



Inter American University of Puerto Rico

INTER AMERICAN UNIVERSITY OF PUERTO RICO STUDENT AND ALUMNI DIRECTORY REGULATIONS

POLICY DOCUMENT E-0809-002R

Introduction

On August 26, 1999, the Board of Trustees of the Inter American University of Puerto Rico adopted the Inter American University of Puerto Rico Institutional Policy on Student and Alumni Directory. The U.S. Department of Education revised the regulations that articulate the implementation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. This policy document is promulgated to reiterate the University's commitment to comply with all provisions of FERPA, incorporate changes as required by the new regulations and approved policy for the Board of Trustees.

Legal base

F.E.R.P.A. is a federal law that provides students and alumni with access to their education records, the right to request amendment of information contained in the records, and guarantees them some control over the release of their education information.

- 1.1 Students and alumni have the right to inspect and review their academic records.
- 1.2 Students and alumni have the right to request that incorrect information contained in their academic records be corrected.
- 1.3 Students or alumni have the right to prevent the University from disclosing information contained in the student's education records without their consent, except as authorized by FERPA.

II. Purpose

The purpose of this policy document is to guarantee students and alumni of the University the right to review their records, request amendments to their academic records, and prevent the disclosure of personal information to third parties without their consent.

President 's Office

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III. Scope

This policy document applies to the entire University community, to university alumni and to any person interested in making use of the information contained in a University student or alumni transcript.

IV. Definitions

For the purposes of this normative document, the following terms or phrases shall have the following meanings:

- 4.1 Right to opt out of disclosure of directory information - students have the right to prevent the University from disclosing directory information to third parties. Disclosure to third parties includes disclosure to third parties and to the military. If a student wishes to prevent disclosure to the U.S. Armed Forces, it is necessary for the student to express a desire not to have information released to third parties.
 - 4.4.1 The procedure to request that directory information not be disclosed to third parties requires that the student submit a written request to this effect to the Registrar's Office of his/her academic unit. For the request to be effective for the academic year, it is important that the student submits it on or before September 1 of the current year. This application must be renewed every year. The University will notify students annually of this option so that they may exercise their right to apply. In the case of alumni, the University will honor the last document in your file regarding your willingness to have your directory information released or not.
- 4.2 Student and former student - any person, over eighteen (18) years of age, who is or has been enrolled in any academic or technical certificate program in any academic unit of the Interamerican University of Puerto Rico. For the purposes of this policy document, there is no difference between persons enrolled in programs offered in person or by distance learning. It does not include persons who have been admitted to the University, but who, in the end, did not enroll in an academic or technical certificate program.
- 4.3 Academic Record - refers to any information directly related to a student and maintained by the University in a file in any media intended for such purposes. Reports from the university security guard or any private security company contracted by the academic unit to provide this service, as well as personnel records unrelated to that person's student status, are not considered part of the academic record.

4.4. Directory Information - is information that is not generally considered to be harmful or an invasion of privacy if disclosed. The University has designated the following information as directory information: student or alumni name, address, concentration, and years of study.

4.5 University official with a legitimate educational interest - means any person employed by the University in an administrative, academic, supervisory or support capacity (including the university guard or personnel of any private security company contracted by the academic unit to provide this service); a person or company with whom the University has entered into a contract for services (attorney, auditor, etc.); as well as a member of the Board of Trustees who is required to make use of information contained in a transcript to discharge his or her professional responsibility.

V. General Provisions

5.1 Disclosure without prior consent

The University will not disclose information contained in education records without prior consent of the student except as permitted by FERPA. These circumstances are:

5.1.1 Directory Information: Directory information contained in education records may be disclosed without consent in the case of students who have not requested that their information not be disclosed in accordance with the provisions of this policy document.

5.1.2 University official with a legitimate educational interest: Individuals who fall under this definition as provided in this policy document may have access to education records. In the particular case of students who are enrolled or receive services in more than one academic unit, the information contained in their records may be shared among university officials with a legitimate educational interest in one or another unit. This applies equally to students enrolled in online courses.

5.1.3 Other Educational Institutions: The University may disclose a student's transcript information to another educational institution in which the student wishes to enroll or is enrolled.

5.1.4 Audits of federal or state educational programs: the authorized representatives of the Comptroller General, Secretary of Justice ("Attorney General"), Secretary of

Education of the United States or of the educational agencies of the Commonwealth of Puerto Rico may have access to the academic records within the context of the procedures related to audits or evaluations of educational programs or the procedures related to the application of federal or local law or regulation.

- 5.1.5 Financial Aid: The University may disclose information from a student's academic record to persons or organizations associated with the student's financial aid application for the sole purpose of determining eligibility, amount of aid, or for enforcement of the terms and conditions under which the aid was awarded.
- 5.1.6 Organizations Conducting Studies: The University may disclose education records information to organizations conducting studies for, or on behalf of, agencies or educational institutions for the purpose of developing or validating a predictive test, for the administration of a financial aid program, and for improving the educational process, if these studies are conducted in a manner that protects the personal information of students and their parents or guardians and with the assurance that the information collected will be destroyed at the conclusion of the study. The term "organization" includes, but is not limited to, federal or local agencies, foundations, or institutes.
- 5.1.7 Accreditation agencies the University may disclose information from a student's transcript to an accrediting agency as part of an accreditation process.
- 5.1.8 Dependent Students: The University may disclose information from a student's academic record to the student's parent or guardian as long as the student may be considered a "dependent" as defined in Section 152 of the U. S. Internal Revenue Code or Section 1025(d) of the Internal Revenue Code of the Commonwealth of Puerto Rico. The parent or guardian must provide proof of dependency by submitting a copy of his or her latest federal or state income tax return. In the alternative, any student may voluntarily prove his or her dependency by submitting a written document to that effect and, consequently, allowing his or her parent or guardian access to his or her academic records. If the student's parents are divorced, both will have access to the student's transcript as long as one of them claims the student as a dependent. Undergraduate students or alumni who are not financially dependent on their parents must submit this evidence to the Registrar's Office to prevent the release of information to their parents

parents. No information will be disclosed to parents of students or alumni without their consent.

- 5.1.9 Court or Administrative Order: The University may disclose information from a student's education records upon presentation of a court or administrative order to that effect issued by a competent agency. The University will notify the student of its intent to disclose the information requested in compliance with the order, except in cases of orders issued by a grand jury or in criminal cases that specify that no person is to be notified of the existence of the order.
- 5.1.10 Ex part order (USA PATRIOT Act): the University may disclose information from a student's transcript, without consent, to the U.S. Attorney General or his or her designee in response to an ex-part order related to an investigation of domestic or international terrorist activity. (18 U.S.C § 2332b(g)(5)(B).
- 5.1.11 Health or Safety Emergency: The University may disclose information from a student's education record to third parties in the event of an emergency and to protect the health or safety of the student or other members of the University community.
- 5.1.12 Immigration and Naturalization Service: The University is required to provide information to the Immigration Service about certain foreign students or alumni.

5.2 Student rights

The Family Educational Rights and Privacy Act (FERPA) affords students at institutions of higher education certain rights with respect to their education records.

These rights are:

- 5.2.1 The right to inspect and review the contents of the student's education records within forty-five (45) days of the request. The eligible student must submit a written request to the Registrar of his or her academic unit specifying the contents of his or her education record that he or she wishes to inspect. The Registrar shall notify the eligible student of the date, time, and place where the educational record may be inspected within the term provided by the regulations. If the document that the eligible student requests is not in the custody of the Registrar, the Registrar will notify the student and will let him/her know in his/her response to which University official he/she should direct his/her request.

- 5.2.2 A student has the right to request the amendment or correction of any student's education records that the student believes contains inaccurate or misleading information or information that violates the provisions of FERPA.

The student who wishes to have the information in his/her academic record corrected must request the correction in writing to the University official who has custody of the document. In the request, the student must specifically identify the part of the transcript that he/she believes should be corrected and justify why the correction should be made.

If the University determines that the request does not proceed, will notify the student in writing, and inform him/her of his/her right to request a hearing to resolve the request. Specific information about the hearing will be provided to the student when the hearing is scheduled. In this procedure, the student does not have the right to legal representation.

- 5.2.3 An eligible student has the right to be required to give prior written consent to the University's disclosure of personally identifiable information contained in the student's education records, except to the extent permitted by FERPA and institutional regulations.

The cost of any copies of documents will be paid by the requesting student

and credit transcripts will be charged in accordance with current regulations. Students in default will not be able to obtain a copy of any document on their transcript.

5.3 Results of disciplinary proceedings

- 5.3.1 To Victims: The University may disclose the final outcome of a disciplinary proceeding conducted by the University against a student to the alleged victim of a crime of violence, as defined in Chapter 1, Section 16 of Title 18 of the U.S. Code, or of a sexual offense of a non-forcible nature, even if the proceeding concludes that it did not violate institutional policy.
- 5.3.2 To Third Parties: The University may disclose the final outcome of a disciplinary proceeding conducted by the University against a student alleged to be the perpetrator of any offense of violence or of a non-forcible sexual nature, as those terms are defined in 34 C.F.R. 99.39, if the proceeding determines that the student has violated institutional policy relating to such misconduct provided that the proceeding was completed after October 7, 1998. This disclosure may only include the name of the student, the offense committed, and the sanction imposed. This report may only include the

name of the other student, such as the victim or witnesses, with their written consent.

5.4 Violations related to drug and alcohol use

5.4.1 The University may disclose to a parent or guardian of a student any information to which it has access relating to any violation of any federal or state law or regulation or institutional policy relating to the use or possession of alcohol or controlled substances, regardless of whether the information is contained in the student's education records, if the student is under 21 years of age and the University concludes that this fact constitutes a violation of institutional policy.

5.5 Complaints

Any student or alumnus who believes that the University has failed to comply with these obligations has the right to complain to:

Family Policy and Regulations
Office US Department of Education
Washington, D.C. 20203

VI. Separability

If any part or section of this document is declared null and void by a competent authority, such decision shall not affect the remaining parts.

VII. Repeal or amendment

This document supersedes the normative document E-0809-002, Regulation of the Inter American University of Puerto Rico on the Student and Alumni Directory and any other guidelines that conflict with the provisions herein. This document may be amended or repealed by the President of the University.

VIII. Validity

This policy document will be effective immediately upon approval and signature by the president.

IX. Approval

President

Date (D-M-Y)