

# Privacy and Release of Information

The Accessibility Services Department of New Mexico State University of Alamogordo is committed to ensuring that all medical, educational, and psychological information regarding a student's disability is maintained as private as required or permitted by law.

Guidelines about the treatment of such information have been adopted by the Accessibility Services Department (ASD) and are shared with students. These guidelines incorporate relevant state and federal regulations and guidelines.

1. No one has immediate access to student files at the office of Disability Services except appropriate ASD staff. Any information regarding a disability is considered private and will be shared only with others within the institution on a need-to-know basis as determined by ASD staff. Some examples of a need-to-know include:

- If there is a threat to the safety of the individual or that of others.
- When information about the functional impairments resulting from a disability is needed in order to determine accommodations. When students request class accommodations the ASD staff has to communicate with NMSU-A instructors in order to facilitate accommodations and services.

2. This information is protected by the Family Educational Rights and Privacy Act.

3. Information in files will not be released except in accordance with federal and state laws which require release in the following circumstances: if a student reports or describes intent to harm him/herself or another person(s); reports or describes any physical abuse, neglect, or sexual abuse of children or vulnerable adults.; reports or describes sexual exploitation by counseling or health care professionals; or as otherwise required by law.

4. A student's file may be released pursuant to a court order or subpoena.

5. A student may give written authorization for the release of information to individuals or agencies outside the institution when she or he wishes to share it with others. Before giving such authorization, the student should understand the information being released, the purpose of the release, and to whom the information is being released. Information will not be released without consent unless release is required by federal or state law. Unless the student is a minor, information will not be released to parents without the student's consent.

6. A student has the right to review his or her own file as provided by applicable law.

7. NMSU-A cannot guarantee the privacy of information conveyed by electronic means, such as email.

### ADA related links

- [ADA/504 Services](#)
- [I.D.E.A. vs ADA/Section 504](#)
- [Rights and Responsibilities of Students in Higher Education \(ADA\)](#)
- [ADA/504 Grievance Procedures](#)