

Privacy of Education Records
Under the Federal Family Educational Rights and Privacy Act and Minnesota
Government Data Practices Act

University Procedure 104

Section 1. Purpose

This procedure is enacted to provide guidance for the implementation of Policy 1040 in order to comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and the Minnesota Government Data Practices Act, (MGDPA) Minn. Stat. Chapter 13, in handling education records. This procedure is adopted in order to assure that Metropolitan State University carries out its responsibilities with regard to educational records in accordance with these and other applicable laws.

Section 2. Definitions

See Policy 1040 for applicable definitions.

Section 3. Procedure

A. Annual Notification of Rights and Policy

Enrolled students will be provided information about their rights under FERPA (FERPA Notice) including, but not limited to, the following rights to: 1) inspect and review their education records; 2) seek amendment of their education records if they are believed to be inaccurate, misleading, incomplete, or otherwise in violation of their privacy rights; 3) consent to disclosure of personally identifiable information contained in education records, as required by law; 4) file a complaint with the U.S. Department of Education concerning alleged violations of FERPA.

The Metropolitan State FERPA Notice will be provided to enrolled students at least annually by university email. It will also be available on the University web site and at new student orientation. The policy can be made available in alternative formats or translations by contacting the Registrar.

Copies of this procedure are available by requesting a copy from the Registrar's Office or Gateway Student Services.

B. Data Privacy Collection Notice

Pursuant to the requirements of the MGDPA, whenever Metropolitan State collects private data from an individual who is the subject of the information, it shall inform the individual:

1) about the purpose for collecting the data and intended use of the information;

- 2) whether the individual may refuse or is legally required to provide the information;
- 3) any known consequences from giving or refusing to supply the data;
- 4) about the identity of individuals who will have access to the information.

C. Access to Student Records

1. Access by Student

Upon written request, Metropolitan State shall provide a student with access to his or her education records, unless limited by law.

There is no charge for viewing the records even if the university is required to make a copy of the record in order to provide access. Responses to requests by students to review their education records shall be immediate, if possible, but in all cases, within ten business days of receipt of the request.

Upon request, the meaning of their education record shall be explained to the student by Metropolitan State personnel assigned to, and designated by, the appropriate office.

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 a right to access the financial information and statements of the student's parents or any information contained therein.

Students do not have access to confidential letters or statements of recommendation placed in education records, if the student waived his/her right of access as permitted by law.

Requests for access to specific types of education records should be made in writing to the Registrar's Office.

2. Consent for Release to Third Parties Generally Required

Metropolitan State will not disclose or release to a third party personally identifiable information from education records without the prior written consent of the subject student except as authorized by law.

To be valid, a written consent for the disclosure of education records must:

- 1) specify the records to be disclosed;
- 2) state the purpose of the disclosure;
- 3) identify the party or class of parties to whom the disclosure may be made; and
- 4) be signed and dated by the student.

Students must indicate the time period for which disclosures are allowed; however, authorizations for disclosure must include an expiration date no later than one year from the original authorization. If the student requests, the school shall provide him or her with a copy of the records released pursuant to the consent.

A consent to release education records form is available on the University website, and from Gateway Student Services.

3. Release without Consent

As required or permitted by law, Metropolitan State will release personally identifiable information in an education record without consent as follows:

- (1) to Metropolitan State school officials who have been determined to have a legitimate educational interest in the records;
- (2) to officials of other schools in which the student seeks or intends to enroll, or at which a student is also in attendance, upon the condition that the student receive a copy of the record so disclosed, if requested;
- (3) 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;
- (4) in connection with a student's application for, or receipt of, financial aid;
- (5) 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 for which it was obtained;
- (6) 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 a law enforcement purpose and the court or issuing agency specifically directs the institution not to disclose the existence of a subpoena. As with other releases of information without consent of the student, these requests should be directed to the Registrar/Data Practices Compliance Official;
- (7) to appropriate persons in an emergency situation if the information is necessary to protect the health or safety of the students or other persons;
- (8) the information has been designated by the Metropolitan State as "Directory information" and the student has not exercised the right of non-disclosure;
- (9) the information is the final result of the alleged student perpetrator's disciplinary proceeding to an alleged victim of a crime of violence (as defined in 18 U.S.C. Sect 16) or non-forcible sex offense; or
- (10) the information is the final result of a disciplinary hearing finding that a student has violated the university rules or policies by conduct defined as a crime of violence in 18 U.S.C. Sect 16, or non-forcible sex offense, and the final results were reached on or after October 7, 1998.

Metropolitan State will inform a third party to whom personally identifiable information is released of the applicable limitations on re-disclosure. If the institution discovers that a third party who has received student records from the institution has released or failed to destroy such records in violation of such limitations, it will prohibit access to education records by such 3rd party for five (5) years.

A consent to release education records form is available on the University website and in Gateway Student Services.

4. Record of Requests for Disclosure

Where required by law, a record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the appropriate office and will also be made available for inspection pursuant to this policy. 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.

5. Directory and Limited Directory Information

The following information on students at Metropolitan State is designated as Directory Information, which is public data accessible to the public upon request pursuant to Minn. Stat. Sect. 13.03:

- 1) student's name(s)
- 2) major field of study
- 3) participation in officially recognized activities and sports
- 4) dates of attendance
- 5) most recent previous educational institution attended
- 6) grade level or enrollment status (e.g., undergraduate/graduate; full time or part time)
- 7) degrees, honors and awards received
- 8) date of graduation.

Limited Directory Information: In addition to the definition of Directory Information, this policy and procedure defines the following information as Limited Directory Information for purposes of sharing with Students United so the association can communicate with its members:

- 1) student Change Code (NEW/RTN/DROP)
- 2) student StarID
- 3) student e-mail address
- 4) student permanent phone
- 5) student permanent address (street address, city, state, and zip code).

Limited Directory Information can also be used internal to the Minnesota State Colleges and Universities system as approved by System Office IT, which includes but is not limited to the inclusion of email addresses and Star ID numbers in a directory accessible to Minnesota State students and employees.

6. Notice to Students about Directory and Limited Directory Information:
Students may request the non-disclosure of:

- only their name,
- all Directory Information with the exception of name,
- or all Directory Information, or
- limited Directory Information,

by notifying the Registrar in writing. Non-Disclosure of Directory Information Request forms are available online and from Gateway Student Services.

7. Challenge to Record

Students who believe that their education records, public or private, contain information that is inaccurate, misleading, or incomplete may challenge the record. Note: the right to challenge a grade does not apply under this policy unless the grade assigned was allegedly inaccurately recorded. (Substantive challenges to grades shall be processed according to University policy #2080— Grading Policy.) Data that are being challenged under this section shall be disclosed with the individual's statement of disagreement included with the disclosed data.

A student may:

- a) Discuss his or her concerns informally with the University Data Practices Compliance Official (Registrar).
 - If agreement is reached with respect to the student's request, the appropriate records will be amended, and a reasonable attempt will be made to notify past recipients of inaccurate or incomplete data, including recipients named by the student.
 - If not, the student will be notified within a reasonable period of time that the records will not be amended, and will be informed of the right to a formal determination.
- b) The request for a formal determination must be made in writing to: Provost or designee; a written response will be provided within thirty (30) calendar days of the receipt of the challenge.
 - If the challenge is deemed to be accepted, the student will be notified that the data has been corrected, and that past recipients of the incorrect data will be contacted, if possible, including recipients named by the student.
 - If the challenge is not accepted, the student will be notified of that decision and of the right to appeal and have a formal hearing pursuant to the procedures set out in the Administrative Procedure Act
[\[https://mn.gov/oah/self-help/administrative-law-overview/data-practices.jsp\]](https://mn.gov/oah/self-help/administrative-law-overview/data-practices.jsp)
- c) Student requests for a formal hearing must be made in writing to the Commissioner of the Minnesota Department of Administration within 60 days of receiving the decision. The request must be directed to: Commissioner, Minnesota Department of Administration, 50 Sherburne Avenue, St. Paul, MN 55155.
 - Within a reasonable period of time after receiving the request, the Commissioner 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) and according to the procedures set forth in Minnesota Statutes, Chapter 14.
- Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense.
- 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.
- 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 unsatisfactory to 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.

8. Copies

Students may obtain copies of their education records and this policy upon request. The copies of records will be made at the student's expense at rates established pursuant to this procedure, and may be updated from time to time.

When individuals request copies of stored data, Metropolitan State University will charge fifteen cents (\$.15) per page for photocopying the materials. If the requesting individual desires information which would require considerable time in retrieving data from files or which would require computer programming or data processing time, additional charges may be made; however, such charges will be made known to the subject in advance of the preparation of the data.

The subject will also be informed of alternative forms in which the data could be provided if such alternatives exist.

The charge for official transcripts is currently as follows (Charge is subject to change without notice):

- National Student Clearinghouse Paper Transcripts are \$5.00 per copy National Student Clearinghouse e-Transcripts are \$6.75 per copy
- Transcript Requests Directly to Metropolitan State University by Mail or In-Person are \$8.00 per copy
- Rush Transcript Requests must be made to Metropolitan State University by Mail or In-Person and are \$8.00 per copy + \$5.00 rush fee. The rush fee is
- \$15.00 for next day express mail.

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.

9. Complaints

Complaints regarding alleged failures to comply with the provisions of FERPA may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605. Complaints may also be submitted to the following designated Metropolitan State official.

Complaints about compliance with the MGDPA may be brought to the Provost and Executive Vice President for Academic and Student Affairs or to the Commissioner of the Minnesota Department of Administration.

Section 4. Authority

This procedure is issued pursuant to the operating authority granted to the University's President by the Board of Trustees of the Minnesota State system (Proc. 1A.2.2, "Delegation of Authority").

Section 5. Effective Date

This University procedure shall become effective upon signature by the President, and shall remain in effect until modified or expressly revoked.

Section 6. Responsibility

The Provost and Executive Vice President for Academic and Student Affairs is responsible for the implementation of this procedure.

Section 7. Review

This procedure shall be reviewed on every three years or as necessary.

Section 8. Signature

Issued on this date: July 15, 2019

Virginia "Ginny" Arthur, JD
President

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