

## Bemidji State University Policies

<b>Policy Name:</b> Family Educational Rights and Privacy Act/ Privacy of Education Records	<b>Effective Date:</b> 11/19/1974
<b>Policy Owner:</b> Executive Director of Enrollment Management/Associate Vice President for Academic Affairs/Registrar	<b>Last Review:</b> 4/1/2019
	<b>Next Review:</b> 9/1/2022

### Policy Statement

Family Educational Rights and Privacy Act aka Privacy of Education Records policy which includes access to student records states that upon written request Bemidji State University shall provide a student with access to his or her education records. All students at the University have the same rights regarding their education records regardless of their age. There is no charge for viewing education records. Upon request, the meaning of their education record will be explained to the student by the University official providing access to the record. Students have the right to review only their own records. When a record contains private information about other individual(s), disclosure cannot include information regarding the other individual(s). A student does not have access to financial information and statements of the student's parents or information contained therein.

Furthermore, Bemidji State University will not disclose or release to a third party personally identifiable information from education records without the prior written consent of the student except as required or permitted by law. Where required by law, a record of requests for disclosure and such disclosure of personally identifiable information from student education records will be maintained by the Enrollment Management Office. These records of requests for disclosure will also be made available to the student upon request. Records of requests for disclosure no longer subject to audit or under an active request for access will be maintained according to the applicable records retention policy. The University will inform a third party to whom personally identifiable information is released of the applicable limitations on re-disclosure. If the University discovers that a third party who has received student records from the University has released or failed to destroy such records in violation of such limitations, it will prohibit access to education records for five years.

### Scope and Purpose of Policy

Bemidji State University protects the privacy of student education records as required by the Family Educational Rights and Privacy Act (FERPA) of 1974 and the Minnesota Government Data

Practices Act (MGDPA). These federal and state laws provide information on the privacy and confidentiality of student educational records. This notice of student rights, policy and procedures is available in hard copy and in alternative formats from the Enrollment Management Office, Deputy Hall 335 and the Records and Registration Office, Deputy Hall 101.

### **Definitions**

Student means an individual currently enrolled and in attendance once the semester has started or an individual who formerly attended Bemidji State University

Educational data or education records means information recorded in any form directly related to a student that is maintained by the University or a person acting as a University official.

- Education records do NOT include:
  - records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other individual except as a temporary substitute for the maker of the record.
  - records created by the BSU Public Safety Department, maintained by the Public Safety Department apart from educational data and solely for law enforcement purposes, and are not disclosed to University officials outside of the Public Safety Department.
  - employment records 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 purposes.
  - medical or psychological treatment records, which are maintained and accessible only to professionals for treatment purposes.
  - records that only contain information about a former student after that individual is no longer a student at the institution (alumni data).

School official is a person employed by the University in an administrative, supervisory, and academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as dining services, an attorney, auditor or collection agency); a person serving on the Minnesota State Colleges and Universities Board of Trustees or Office of the Chancellor staff; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Legitimate educational interest occurs when:

- The information requested is necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement.
- The information is to be used within the context of official agency or school business and not for purposes extraneous to the official's areas of responsibility or to the agency or school.
- The information is relevant to the accomplishment of some task or to a determination about the student.

- The information is to be used consistently with the purposes for which the data are maintained.

## Procedures

The referenced laws in this policy state that Bemidji State University students have certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within ten (10) business days of the day the University receives a request for access. A student should submit to the registrar, dean, head of the academic or student services department, or other appropriate official responsible for the record, a written request that identifies the record(s) the student wishes to inspect. The University 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 University official to whom the request was submitted, that official will advise the student of the correct official to whom the request should be addressed. Additional procedures may be found below.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA and the MGDPA. A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identifying the part of the record the student wants changed, and specify why it should be changed. The right to challenge a grade does not apply under these procedures unless the grade was alleged to be inaccurately recorded. Substantive challenges to grades are processed through the Grade Challenges policy in the BSU Student Handbook. If the University decides not to amend the record as requested, the University will notify the student in writing of this 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.
3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA and the MGDPA authorizes disclosure. The University discloses education records without a student's prior written consent under the FERPA/MGDPA exception for disclosure to school officials with legitimate educational interests. A school official has a *legitimate educational interest* if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University. Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll, or at which a student is also in attendance. The University will provide a copy of such disclosed records to the student upon request.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5901.

Complaints may also be submitted to the Bemidji State University President, Office of the President, Deputy Hall 304.

- a. Complaints about compliance with the MGDPA may be brought to Bemidji State University's Data Compliance Official for student data, the Executive Director of Enrollment Management, Deputy Hall 335. Complaints may also be submitted to the Minnesota Commissioner of Administration.
5. As required or permitted by law, the University may release personally identifiable information in an education record without consent as follows. This includes disclosure:
- to federal, state, or local officials or agencies authorized by law, including, but not limited to authorized representatives of: the Comptroller General of the United States; the Attorney General of the United States; the Secretary of the United States Department of Education; or state and local educational authorities.
  - in connection with a student's application for, or receipt of, financial aid.
  - to accrediting organizations or organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained.
  - in compliance with a judicial order or lawfully issued subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena is a Federal grand jury subpoena or other subpoena issued for law enforcement purposes and the court or issuing agency specifically directs the University not to disclose the existence of the subpoena.
  - to appropriate persons in an emergency situation if the information is necessary to protect the health or safety of the students or other persons.
  - if the information is the result of the alleged student perpetrator's disciplinary proceeding to an alleged victim of a crime of violence or non-forcible sex offense; or if the information is the final result of a disciplinary hearing finding that a student has violated the University's Student Code of Conduct defined as a crime of violence or non-forcible sex offense (and the final results were reached on or after October 7, 1998).
  - upon request, the university also discloses education records without consent to officials of another school in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
6. If the information is designated by the University as "Directory Information" and the student has not exercised his or her right of non-disclosure it is considered public. The following information has been designated as "Directory Information" at Bemidji State University.
- student name
  - major field of study

- participation in officially recognized activities and sports
  - weight and height of members of athletic team participants
  - dates of attendance
  - grade level (e.g. undergraduate, graduate, or non-degree seeking)
  - student classification (e.g. FR, SO, JR, SR, PD, etc.)
  - enrollment status (e.g. full-time or part-time)
  - degrees, honors and awards and licenses received
  - names of parents when associated with awards and officially recognized activities and sports events
  - date of graduation
7. If the information is designated as 'Limited Directory Information' and the student has not exercised his or her right of non-disclosure. 'Limited Directory Information' is only eligible for release to Bemidji State University Foundation for Foundation related-activities and/or external parties contractually affiliated with the University. The following information has been designated as 'Limited Directory Information' at Bemidji State University.
- e-mail address (institutional, personal, work, etc.)
  - address
  - phone number
  - Star ID
- a. Notwithstanding any other provision of this policy, the following information is defined as Limited Directory Data for purposes of sharing with Students United so the association can communicate with their members: Student name, e-mail address, and Student Change Code (NEW/RTN/DROP).
- b. Institutional e-mail addresses are the primary form of electronic mail communication between the university and its' students. Students' institutional e-mail addresses are available to all BSU faculty, staff, and students through the university network, as outlined in the Student E-mail Policy.
8. Use and disclosure of this information shall be limited to those officials within the University who have access, consistent with the Family Educational Rights and Privacy Act, to such information and only in conjunction with an official institutional purpose.
9. A written consent for the disclosure of education records must:
- a) specify the records to be disclosed;
  - b) state the purpose of the disclosure;
  - c) identify the party or class of parties to whom the disclosure may be made; and
  - d) signed and dated by the student.
10. An information release has an expiration date no later than one year from the original authorization. If the student requests, the University will provide him or her with a copy of the records released pursuant to the consent. A form for consent to release education records is available in the Records and Registration Office. Students may have copies of their education records and this policy upon request. Copies of student records will be made at the student's expense. If the copy request is 100 pages or less,

does not require color copying, and can be made on letter or legal sized paper, then twenty-five (25) cents a page/side will be charged. Copy requests exceeding 100 pages, or requiring color copying, or for pages exceeding legal sized paper will be charged at the rates established by Bemidji State University Printing Services. The rates may be found at this website.

[http://www.bemidjistate.edu/offices/procurement\\_logistics/printing/](http://www.bemidjistate.edu/offices/procurement_logistics/printing/)

11. There is no additional charge for official transcripts. Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or financial hold at the University, unless otherwise required by law. Students may request that the above-listed Directory Information be withheld from public disclosure by notifying the Records and Registration Office through completion of the Student Directory Form and returning it to the Records and Registration Office. The form is available at [records forms and policies](#) website. This request will remain in effect until canceled in writing.

### **Rationale**

The rationale for this policy is to protect data privacy of student records as required by law.

### **Supporting References**

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>