



**Compliance Statement in Accordance with the
Family Education Rights and Privacy Act (FERPA) and
the Minnesota Data Privacy Act (MDPA)
Approved March 2005**

I. DISCLOSURE OF STUDENT RECORDS

1. FERPA and MDPA require that a student's education records be:

- Disclosed *only* to persons who meet the strict definition of a college official who has a legitimate educational interest in the records.

2. Definitions:

- "College official" is defined as:
 - a) A person employed by the college in either an administrative, supervisory, academic, research, support staff, or student worker position.
 - b) An outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the college or the Minnesota State College and University system.
 - c) A student employed in the college work study program.

- "Legitimate educational interest" is defined as:

The need of a college official to review educational records in order to fulfill his or her professional responsibilities. The responsibilities are but are not limited to the following areas;

- performing a task that is specified in his/her position or
- researching a matter related to student discipline or
- providing a service or benefit related to a currently enrolled students or a past student in which we are still maintaining an educational record or,
- maintaining safety and security on campus.

- Student records” are defined as:

Student records include any and all records, in any medium, formally maintained by the college that is directly related to a student.

The following student records are not considered education records and are *not* subject to FERPA protections (student right to inspect, student right to correct or amend, and student’s prior consent being given before released):

- Employment records when the employment is *not* connected to student status;
- Faculty and staff personal notes, counselor treatment records, and documentation of learner accommodation requests and accommodations,
- Alumni records, which do not relate to the person as a student;
- Application records of students not admitted to the college. Note: these records are considered educational records under the terms and conditions of the Minnesota Data Privacy Act and are subject to data privacy protections.

3. Disclosure Guidelines

- Staff, faculty advisors, or faculty members would *not* be authorized to view education records that are not relevant to a legitimate educational interest.
- Those who receive student record information may use it only for the purpose specified.
- Parents of dependent students may have the right to gain access to information in student education records. For purposes of FERPA and MDPA, the college limits the student education record information that may be released (without the student’s specific written permission) to Directory Information and specific data elements only.

We will respond to phone or in-person inquiries by the parents of dependent students. The college defines a dependent as a student that is considered dependent on a parent according to IRS guidelines. Dependency status will be verified through the use of financial aid records or by requesting IRS records from a student’s parent. If dependency cannot be determined, a signed release from the student will be required.

The following information may be released to the parents of dependent college students;

- Tuition account balances,
- Financial aid eligibility,
- Reason for an account hold,
- Explanation of the satisfactory academic progress status, and
- Violation of student conduct policies concerning alcohol and controlled substances.

Directory information can be released to parents without verifying dependency status.

If for any reason, staff does not feel comfortable releasing information over the phone, the caller should be referred to the staff member's immediate supervisor or the Registrar.

- Faculty and staff will only include directory information in their replies to student requests for job references or in response to employer questions regarding current and graduated students. Faculty or staff providing job references for current and graduated students should have the student sign a data release form in order to allow them the opportunity to fully respond and complete reference documents or answer questions from employers.
- Written permission must be obtained from the student before releasing an education record, unless the request for release fits certain exceptions.

4. Disclosure exceptions:

There are circumstances where the prior consent of the student is not required with the release of educational records. Those exceptions are outlined below:

- Officials of another educational institution in which a student intends to enroll. The student should receive notification of the disclosure, unless the student initiated it.
- Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or others.
- Persons specified in a lawfully-served judicial order or subpoena, provided the college makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification).

- Parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1954. A student must have indicated that either parent claimed him/her as a tax dependent on an application for financial aid (FAFSA). Otherwise, the parent must provide a copy of the most recently completed Federal Income Tax Return indicating that the student in question was claimed as a dependent.
- Employees working with an application for financial aid or organizations associated with providing financial aid to the students.
- Federal and state government agencies and officials, accrediting agencies, and organizations conducting studies for or on behalf of educational agencies if conducted so as not to permit the personal identification of any individual student.
- College employees who have an educational interest in the student's data.
- Schools or colleges to which the student is currently enrolled (concurrent enrollment, consortium agreements, PSEO enrollment).
- Release of information requested under the terms of the Patriot Act.
- Directory Information

An educational institution is allowed to designate certain types of information that may be released *without* seeking written permission from the student.

Students have the right to prohibit the release of **all** or **part** of any item(s) listed as directory information. A student may restrict the release of directory information by completing a *Withholding Information* request form. This request to restrict the release of information becomes a part of the student's record and remains in effect (even after graduation) until the student instructs the college, in writing, to remove the hold status on the record.

Directory Information may be provided to the person requesting it either in person, by mail, or by telephone.

Riverland Community College has designated the following items as Directory Information:

- Student's name,
- City of residence,
- Program of study,
- Activity participation,
- Dates of attendance,

- Enrollment status,
- Honors and awards received,
- Most recent previous schools/colleges attended, and
- Weight and height statistics for members of athletic teams.
- Student Photo

II. Student's Rights and Responsibilities

Students have the right to inspect and review their records (academic and financial aid files). Inspection requests must be in writing, submitted to the Registrar's Office, Financial Aid Department, or Admission's Office, and will be honored within ten business days. Record inspections will take place in the office of the Registrar, Financial Aid, or Admissions on the Austin East Campus. Staff may be present when the student is inspecting their records.

The College may charge the student for copies of their records (ten cents a page).

Students also have the right to challenge the contents of education records on the basis of possible clerical errors. Students may also question a possible violation of privacy. If the student believes that the education record is inaccurate, misleading, or in violation of privacy rights, the student may request that the record be changed. If the request for the change is denied, the student has a right to a hearing on the issue.

If the hearing does not resolve the matter, the student may then notify the FERPA Office in Washington D.C. Reported and verified violations could result in the termination of the college's eligibility to receive funding under any applicable federal program, including the Pell Grant and Stafford Student Loan Programs.

Grades earned are not covered under FERPA because the rights of challenge are not intended to allow a student to contest, for example, a grade in a course because the student *felt* that a higher grade should have been assigned. However, FERPA does obligate faculty to honor a student's request to determine if a grade was recorded in error.

The following are the guidelines for the amending or correction of an educational record:

- Requests to correct or amend records must be submitted in writing to the College Registrar.
- Students written requests to amend or correct their records will be responded to in writing within ten business days.
- If the College denies a request to amend a record, the student can request in writing for a formal hearing to review their request. The written request must be submitted to the Vice President of Student Affairs. Hearings will be conducted within five business days of the request.

- The Vice President of Student Affairs, one counselor and the College Registrar will conduct the hearing.
- If the request to amend is denied at the hearing, the student may place a personal statement in their file rebutting the contested information.
- The student may also file a post-hearing complaint with the U.S. Department of Education at the following address: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC, 20202.

III. Frequently Asked Questions:

- **Can a faculty member obtain a copy of a student's records without the student's written permission?**

A school official may obtain a copy of a student's records without the consent of the student *only when the school official has a legitimate educational interest (or a legal right to know)*.

- **I have access to computerized education records. Does this mean I am authorized to view all of the available records?**

No. The confidentiality provisions of FERPA still apply. A school official should access a student's education record only if a legitimate educational interest exists with respect to that student and that record.

- **What should I do if someone from the media asks for information about a former student who was once a Riverland student?**

Education records are protected by FERPA for *former* and *current* students. Thus, education record information about a former student cannot be released without the written permission of the student. Directory information could be released as long as no hold has been placed on the directory information (see *Directory Information* section). Alumni records that do not relate to the person as a student may also be released.

- **Do any special rules apply to transcripts or Social Security Numbers?**

Yes. The Registrar is the only person authorized to issue transcripts. An official transcript is issued only when requested by the student in writing. Social Security Numbers are personally identifiable and are considered non-releasable, private information. They are treated as education records.

- **What rights does FERPA give to students?**

FERPA grants students the right to inspect and review their student records, except for those portions of the records that are not considered education records. Thus, a student could *not* review portions of a record containing information about students *other* than the requesting student.

- **What limits apply to the disclosure of information from a student's education record to a third party?**

Records may be disclosed to a third party only if the student has given written permission to the disclosure, or if a legitimate educational interest has been articulated for disclosure to the third party and noted in the record. This limitation does *not* apply to directory information.

- **What if I receive a fax from a student requesting to inspect his/her education records?**

The college policy is to grant a student inspection of records only upon written request, which may be presented in person in the Registrar's Office with appropriate identification, sent by mail, or sent by fax. Students must provide written authorization for a copy of their education records to be released to a third party (e.g., attorney, employer).

- **Does Riverland charge for a copy of a student record?**

There is ten cents per copy charge.

- **How do I respond to a request for the education records of a deceased student?**

Riverland does not allow for the release of education records of a deceased student. Requests for exceptions to this practice should be submitted in writing to the Registrar.

- **May I transmit grades electronically (e-mail) at the student's verbal or written request?**

The transmission of grades electronically (e-mail) to any party, including the respective student, is permitted, with the student's verbal or written permission.

- **Are my private files considered educational records?**

Records kept in your files for your own use and are not shared with anyone else (other than a substitute) are not considered education records and will not be subject to the release provisions of FERPA. Such records can be kept confidential only if they are kept in the sole possession of the maker and are not accessible or revealed to any other person.

- **How should course grades be posted?**

The college recommends *NOT* to display student grades or scores publicly in association with names, Social Security Numbers, or other personal identifiers. If scores are posted use an agreed upon code known only to you and the student. Under no circumstances should the list of scores be posted in alphabetic sequence by student name.

- **Does the student's right to amend educational records include requests to change grades?**

The college must change factual information regarding grades and performance in an education record when the student is able to provide valid documentation that information is inaccurate or misleading. The substantive judgment of a faculty member regarding a student's work (expressed in grades and/or evaluation) is *not* within the purview of FERPA. The Act does not give students the right to challenge their education records in this regard.