

## University Policies

<b>Policy Name:</b> Student Education Records	<b>Effective Date:</b> September 1, 2009
<b>Custodian of Policy:</b> Vice President for Student Affairs	<b>Last Review:</b> June, 2003
	<b>Next Review:</b> September, 2014

### Policy:

Minnesota State University, Mankato complies with the Minnesota Government Data Practices Act (MGDPA) and the Family Education Rights and Privacy Act (FERPA) governing privacy of student records. Education records under MGDPA and FERPA are private. Certain exceptions apply, as noted below in the policy.

### Procedures:

#### DEFINITIONS

For the purposes of this policy, Minnesota State University, Mankato has used the following definitions of terms:

*Student:* An individual for whom Minnesota State University, Mankato maintains educational data as defined below and who: (a) has made application for enrollment or registration; (b) is enrolled in or registered for a credit or non-credit course, [including an online course](#), at Minnesota State University, Mankato; (c) has completed the immediately preceding term and is eligible for re-enrollment, including the recess periods between terms; or (d) is on an approved educational leave or other approved leave status, or is on filing fee status.

*Education Records:* Any record (in handwriting, print, tapes, film, email, microfiche, optical disk, computer, other medium) maintained by Minnesota State University, Mankato or by an agent of the University which is directly related to a student. Official University education records include, but are not limited to, the following: admissions records maintained by the Director of Admissions, 122 Taylor Center; graduate student records maintained by the Dean of the College of Graduate Studies and Research, 115 Alumni Foundation Center; financial aid records maintained by the Director of Financial Aid, 120 Wigley Administration Center; academic records maintained by the Registrar, 132 Wigley Administration Center, and disciplinary records maintained by the Director of Student Rights and responsibilities 228 Wigley Administration Center.

Exceptions to education records include:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record, is used only as a personal memory aid, and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.

2. Records created and maintained by Minnesota State University, Mankato University Security Services for law enforcement purposes.
3. An employment record of an individual whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment.
4. Records made or maintained by the Counseling Center or Student Health Service if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records which contain information about a student after he/she is no longer in attendance at the University and which do not relate to the individual's attendance as a student.

## DIRECTORY INFORMATION

Student information that is available to the public is designated as Directory Information. Any information NOT listed as Directory information is private information and will not be provided to requesters without written permission from the student. Certain exceptions may apply. These exceptions are noted under Disclosure of Academic Records. Minnesota State University, Mankato has designated the following items as Directory Information:

1. Name\*
2. Date and place of birth\*
3. Local and permanent address\*
4. Major field of study\*
5. Local and permanent telephone number\*
6. Dates of attendance\*
7. Grade level classification\*
8. Previous college/university attended\*
9. Degrees received\*
10. Email address
11. Awards and honors
12. Height and weight information for athletic participants
13. Performance records and participation in competitive events and officially recognized activities, sports, and organizations

\*This information is maintained by the Registrar.

## PROCEDURES FOR LIMITING ACCESS TO DIRECTORY INFORMATION

Students may request that the University not disclose Directory Information without the student's written permission by completing a privacy request form available at the Campus Hub or online at [http://www.mnsu.edu/registrar/forms/data\\_priv.pdf](http://www.mnsu.edu/registrar/forms/data_priv.pdf).

Students do not have the right to remain anonymous in class – whether the course is conducted in person or online – even if the student has requested non-disclosure of directory data. Students who do not wish to reveal their email address or other electronic identifier that must be used to participate in an online course should be advised to find a different section of the course.

## DISCLOSURE OF EDUCATION RECORDS

Minnesota State University, Mankato will disclose information from a student's education records only with the written consent of the student, except that records may be disclosed without consent when the disclosure is:

1. To school officials who have a legitimate educational interest in the records.

A school official is:

- A person employed by the University in an administrative, supervisory, academic or research, security services, or support staff position, including health or medical staff and also clerical staff who transmit the education record.
- A contractor, consultant, volunteer or other service provider with whom the University has contracted as its agent to provide a service that would otherwise be performed by a University employee, such as (but not limited to) an attorney, auditor or collection agency.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his/her tasks.
- A person serving on the Board of Trustees.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his/her position description or contract agreement.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid upon approval of the Vice President for Student Affairs, or designee.
- Maintaining the safety and security of the campus.

2. To authorized representatives of the U.S. Department of Education, the Comptroller General, Attorney General, and State and local educational authorities, in connection with audit of state or federally supported education programs.

3. In connection with a student's request for or a receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

4. To State and local officials or authorities if specifically required by a State law that was adopted before November 19, 1974 if the disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.

5. To organizations conducting certain studies for or on behalf of the University.

6. To accrediting organizations to carry out their functions.

7. To comply with a judicial order or a lawfully issued subpoena.

8. To appropriate parties (parents, law enforcement and others) when an articulable and significant health or safety emergency arises. A record must be created promptly and maintained that includes the threat, description of the records disclosed and to whom the records were disclosed.

9. To individuals requesting directory information so designated by the University.

10. To the victim of a crime of violence or non-forcible sex offense, the University may release the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime.

11. To other educational institutions where the student intends to enroll or has enrolled at any time. This includes returning educational records to the original source of the record for appropriate purposes, such as verification of the document's authenticity.

12. In connection with information provided to the University from law enforcement about a student required to register as a sex offender.

13. In response to an *ex parte* court order from the U.S. Attorney under the USA Patriot Act.

## RELEASE OF INFORMATION TO PARENTS AND THIRD PARTIES

Parents are not permitted under University policy to access their son or daughter's education record at the postsecondary level. This includes minors and high school students enrolled in the Postsecondary Enrollment Options Program. The University may only share non-public information if the disclosure complies with FERPA requirements for disclosure without consent. Release of Information forms are available for students to sign at the Campus Hub permitting disclosure of the following information to a designated recipient upon request: financial aid information and data; student payroll information; billing charges and payments; registration enrollment/grades/academic probation/suspension; alcohol and drug violations.

## GRADE POSTING BY FACULTY

Posting of grades may occur on printed lists as well as on class websites provided the method maintains high security and protects student confidentiality. The use of full or partial student ID numbers, or any part of social security numbers, is prohibited. Graded tests or papers may not be placed in open mailboxes. The best system for posting grades is an approved online learning environment where students log in to view their own record. Posting can also be done by randomly assigning numbers to students in class and posting grades along with the numbers assigned to the students in non-alphabetical order.

## RESPONSIBILITY OF THOSE TO WHOM PRIVATE INFORMATION IS RELEASED

Private student information is released from the University upon the condition that it will be used for the purpose for which it was requested and will not be released to any other individual or office. Further, the University stipulates that each recipient of student data maintain the data about individual students in a secure fashion, such that it cannot be accessed by unauthorized individuals. The University shall also stipulate that when identifiable data are no longer needed, they will be destroyed or stored in such a manner that identification is not possible. This paragraph does not apply to disclosures of private information where no consent is required.

## PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request to the appropriate records custodian. Students should submit to the records custodian or an appropriate University staff person a written request which identifies as precisely as possible the record of records he/she wishes to inspect. Records custodians include, but are not limited to, the individuals listed in the attachment of custodians.

The records custodian or an appropriate University staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access will be given in 45 days or less from the date of receipt of the request. State data privacy policy may require the University to provide access within a shorter time frame. When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

## LIMITATIONS ON RIGHT OF ACCESS

Minnesota State University, Mankato does not allow students to inspect the following records absent written authorization:

1. The financial statement of the student's parents.
2. Confidential letters and statements of recommendation for which the student has waived his/her right of access, or which were maintained before January 1, 1975.
3. Records connected with an application to attend Minnesota State University, Mankato or a component unit of Minnesota State University, Mankato if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.
5. Educational records excluded from accessibility are records relating exclusively to persons as employees and not used for any other purpose.

## LIMITATIONS ON PROVIDING COPIES

Minnesota State University, Mankato reserves the right to deny copies of records, including official transcripts, not required to be made available by FERPA in any of the following situations:

1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.
3. The education record request is an exam or set of standardized test questions. (An exam or standardized test which is not directly related to a student is not an education record subject to FERPA's access provisions.)

## FEES FOR COPIES OF RECORDS

The fee for general photocopying will be the standard copying rate on campus which is currently \$0.10 per page. The fee for production of microfiche records and transcripts will be the actual cost of producing the document which is currently \$1.00 per page and \$5.00 per transcript. (These rates are subject to change).

## RECORD OF REQUESTS FOR DISCLOSURE

Minnesota State University, Mankato will maintain a record of all requests for and/or disclosures of private information from a student's education records with the exception of disclosures made in accordance with HR 3162, the "USA Patriot Act." The record will indicate the name of the party making the request and any additional party to whom it may be redisclosed. The record of disclosure will be maintained with the education record and may be reviewed by the eligible student.

## ANNUAL NOTIFICATION

- Students are notified of their FERPA rights annually by electronic publication at <http://www.mnsu.edu/campushub/ferpa/index.html>, or by publication in the student handbook (available upon request).
- Students are notified of their FERPA rights by electronic publication in the graduate and undergraduate student bulletins.
- Students will have electronic access to the Student Education Records Policy through the Minnesota State University, Mankato electronic policies and procedures web page at <http://www.mnsu.edu/acadaf/policies/>.

## PROCEDURES FOR CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights.

The procedures for the correction of records, other than contested grades, are as follows:

1. A student must ask the appropriate official of Minnesota State University, Mankato to amend a record. Students should contact the custodian of the education record identified under the definition of Education Records in Part I of the Student Record Policies. In so doing, the student should identify the part of the record to be amended and specify why the student believes it is inaccurate, misleading or in violation of his/her privacy rights.
2. Minnesota State University, Mankato may comply with the request or it may deny the request. If it denies the request, Minnesota State University, Mankato will notify the student of the decision and advise the student of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. Student requests for a formal hearing must be made in writing to the Minnesota Commissioner of Administration within 60 days of receiving the decision. The request must be directed to: Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, MN 55155, who, within a reasonable period of time after receiving the request, will inform the student of the date, place and the time of the hearing. The hearing will be conducted by the Office of Administrative Hearings ("OAH") according to the procedures set forth in Minn. Stat. Ch. 14. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of their choice, including attorneys, at the student's expense.
4. Decisions of the hearing officer will be based solely on the evidence presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.
5. The education records will be corrected or amended in accordance with the decision of OAH if the decision is in favor of the student. If the decision is not in favor of the student, the student may place with the education records, statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing officer, or

both. The statements will be placed in and maintained as part of the student's educational records, and released whenever the records in question are disclosed.

## COLLECTION OF INFORMATION/INFORMED CONSENT

The Minnesota Government Data Practices Act contains requirements in addition to the requirements of the Federal Family Educational Rights and Privacy Act. The Act requires that the University provide a data practices notice ("Tennessee Warning") to all individuals who are asked to supply private information about themselves. The notice must include the following:

1. The purpose and intended use of the information.
2. Whether the individual may refuse or is legally required to supply the data.
3. Any known consequence from giving or refusing to supply the data.
4. The identity of others who will have access to the data.
5. The effective dates of data collection, not to exceed one year.

Private data should be collected only if necessary. Notice may be verbal, but a written record is the recommended practice.

## COMPLAINT AND ENFORCEMENT PROCEDURES

The Secretary of Education has authorized the Family Policy Compliance Office, within the Department of Education, to investigate process and review FERPA complaints and violations. Students wishing to file a FERPA complaint may contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-4605.

## Appendix 1

### Custodians of Education Records

The following offices retain student education records. The term “student record” does not refer to the following: sole possession personal records; security records; student employment records; counseling or health records.

<u>Record</u>	<u>Custodian</u>	<u>Location</u>
Academic Records	Registrar	WA 132
Activity Record	Associate Director of Student Activities	SU 173
Admission Files	Director of Admissions	TC 122
Alumni Records	Director of Alumni Relations & Special Events	AF 224
Directory Information	Registrar	WA 132
Disability Documentation	Director of Disability Services Office	ML 132
Disciplinary Files	Director of Student Rights & Responsibilities	WA 228
Financial Aid Records	Director of Student Financial Services	WA 120
Graduate Student Records	Dean of Graduate Studies & Research	AF 115
Housing Records	Director of Residential Life	CC 111
Information Technology Records	Vice President of Information Technology	ML 3010
Intramural and Club Sports	Director of Campus Recreation	MF 118
Patron Records	Memorial Library	ML 3104
Placement Files	Director of Career Development Center	WA 209
Student Accounts	Campus Hub	SU 117
Student Athlete Records	Director of Intercollegiate Athletics	MF 135
Student Payroll	Business Services	WA 236

Appendix 2

**RECEIPT OF INFORMATION  
from  
MINNESOTA STATE UNIVERSITY, MANKATO**

I, \_\_\_\_\_

\_\_\_\_\_  
Title/Agency or Organization

**acknowledge receipt of the following student information:**

RE:

**This information is to be used for the following purpose(s):**

**I agree:**

1. Not to share this information with others.
2. Not to make another copy.
3. To store the information under secure conditions.
4. To make every effort to insure privacy.
5. To destroy the information when it is no longer needed.
6. To use the information only for the purpose described above.

**I realize that I may be subject to civil and criminal penalties for disclosure in violation of these conditions and data privacy laws. I may also face campus adjudication with sanctions that can include expulsion from the University and revocation of a diploma awarded by Minnesota State University, Mankato.**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

PRIOR TO RELEASE OF REQUESTED STUDENT INFORMATION, THIS FORM  
MUST BE SUBMITTED TO: \_\_\_\_\_