



## **ANA G MÉNDEZ UNIVERSITY STUDENT CONSUMER INFORMATION STUDENT RECORDS POLICY**

### **Introduction**

This policy outlines the definition of educational and other student records, establishes parameters for appropriate use of student records, establishes student rights relative to education and other student records, defines the governing catalog and continuous enrollment, and ensures compliance with applicable laws and regulations.

Ana G. Méndez University is committed to protecting the privacy and access rights of its students by adhering to the Family Educational Rights and Privacy Act (FERPA) of 1974, (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67). Administrators, faculty, staff and student workers shall respect the rights of students and appropriately maintain the confidentiality of student educational records.

### **Definitions**

“Student” is defined as:

1. All persons who are registered at the university.
2. All persons who are not officially enrolled for a particular term but have a continuing relationship with the University or intend to enroll in the next term.
3. All persons who are not officially enrolled for a particular term because they are enrolled as transient students at other institutions.

“Education records” are defined as:

1. Those records directly related to a student and maintained by the institution or by a party acting for the institution.
2. The term does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

## Procedure

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### **CLASSIFICATION AND CUSTODIANS OF STUDENT RECORDS**

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Education records are any records maintained by AGMU and are classified as:

1. Official Academic Records are maintained by the Registrar. Academic Records include admission applications, official transcripts, graduation applications, residency, equivalency diploma (GED), credit by exam documentation, grade changes, and records of grades and credits received in courses at AGMU or accepted by AGMU from another institution; and other documents directly relating to academic progress and academic status.
2. Disciplinary Records are maintained under the authority of the Vice Chancellor of Student Affairs. They include information about the investigation, adjudication, and imposition of sanctions by AGMU against a student for breach of AGMU's Student Code of Conduct or other university policies.
3. Financial Records are maintained by the Bursar.
4. Financial aid records are maintained by Financial Aid.
5. Student employment records related to work study are maintained by Financial Aid. Non-work study employment student records are maintained by Human Resources.
6. Specific medical records are maintained by Directors of Retention for students who have disclosed a disability and have provided AGMU with appropriate documentation. This documentation may include medical, learning, or psychiatric evaluations. All documentation provided to Directors of Retention will remain strictly confidential. No information, except as provided by law, will be released to anyone, including parents without the student's written consent.
7. Electronic Student Educational Records maintained on the university's Student Information System (SIS) are fully protected by this policy. SIS users are considered custodians of those student records to which they have access. Records should not be accessed by the user unless a legitimate educational interest exists or some other provision of the policy authorizing release applies.

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### **GOVERNING CATALOG & CONTINUOUS ENROLLMENT**

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A student's AGMU governing catalog is the Academic Catalog in effect at the time of the student's initial admission or subsequent readmission. The student's governing catalog remains in effect as long as the student does not break enrollment for three or more academic semesters. A student must seek re-admission if they break enrollment for three semesters or longer. Students who are re-admitted will be required to comply with the requirements of the Catalog under which they were readmitted.

Should Academic Affairs approve changes to academic program requirements, including those to be effective within the academic year, the revised requirements will be available in the Academic Catalog, through communications from the academic departments and the Student Success Coaches/Retention Officers. Impacted students will be contacted to discuss their academic plan options and degree planning.

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### **CHANGE OF ACADEMIC PROGRAM**

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If eligible, a student may request to change their academic program by meeting with their Student Success Coach/Retention Officer to complete the *Student Records Form* and to receive an updated academic plan. The

student must meet all admissions requirements for the new academic program. The *Student Records Form* must be submitted prior to the first day of the semester as established by the Academic Registration Calendar.

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## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

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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 is attending a postsecondary institution)

These rights include:

1. The right to review and inspect their own education records. An eligible student has the right to inspect and review the student’s education records within 45 days after the day AGMU receives a request for access. A student should submit to the Registrar a written request that identifies the record(s) the student wishes to inspect. The appropriate records custodian will make arrangements 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 college 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.

AGMU defines “University officials” and “legitimate educational interests” as follows:

- “University officials” include (a) persons employed by AGMU in an administrative, supervisory, academic, research, or clerical or support staff position; (b) persons serving on the board of directors; or (c) persons 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 the university (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 college 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 Ana G. Méndez University to comply with the requirements of FERPA. Complaints may be made to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

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## DIRECTORY INFORMATION

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Directory information is defined as information contained in a student’s educational record that generally would not be considered harmful or an invasion of privacy if disclosed.

Under FERPA, AGMU has established the following as directory information:

- Name
- Academic program
- Student ID #
- Permanent Address
- University Email
- Dates of attendance and degrees and awards received

Although the above directory information may be available for release, AGMU does not routinely release such information to third parties. FERPA states that each student has the right to inform AGMU that any or all the information is not to be released. The University will honor the student’s request to restrict the release of directory information. To withhold directory information, a student should notify their campus Registrar in writing prior to the completion of add/ drop period of each semester. Status of disclosure at the last registration period is binding and all records will be noted “confidential” until the status is changed by the student. No information will be released without prior written consent of the student or as a result of subpoena.

Non-directory information is personally identifiable information such as grades, transcripts, GPA, and academic standing. AGMU does not release this information without written authorization from the student or as a result of subpoena. If a student wishes to have any personally identifiable information regarding their educational record released, an *AGMU Student Records Release Form* must be completed by the student and submitted to their campus Registrar.

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## ANNUAL NOTICE TO STUDENTS

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Annually, the University informs students of the Family Educational Rights and Privacy Act (FERPA) of 1974. This Act, with which the institution endeavors to fully comply, was designed to protect the privacy of educational records, and to establish the right of students to inspect and review their non-privileged educational records. The Act also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the institution to comply with the Act. An informal complaint may be filed within the institution by contacting the Vice Chancellor of Student Affairs. Questions concerning the Family Educational Rights and Privacy Act may be referred to the Registrar’s Office.

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## COPIES OF STUDENT RECORDS

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Upon receipt of a written request that is signed and dated by the student that includes the specific information to be released, the reason for the release, and the names of the persons or agencies to which the information is to be released the appropriate custodian of the record will provide a copy of that record to the specified person or agency. Transcripts and other educational records received by AGMU are for institutional use only. They cannot be copied and given to the student or sent to another institution.

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## SECURITY OF STUDENT RECORDS

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The university ensures that all practices with regard to the security of student records are followed in accordance with institutional procedures and federal regulations. All student records are imaged and stored digitally. An information security plan is in place and is updated annually by the IT Innovation Department.

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## RETENTION AND DISPOSAL OF STUDENT RECORDS

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All records custodians follow the prescribed records retention and disposal schedule as outlined in the *AGMU Student Record Retention and Disposal policy*.