

Policy 1103

Responding to External Requests for Information

Date of Current Revision: September 2015

Primary Responsible Officer: University Counsel

**Secondary Responsible Officer: Director of Communications and
 Director of Institutional Research**

1. PURPOSE

This policy provides guidelines for responding to questionnaires, survey forms, and other requests for information and data from external sources.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6;23-9.2:3. The board has delegated authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATIONS

The university is constrained by federal and state laws - such as the Virginia Freedom of Information Act (FOIA) and the Government Data Collection and Dissemination Practices Act -- Section 2.2-3700 and 2.2-3800 respectively of the Code of Virginia-- and the Federal Educational Rights and Privacy Act (FERPA) - Title 20, Section 1232g of the United States Code - concerning the access to its records by external sources. Within those laws, the university is given authority to make policies concerning the methods by which responses to requests will be processed.

3. DEFINITIONS

Confidential:

Information that is defined by law as confidential, such as student educational records, medical records, police records, legal records, and personnel records, among others.

Published Data:

Information published each year by the Office of Institutional Research.

4. APPLICABILITY

This policy applies to all university employees. All records and all university information are covered under this policy unless specifically excluded.

5. POLICY

University offices and employees receiving requests for published or unpublished data and other information from individuals, agencies, groups, or other sources outside of the university shall use these procedures in responding to such requests.

6. PROCEDURES

Requests for information about the university should be sent to the appropriate offices listed in this policy.

Specifically, university offices and employees receiving requests for information from the news media must contact the Office of University Communications, which will coordinate the response with the Office of University Counsel. No office will release information requested under a FOIA request unless authorized to do so by the Office of University Counsel. Other requests can be handled as outlined below:

Responses to questionnaires and surveys that require the provision of data that has not been published and must be compiled will be coordinated through the Office of Institutional Research. The University Statistical Summary [<http://www.jmu.edu/institresrch/statsum.shtml> /] published each year by the Office of Institutional Research contains official University data. University employees receiving such requests must use this publication as a primary source of information for completing questionnaires and surveys before sending them to the Office of Institutional Research for review. (See Section 9, Exclusions)

Student educational records (non-directory information) generally cannot be released without the consent of the student under the terms of FERPA. See [Policy 2112](#). Offices and employees receiving a request for student educational information must contact the Registrar's Office, which will coordinate the response to all such requests with the Office of University Counsel.

Employee personnel information generally cannot be released to the public without the consent of the employee. Offices and employees receiving a request for personnel information must contact the Human Resources Office, which will coordinate all such requests with the Office of University Counsel. See JMU [Policy 1316](#) for more information on the release of information from employee records and [Policy 1320](#) for information on giving reference information.

The university will not release information about the university, its officers, faculty members, employees, or members of the Board of Visitors who are defendants within their official university capacity without the approval of the Office of University Counsel or other legal representative designated by The Virginia Attorney General's Office. Responses to requests for such information will be coordinated through the Office of University Counsel.

Responses to all subpoenas should be coordinated through the Office of University Counsel.

Should there be any doubt regarding the propriety of releasing information pursuant to a request pertaining to university statistical data, it should be referred to the Office of Institutional Research. For questions concerning the propriety of releasing any other information, offices and employees should contact the Office of University Counsel.

Procedures on making a request from the University through the Freedom of Information Act are contained at <http://www.jmu.edu/visitors/about/foia.shtml>.

7. RESPONSIBILITIES

The Office of University Counsel is responsible for coordinating fulfillment of and advising respondents concerning external requests for university information.

The Office of University Communications holds primary responsibility for responding to external requests for university information from the media, in consultation with the Office of University Counsel.

The Office of University Counsel is responsible for coordinating the university's response to FOIA requests, including reviewing the eligibility of the requester to receive such information, reviewing the requests to avoid the inadvertent release of confidential information, and either transmitting the response or advising the recipient of the request on the appropriate response. This office is also responsible for coordinating responses concerning requests for information concerning matters in litigation and for advising respondents on responses to subpoenas.

The Office of Institutional Research is responsible for coordinating the university's response to questionnaires, survey forms, and other data requests, including reviewing completed responses to data requests for accuracy, appropriateness, and to ensure consistency with the official position of the university, determining whether the information is appropriate to release, and either transmitting the response or advising the recipient of the request on the appropriate response. Such requests that have a broad public interest may be prepared and released by the Office of University Communications.

The Registrar's Office is responsible for coordinating the university's response to requests for student educational records, including reviewing the information to determine if it meets the definition of an educational record, notifying the affected students of such requests, reviewing any permission given by a student to release such information, and either transmitting the response or advising the recipient of the request on the appropriate response, in consultation with the Office of University Counsel.

The Human Resources Department is responsible for coordinating the university's response to requests for employee records, including reviewing the information to determine if it is confidential, reviewing any permission given by an employee to release such information, and either transmitting the response or advising the recipient of the request on the appropriate response, in consultation

with the Office of University Counsel.

The Office of Procurement Services is responsible for coordinating the university's response to requests for information concerning university purchases and procurement contracts, in consultation with the Office of University Counsel.

The Division of University Advancement is responsible for coordinating the university's response to requests dealing with alumni and donor records, in consultation with the Office of University Counsel.

All university offices and employees are responsible for forwarding requests for information to the appropriate office for review and response or advice in responding to the request.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

If a request for information can be answered in its entirety from the Statistical Summary, the Undergraduate or Graduate Catalog, or other official university publication, it need not be coordinated as described in this policy.

Offices and employees who are responsible for regularly supplying the public with information pursuant to inquiries or requests need only use these procedures if the information is not usually communicated through that office or employee, or if the office or employee is unsure of the propriety of releasing the information. Offices and employees are required to comply with state and federal law.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the Office of University Counsel.

Previous Version: September 2013

Approved by the President: February 2009