to university officials with a legitimate educational interest, as outlined in item 3 above. In order to restrict all information, a signed and dated request must be made in writing to the School Registrar. Should the student graduate or otherwise leave the university, this restriction will remain in place until the student requests for it to be removed.

Note: Once a student's record has been made confidential, no information can be shared about the individual without the student's written consent. In such a case, problems may occur thereafter when potential employers or other parties make inquiries about the student.