

BULLETIN

PRIVACY RIGHTS OF STUDENTS

The Federal Family Educational Rights and Privacy Act of 1974 [also commonly known and referred to as **The Buckley Amendment** (20 U.S.C. 1232g)], regulations adopted thereunder (34 C.F.R.99), et. seq., set out requirements designed to protect and govern the privacy of parents and students as well as access to their records by third parties as maintained by the institution.

In brief, the law indicates that an institution must provide students access to official records directly related to the student and an opportunity for a hearing to challenge such records on the grounds that they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing does not include any right to challenge the appropriateness of a grade as determined by the instructor; however, the student may use this process to verify that the grade given by an instructor has been properly transmitted into the student's record. If needed, the Vice President for Student Affairs will designate a Hearing Officer to consider any appeals based upon established guidelines.

The law generally requires that written consent of the student be received before releasing personally identifiable data about the student from records to other than a specified list of exceptions. The campus is authorized to release public directory information concerning students. Under the law, directory information may consist of the student's name, ID number, address, telephone listing, email address, date and place of birth, photo, major and minor fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received, and the most recent previous educational agency or institution attended by the student. **IT SHOULD BE NOTED, HOWEVER, THAT SJSU POLICY ON DISCLOSURE OF STUDENT INFORMATION IS MORE RESTRICTIVE THAN THE LAW.** The above designated information is subject to release by the University at any time unless the student has restricted the release of directory information through the task function under personal portfolio in my.sjsu.edu or if the University has a written objection on file from the student specifying information that the student requests not be released. Written objections should be sent to the Office of the Registrar.

For students who are Unit 11 employees, directory information includes name, address, enrollment status (undergraduate vs. graduate, part-time vs. full-time), department employed, telephone number, email address, and student employee's status as student employee. Directory information may be used by the University for the development of campus programs and for announcements regarding awards and degrees conferred. Requests for directory information for external commercial purposes generally are not honored.

The University is authorized to provide access to student records to personnel or employees designated as school officials who have legitimate educational needs for such access. These persons are those who have responsibilities in connection with the institution's academic, administrative, or service functions and who have reason for using student records connected with the institution or other related academic responsibilities. Disclosure may also be made to other persons or organizations under certain conditions

(e.g., as part of accreditation or program evaluation; in response to a court order or subpoena; in conjunction with financial aid; to other institutions to which the student is transferring).

Records maintained by the University and the official custodians of such records are noted below:

Academic	University Registrar
Academic Department/Program	Department Chair or College Dean
Admission	Director of Undergraduate Admissions & Outreach Graduate Admissions & Program Evaluations
Accessibility	Director of the Accessible Education Center
Career Services	Director of the Career Center
Disciplinary	Student Conduct & Ethical Development Office
Financial Accounts	University Bursar
Financial Aid/Scholarships	Director of Financial Aid and Scholarships
Student Activities/Organizations	Director of Student Involvement
University Housing	Director of University Housing Services

Counseling and medical records are regulated strictly under applicable California and Federal Law (as well as by some licensing agencies) and if used for treatment, they are maintained separately from educational records. Law enforcement records that are maintained separately from other educational records generally are not considered education records. For more information, please contact Counseling and Psychological Services, the Student Health Center, or the University Police Department, respectively.

If you would like a copy of the University's Policy on Educational Rights, Privacy and Control of Student Records Information, which conforms to the requirements of the Law, please contact the Office of the Registrar. Members of the University community who have general questions regarding registration and student records should contact the University Registrar/University FERPA Compliance Officer (408-924-2012). For investigations, process, and review complaints under the Law, please contact the United States Department of Education's Office of Family Policy Compliance [400 Maryland Ave., S.W. Washington, D.C. 20202-4605, or Telephone (202) 260-3887 or TDD (202) 260-8956].