

# PRIVACY OF STUDENT RECORDS

## STUDENT RECORD REGULATIONS

“Student Record” means all material concerning an individual student maintained in any form by New Mexico Tech or its employees, or Board of Regents, or contracted Third Party, except personal notes maintained by academic or other school personnel solely for their own individual use and not communicated to any other person. If these personal notes are transmitted to any dean, department, chairperson, academic program director, advisor, or administrator, they become student records to be treated in accordance with these rules and regulations. “Student” means any individual currently or previously enrolled in any academic offering of New Mexico Tech.

Transcripts and other documents in a student’s file from other institutions, organizations or individuals submitted to New Mexico Tech for admission, credit transfer or under control of the Registrar’s Office become the property of New Mexico Tech, and cannot be returned to the student or forwarded to other institutions. Under Federal policy, the student has the right to view the documents in their file; New Mexico Tech does not provide copies of these documents.

### RETENTION AND SECURITY OF RECORDS

Records managers shall have the overall responsibility for maintaining and preserving the confidentiality and security of student records. The records managers may, however, designate another professional employee of the school to perform the duties of records manager.

- The Director of Human Resources shall be the records manager for records maintained regarding on-campus employment
- The Registrar shall be the records manager for academic records maintained by the central administration of the school
- The Director of Alumni Relations shall be the records manager for the records maintained by the Alumni Office
- The Director of Operations of the Career Management Center shall be the records manager for records maintained by the Career Management Center
- The Controller shall be the records manager for records maintained by the Accounting Office
- The Director of Financial Aid shall be the records manager for the records maintained by the Financial Aid Office
- The Academic Program Chairs shall be records managers for the records maintained by their programs
- The Director of International Students & Scholars Office shall be the records manager for the records maintained by the International Students & Scholars Office.

## STUDENT RECORD CONFIDENTIALITY

### Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act of 1974 (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. These rights include:

1. **The right to inspect and review the student's education records within 45 days of the date that New Mexico Institute of Mining and Technology (New Mexico Tech) receives a request for access.**
  - a) Current and former students who wish to make a FERPA-related request to view records should submit an online or written request to the Office of the New Mexico Tech Registrar that identifies the record(s) the student wishes to inspect.
  - b) Applicants do not have FERPA rights unless and until they are admitted and are in attendance at the New Mexico Tech.

- c) Students are advised to **provide complete information** in order to assist the New Mexico Tech in following up on the request. Federal law requires that the New Mexico Tech provide access to requested extant records within 45 days.
- d) A Registrar's Office official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records requested are not under the control of the Registrar's Office, the Registrar's Office will make arrangements for the relevant office to provide the records within the time frame established under the law.

**2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.**

- a) A student may ask the New Mexico Tech to amend the record that he or she believes is inaccurate or misleading. The student should write the New Mexico Tech official responsible for the record (with a copy to the New Mexico Tech Registrar), clearly identify the part of the records he or she wants changed, and specify why it should be changed.
- b) If the New Mexico Tech decides not to amend the record as requested by the student, the New Mexico Tech will notify the student in writing of the decision and advise the student of his or her right to a hearing regarding the request for amendment.
- c) Additional information regarding the hearing procedures is provided to the student when notified of the right to a hearing.

**3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

FERPA contains various exceptions to the general rule that the New Mexico Tech should not disclose education records without seeking the prior written consent of the student. The following circumstances are representative of those in which education records (and information drawn from education records) may be disclosed without the student's prior written consent:

- a) Upon request, the New Mexico Tech may release Directory Information (see the "FERPA Directory Information" section below).
- b) School officials who have a legitimate educational interest in a student's education record may be permitted to review it. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her responsibility to NMT or to the student.
  - 1) a school official is: a person employed by the New Mexico Tech in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff);
  - 2) a person or company with whom the New Mexico Tech has contracted (such as an attorney, auditor, or collection agent);
  - 3) a person serving on the Board of Trustees/Board of Regents; or a student or volunteer serving on an official committee (or representing a recognized student group), such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

**4. FERPA permits disclosure of personally identifiable information (PII) from students' educational records, without consent of the student, if the disclosure meets certain conditions found in FERPA regulations. Some examples are:**

- a) New Mexico Tech must provide records in response to lawfully issued subpoenas, or as otherwise compelled by legal process.
- b) New Mexico Tech discloses education records without consent to officials of another school, in which a student seeks or intends to enroll, upon request of officials at that other school.
- c) The New Mexico Tech may choose to disclose education records (and information drawn from education records) to either supporting parent(s) or guardian(s) where the student is claimed as a dependent under the Internal Revenue Code.

- d) The New Mexico Tech may inform persons including either parent(s) or guardian(s) when disclosure of the information is necessary to protect the health or safety of the student or other persons.
- e) For students under the age of 21, the New Mexico Tech may notify either parent(s) or guardian(s) of a violation of any law or policy relating to the use of alcohol or controlled substances.

**5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by New Mexico Tech to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education,  
400 Maryland Avenue, SW,  
Washington, DC 20202-4605.

### **FERPA Directory Information**

- Student's name
- Address (local and campus box number)
- Telephone listing
- Electronic mail address
- Photographs, videos and other similar information
- Major field of study
- Dates of attendance
- Class (freshman, sophomore, junior, senior)
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

The student is entitled to request that this information **not be made publicly available** by a request, in writing, to the Registrar at least one week prior to the beginning of Fall, Spring, or Summer. Requests received after the beginning of the term will be effective for the next term.

**NOTE:** It is still permissible for the school to release information to lenders, guarantee agencies, or the Department of Education concerning the enrollment status or address of any student or previous student who has obtained a loan under the Federal Perkins Loan, Federal Stafford Student Loan, Federal Graduated PLUS Loan and/or Private Education/Alternative Loan Programs.

### **STUDENTS OPTING FOR NO RELEASE IN THE CLASSROOM SETTING:**

Students cannot choose to be anonymous in the classroom setting. If a student has chosen "no release" for their directory information, that does not mean that an instructor cannot call on the student by name in class or that the student's email address cannot be displayed on an electronic classroom support tool such as a discussion board, blog, or chat feature. In addition, courses or sections offered through distance learning require a student photograph as identification similar to a student wearing an ID in an in-person class and is not subject to "no release" in a "classroom setting."

## CONSENT TO USE OF PHOTOGRAPHIC IMAGES

Registration as a student and attendance at or participation in classes and other campus and New Mexico Tech activities constitutes an agreement by the student to the New Mexico Tech's use and distribution (both now and in the future) of the student's image or voice in photographs, video or audio capture, or electronic reproductions of such classes and other campus and New Mexico Tech activities.

If any student in a class where such photographing or recording is to take place does not wish to have his or her image or voice so used, the student should raise the matter in advance with the instructor.

**Lecture Capture Videos:** FERPA does not prohibit instructors from making a recording of virtual lectures or class sessions available to students controlled in the course. However, sharing the recordings beyond students enrolled in the course would generally require prior written consent.

ID cards bear a photograph of the cardholder. This photograph is maintained in an online database and, as stated in the "[Directory Information](#)" section of this bulletin, is available for classroom, student residence, and other use upon specific request and without student consent

## SOCIAL SECURITY NUMBERS IN STUDENT RECORDS

As required by law, social security numbers are collected from prospective and current students who plan to seek employment on campus or wish to receive financial aid. In addition, the university is mandated by federal tax regulations to provide tuition and fee payment information to the student and the Internal Revenue Service, so that applicable educational tax credits may be computed. The social security number will be necessary to submit this tax reporting. The social security number is a confidential record and is maintained as such by the university in accordance with the Family Educational Rights and Privacy Act.

## SHARING INFORMATION WITH PARENTS

Students are encouraged to maintain an ongoing, open dialogue with parents throughout their careers at NMT about academic progress and personal development. Most student difficulties are resolved at NMT without involving parents. Students may sign a release for Parents to discuss specific information with one of NMT student offices. The consent form can be found on the Registrar's Home page under FERPA. The New Mexico Tech does recognize, however, that there are some exceptional situations where parental involvement may be appropriate to assist a student through a difficult circumstance. Under those circumstances, NMT may (but is not required to) choose to disclose information to parents if permitted by law.

Under the Family Educational Rights and Privacy Act (FERPA), NMT is permitted to disclose information drawn from education records to parents if one or more parent claims the student as a dependent for federal tax purposes. Some laws, especially those relating to medical and mental health care, prohibit the disclosure of information without the student's consent, even where the student is a tax dependent.

## PROCEDURE FOR INSPECTION OF RECORDS

- Students may request, in writing, the opportunity to inspect personal records. The request should be made to the records manager or designee in the department in which the records are on file.
- Such requests must specify records to be inspected. A request to inspect the pertinent records will be granted within a reasonable period of time, but such time is not to exceed forty-five days after the request has been made. Records will be inspected by the student or other authorized individual in the presence of the records manager or designee. Students may take notes but not remove, photo copy or photograph actual documents.
- A notation will be placed in the file each time it is inspected by anyone other than authorized school personnel

## PROCEDURES FOR CHALLENGE OF RECORDS

**Step 1:** In the event that a student objects to any decision of a records manager regarding the retention of any student data, in whole or in part, such student shall make the objection known in writing to the records manager of those records.

**Step 2:** If the objection is not satisfied by discussion with the records manager, the student shall have the right to appeal to the Vice President of Academic Affairs. The student may challenge the retention of any data in the student record on the basis that it is inaccurate, misleading, or otherwise a violation of the privacy or other rights of the student. Request for appeal shall be in writing and must identify the specific portion(s) of the record to be challenged and state the reason for the challenge. Grades may be challenged under this procedure only on the basis of the accuracy of their transcription.

**Step 3:** The Vice President of Academic Affairs (VPAA), or designee, shall create a review panel composed of the one Dean and two faculty members. Additional staff members may be involved, but will not be voting members of the committee. The review panel shall decide, upon appeal of the student, whether the challenged student data should be destroyed or amended.

**Step 4:** The review panel shall, within four weeks after being notified of such appeal, or longer should the appellant request delay, conduct a fair hearing to decide the issues presented by the appellant.

- The records manager shall have the burden of proof with regard to the issues presented by the appellant
- The appellant and the records manager shall have the right to be represented by an advocate of his or her choosing, cross-examine witnesses, present evidence, make a tape recording of the proceedings, and request a written decision supported by reasons

#### ***Potential Outcomes***

- If the student appeals according to the provisions set forth above and obtains a favorable ruling, the contested data shall be expunged from the student's record or corrected.
- If the student receives an unfavorable ruling upon appeal, then the objection must be noted in the student's record and the student be given the opportunity to insert a written rebuttal into the record.

The Department of Education has designated the following office to investigate, process and review violations and complaints. Any student who feels, after a hearing, that the school has not acted in accordance with the law may contact this office:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

## **PROCEDURE FOR INSPECTION OF FINANCIAL AID RECORDS**

- The general procedure for inspection of records also applies to financial aid records and follows the same procedure for inspection
- The records and conversations between any aid applicant, his/her family, and the staff of the Financial Aid Office are confidential
- As a rule, all currently enrolled and former students have the right to review their financial aid records to determine their content and accuracy with the exception of those records including parental information and confidential references or recommendations for scholarships received from prior institutions attended, other individuals or from faculty and staff of New Mexico Tech
- A student who wishes to obtain access to his/her financial aid records is able to do so in the presence of a Financial Aid Office full-time employee
- Information may be disclosed to other institutional employees, if deemed appropriate, and representatives of Federal and state agencies, auditors and accrediting organizations

**Students, faculty, and others with questions regarding student records should contact the Office of the Registrar at New Mexico Tech.**