

## **STUDENT RIGHTS AND DATA PRIVACY POLICY**

Bemidji State University is obligated to conform to the fair information practices required by the Family Educational Rights and Privacy Act of 1974 as amended (the "Buckley Amendment") and the Minnesota Government Data Practices Act. The Registrar of the University uses a document prepared and published by the American Association of Collegiate Registrars and Admissions Offices (AACRAO) entitled, "A Guide to Postsecondary Institutions for Implementation of the Family Educational Rights and Privacy Act of 1974 as Amended," for guidance in complying to the Act.

The laws are applicable to postsecondary institutions in two primary ways:

Institutions must permit students to inspect and review their education records; and

In most instances only information defined and publicized by the institution as "directory information" will be released without the express consent of the student unless otherwise directed by the student.

However, under certain circumstances all educational records may be released without consent of the student. Examples of such circumstances are identified in this document. BSU semester class schedules and the catalog contain a statement regarding the release of information and describes what is considered to be 'directory information'

### **1. Students may inspect and review their educational records.**

Students may request permission to review any of their educational records at Bemidji State. [Educational records do not include personal teaching records of instructors, information kept by the law enforcement arm of the University (campus security) or records pertaining to student employment which is classified as public personal data.] An appointment should be made for this purpose with the designated authority within the appropriate department or office.

Students must be provided an opportunity to challenge the contents of their educational records which they consider inaccurate, misleading, or otherwise in violation of their privacy or other rights. Such challenges must be acted upon within a reasonable period of time and students notified of the decision. If not satisfied with the decision, students may request a formal hearing in writing. Decision of the University will be final. Students may, if they wish, place a statement in their records explaining their position which will be included in the educational records disclosed to an authorized party.

**2. Directory information for release.**

Directory information which includes name, address, email address, telephone number, part-time or full-time status, degrees, awards, academic recognitions, and licenses received, participation in officially recognized activities and sports, dates of attendance and majors and minor fields of study, names of parent when associated with awards and officially recognized activities and sports events, student classification and date of graduation will be available to inquires. Students who desire to hold this information confidential should fill out the form and return to the Records Office at the time they register. (Note: schedule of students' classes is not considered directory information.)

**3. Institutions may disclose education records without written consent of student to:**

- A. Personnel within the institution who have a legitimate educational interest. Personnel authorized for such access are to use it only for the legitimate purpose and are not to release or disclose personal identification or information of students to others who are not authorized for such access.
- B. Persons or organizations providing financial aid to the students (except parents of students over 18 unless the parents have established that the student is a dependent according to Internal Revenue Code of 1954, Section 152).
- C. Organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction. Those organizations may not disclose personal identification of students and information must be destroyed when no longer needed for the projects.
- D. Accrediting organizations carrying out their accrediting functions.
- E. Persons in compliance with a judicial order or a subpoena.
- F. Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.

All personnel who have access to education records are to be informed by supervisors and department heads of the above restrictions. Student employees allowed access to such information should be screened and informed of their obligations to protect the students' records and personal identification.

Copies of the AACRAO guide reference above, which includes a copy of the "Buckley Amendment," can be ordered from AACRAO. For those who wish a copy, please contact the Registrar for more information. A copy is available for reference in that office. The Minnesota Government Data Practices Act can be found in the library and is cited as Minnesota Statutes Section 13.01.

Violations of the data practices act can result in certain civil and criminal penalties.

