



Policy Series #2000 – Students
Policy Manager: Gary Schindler
Compliance Statement in Accordance with the
Family Education Rights and Privacy Act (FERPA) and
Minnesota Data Practices Act (MDPA)

PURPOSE: The purpose of this policy is to establish guidelines for student records disclosure, student disclosure notification exemptions, establish directory information standards, establish student rights and responsibilities related to student records and outline the process for challenging the accuracy of a student record or the disclosure process.

APPLICABILITY: DISCLOSURE OF STUDENT RECORDS

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.

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.

The college 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

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

- 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 (See Appendix A for the 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 (See Appendix A for the Data Release Form).

Disclosure Exceptions:

FERPA permits the disclosure of students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose education records without obtaining prior written consent of the student –

- To other school officials, including teachers, within Riverland Community College whom the college has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met.
- To officials of another college where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures to outside entities that are designated by them as their

authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the college, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the college has designated as “Directory Information” under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

Directory Information

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

- Student’s name,
- City of residence,
- Address,
- Phone number,
- Major field of study,
- Classification (Freshman or Sophomore),
- Participation in officially recognized activities and sports,
- Dates of attendance,
- Date of graduation,
- Enrollment status - full-time or part-time,
- Degrees, honors, and awards received,
- Most recent previous schools/colleges attended,

- Weight, height, name of high school, and statistics for members of athletic teams, and
- Student photographs (stills or motion).
- Directory Information may be provided to the person requesting it either in person, by mail or by telephone.

Limited Directory Information

Student email addresses and Star ID numbers are defined as Limited Directory Data for enterprise technology related purposes internal to the Minnesota State system that are approved by System Office IT, including, but not limited to, inclusion of email addresses and Star ID numbers in a directory accessible to Minnesota State students and employees.

Prohibiting the Disclosure of Directory Information

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* (See Appendix B). 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.

Student's Right and Responsibilities

The Family Educational Rights and Privacy Act (FERPA) and Minnesota Government Data Practices Act (MGDPA) afford eligible students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 10 days after the day Riverland Community College receives a request for access. A student should submit to the Registrar, Dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, incomplete, misleading, or otherwise in violation of the student's privacy rights under FERPA or the MGDPA.

A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the school decides not to amend the record as requested, the school will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when

notified of the right to a hearing or to file a complaint with the Minnesota Commissioner of Administration.

3. The right to provide written consent before the college discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Riverland Community College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202

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

Students also have the right to challenge the contents of education records on the basis of possible clerical errors. Students may also pursue a possible violation of data privacy with the college's Data Compliance Officer.

DEFINITIONS:

- **College official:** A college official is a person employed by Riverland Community College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A college official also may include a volunteer or contractor outside of the college who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. Finally, a college official can include students employed as student workers or in the work study program
- **Data Compliance Officer:** The Data Compliance Officer is the Dean of Student Affairs or their designee. The designee is the College Registrar.
- **Legitimate educational interest:** The need of a college official to review educational records in order to fulfill his or her professional responsibilities. The responsibilities include 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 student or past student in which we are still maintaining an educational record, or maintaining safety and security on campus.

- **Student records:** 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/MDPA protections (student right to inspect, student right to correct or amend and student's prior consent being given before released):

- Financial records of the student's parents or guardian.
- Confidential letters or statements of recommendation placed in education records before January 1, 1975 or after January 1, 1975 if the student waived the right of access.
- Records of instructional faculty that are kept in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker and are destroyed at the end of the school year.
- Records of law enforcement units (if law enforcement unit is a separate entity and the records are maintained exclusively by and for law enforcement purposes).
- Employment records related exclusively to a student's employment capacity (not employment related to status as a student, such as work study) and not available for use for any other purpose.
- Medical and psychological *treatment* records that are maintained solely by the treating professional for treatment purposes.
- Records that only contain information about a student after that individual is no longer a student at the institution (alumni data).

DOES THIS POLICY HAVE A PROCEDURE? YES, see below.

Record Revision Request and Appeal Process:

Step One – If the student believes that the education record is inaccurate, misleading or in violation of privacy rights, the student may request in writing to the College Registrar that the record be changed. The letter should state the nature of the inaccuracy or error and request the revision that the student wants made in the record. The Registrar will review the request and respond to the student in writing within ten (10) business days of receipt of the request.

Step Two – Following the decision on step one for a record revision, a student may request an appeal review before the Dean of Student Affairs within ten (10) business days of the date of notification of the appeal decision in step one. Failure to file an appeal in a timely manner constitutes a waiver of the right to appeal.

The Dean of Student Affairs will review the request for appeal review letter and will determine if the request has merit. In addition, the Dean of Student Affairs may schedule a meeting with the applicant. An advocate may attend this meeting but may not participate except to advise. In the event that new information is presented that may affect the outcome of the original record revision decision in step one, the Dean of Student Affairs has the discretion to request a meeting with the Registrar and the student appealing the decision. The Dean will render a review decision in writing within ten (10) business days of the appeal meeting.

Step Three – Following the decision of the appeal review, a student may request a third review before the Vice President of Academic and Student Affairs. The request for a third appeal must be submitted in writing to the Vice President of Academic and Student Affairs within ten (10) business days of the date of the appeal review decision completed in step two. Failure to file an appeal in a timely manner constitutes a waiver of the right to appeal.

The Vice President of Academic and Student Affairs will review the original appeal letter, the appeal review letter and the third appeal request and will determine if the grounds for a third-level appeal have merit. The Vice President of Academic and Student Affairs will schedule a meeting with the student. An advocate may attend this meeting but may not participate except to advise. In the event that new information is resented that may affect the outcome of the original record revision request or the appeal review decision, the Vice president has the discretion to request a meeting of the Registrar, the Dean of Student Affairs and the Student appealing the request to revise a record. The Vice President of Academic and Student Affairs will render a third-level appeal decision in writing within ten (10) business days of the third-level appeal meeting. The Vice President’s decision is final and binding.

Students may notify the FERPA Office in Washington D.C. at the following address: Family Policy Compliance Office, 400 Maryland Avenue SW, Washington, DC, 10101 to report potential FERPA violations. 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/MDPA 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/MDPA does obligate faculty to honor a student’s request to determine if a grade was recorded in error.

Compliance Concerns:

Staff and faculty that have concerns about a possible violation of the college’s data privacy policy should bring their concerns to their immediate supervisor. The supervisor will then refer the matter to the college’s Data Compliance Officer or their designee. The officer or designee will gather additional information about the alleged violation and hold a compliance meeting with the alleged violator. An opportunity should be given to the alleged violator to have a bargaining unit representative present with them at the compliance meeting.

LIST RELATED POLICIES AND PROCEDURES OR PLANS HERE: Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), Chapter 13. Government Data Practices

Date of Initial Review by President’s Cabinet: 12/11/2014; 2/9/2017

AASC Review (if applicable):

FSGC Review (if applicable): 12/17/2014; 3/11/2015; 2/15/2017

Date of Final Approval / Policy Adoption: 4/9/2015; 9/8/2016; 4/13/2017

Date & Subject of Revisions: 3/17/16 – revised appeal process.

8/2016 – NEW Riverland logo and Minnesota State branding

4/13/2017 – Updated directory and compliance information; Data Compliance Officer definition
Added Compliance Concerns section – changed “bargain” to “bargaining”