**FERPA POLICY**

**ANNUAL NOTIFICATION**

Colleges are required to provide students an annual notification of their rights under the

Federal Education Rights and Privacy Act (FERPA) of 1974***.  SJVCi*** Students will be notified of their FERPA rights annually by publication via email and in the ***SJVCi*** catalog (Section 4 – Institutional Policies: Access to Student Records and Privacy Rights), ***SJVCi*** Student Handbook and ***SJVCi*** Faculty/Staff Handbooks.

**DEFINITIONS**

For the purposes of this policy, ***SJVCi*** has used the following definitions of terms:

Student - any person who attends or has attended ***SJVCi***.

Education Records - any record (in handwriting, print, tapes, film, computer, or other medium) maintained by ***SJVCi*** or an agent of the ***SJVCi***, which is directly related to a student, except:

1. A personal record kept by staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person, except a temporary substitute for the maker of the record.
2. An employment record of an individual, whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual’s employment.
3. Alumni records, which contain information about a student after he or she is no longer in attendance at ***SJVCi***, and which do not relate to the person as a student.

Directory Information – FERPA designates certain student information as “Directory Information” and gives the institution the right to disclose such information without having to ask students’ permission. In accordance with FERPA, ***SJVCi*** may release directory information to third parties without prior consent of students.  Directory information may be disclosed by ***SJVCi*** at its discretion for any purpose including, but not limited to, requests from law enforcement agencies and degree verification requests from prospective employers.

Directory information is not considered to be harmful or an invasion of privacy if disclosed. FERPA generally considers directory information to be public information, which can be disclosed without a student’s consent. However, if a student requests to have his or her directory information withheld, the information will be maintained in accordance with a student’s other education records. Students’ requests to withhold directory information should be directed to the local Registrar, who will ask the student to complete the FERPA Opt-Out form to allow for recording this in ***SJVCi*’s** student information system. Directory information includes:

* Student’s name(s);
* Student’s address(s);
* Student’s telephone number(s);
* Student’s email address(s);
* Student’s campus email address;
* Student’s dates of attendance;
* Student’s major field of study (program); and
* Student’s current enrollment status;

Other exceptions described below allow ***SJVCi*** to disclose a student’s information without their consent.

It is the policy of ***SJVCi*** that except as permitted by state or federal law, no record, file, document, or other material, or personally identifiable information contained therein, shall be released to any individual, agency, or organization without the express written consent of the student.  To comply with FERPA regulations, Transcripts and Letters of Enrollment may only be released to the student of record or another Educational Institution as long as the student signs the ***SJVCi*** Authorization to Release Official Transcripts to Third Parties. The purpose of this form is to provide such written consent to the agency or institution.

**SUMMARY OF FERPA RIGHTS**

FERPA affords students the following rights with respect to their education records:

1. **The right to inspect and review one’s own education records**

Students have the right to review their education records within 45 days of the day that ***SJVCi*** receives a request. Students should submit written requests to the Campus Registrar, Dean of Students, or other appropriate Official. The written request must identify the record(s) the student wishes to inspect. The ***SJVCi*** School official will make arrangements for access and notify the student of the time and place where the records can be inspected. If the person to whom the student submits the request does not maintain the requested records, that person will either reroute the request or advise the student of the correct ***SJVCi*** School Official to whom the request should be addressed.

1. **The right to seek an amendment of inaccurate or misleading information**

Students may ask ***SJVCi*** to amend a record they believe is inaccurate or misleading. They should write to the ***SJVCi*** School Official responsible for the record, clearly identifying the part of the record they believe should be changed and specify why it is inaccurate or misleading. If ***SJVCi*** decides not to amend the record as requested by the student, the student will be notified of the decision and advised of his/her right to a hearing regarding

the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing. Following the hearing, if ***SJVCi*** still decides not to amend the record, the student has a right to place a clarifying statement in the record. ***SJVCi*** is not required to consider requests for amendment to grades or disciplinary decisions.

1. **The right to limit disclosure of Personally Identifiable Information (PII)**

Students have the right to limit disclosure of PII contained in their educational records, except to the extent that FERPA authorizes disclosure without consent. For example, exceptions that permit disclosure without a student’s consent are disclosure to College officials who have legitimate educational interests in the records, and the disclosure of directory information. A “legitimate educational interest” is when an ***SJVCi*** School official needs to review an education record in order to fulfill a professional responsibility for the School. An ***SJVCi*** School Official is a person employed by the School in an administrative, supervisory, and academic or research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Governors; or a student serving on an official committee, such as disciplinary or grievance committee.

Additionally, an ***SJVCi*** School Official may include a company with whom the Institution is affiliated; a volunteer or contractor outside of ***SJVCi*** who performs an institutional service of 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 or a student assisting another school official in performing his or her tasks.

1. **The right to file a complaint with the U.S. Department of Education if the institution fails to comply with FERPA requirements. Complaints should be directed to:**

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-4605

1. **The right to withhold information**

Currently enrolled ***SJVCi*** students may choose to withhold disclosure of their directory information by obtaining the FERPA Directory Information Opt-Out form from the Campus Registrar, completing the form, and returning it to the campus Registrar's Office. The School will honor a student's request to withhold directory information; however, the School cannot assume responsibility for subsequently contacting the student for permission to release information to prospective employers, relatives, or other persons.

The failure on the part of any student to specifically request that his or her directory information be withheld indicates individual approval for disclosure. Additionally, the student's request to withhold directory information will not affect previous disclosures made by the School prior to receipt of the request. Once the form is filed, this request becomes a permanent part of the student’s record and no information may be released until the student instructs the institution otherwise.

**EXCEPTION TO FERPA AND NON-DISCLOSURE PROVISIONS**

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 school officials, 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. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:

* To other school officials, including teachers, within ***SJVCi*** whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(l)(i)(B)(J)- (a)(l)(i)(B)(2) are met. (§99.31(a)(l)).
* To officials of another school 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. (§§99.3l(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 organizations conducting studies for, or on behalf of, the school, 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)).
* Information the school has designated as "directory information under §99.37. (§99.31(a)(ll)).
* 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 school 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 school's rules or policies with respect to the allegation made against him or her. (§99.3l(a)(l4)).
* 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 school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.3l(a)(15)).

**DECEASED STUDENTS**

The privacy rights of an individual under FERPA expires with the individual’s death. Records held by an ***SJVCi*** for a deceased person are not a FERPA issue but a matter of institutional policy. ***SJVCi*** will exercise its own discretion in deciding, if, and under what conditions, information should be disclosed to third parties or survivors.

**FEES FOR COPIES OF RECORDS**

***SJVCI*** does not currently assess a fee for copies of education records requested by a student, but reserves the right to impose fees upon further notice.

**TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS**

The following is a list of the types, locations, and custodians of records that ***SJVCi*** maintains:

|  |  |  |
| --- | --- | --- |
| **TYPES** | **LOCATION** | **CUSTODIAN** |
| Demographics, schedule, grades, contact history, and transcripts | CampusNexus Records | Registrar/Academic Application Administrator |
| Any records signed by the student | Ebridge Records or Educational Partners | Registrar/ Academic Applications Administrator |
| Student records prior to 1992 | Campus Vaults/Storage Units (Visalia/Bakersfield/Fresno Campuses) | Campus Registrar |

\****CampusNexus, Ebridge & Educational Partners can be accessed via the Campus locations or via the Central Office***

If you have additional questions regarding FERPA, your rights under the law, or would like to see your student records, please contact your ***SJVCi*** Campus Registrar or Dean of Students Services for more information.