

# **St. Cloud Technical & Community College**

## **Policies and Procedures**

### **Chapter S3 – Educational Policies**

#### **S3.7 Student Data Practices Policy**

*Update Revision Responsibility: Vice President of Student Affairs*

Minnesota State Colleges and Universities comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, 34 CFR 99; the Minnesota Government Data Practices Act, (MGDPA) Minn. Stat. Ch 13, Minn. Rules Ch 1205; and other applicable laws and regulations concerning the handling of education records. Accordingly, the college adopts the following policy:

#### **Definitions**

The following definitions apply for the purpose of this policy:

*Student* means an individual currently or formerly enrolled or registered, applicants for enrollment registration at a public educational agency or institution or individuals who receive shared time educational services from a public agency or institution. All students at a post-secondary school have the same rights regarding their educational data regardless of age.

*Educational data or education records* means data in any form directly relating to an individual student maintained by a public educational agency or institution or by a person acting for the agency or institution.

Educational records do not include:

- (1) financial records of the student's parents or guardian;
- (2) confidential letters or statements of recommendation placed in education records before January 1, 1975, or after January 1, 1975, if the student waived right of access;
- (3) records of instructional personnel 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;
- (4) 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);
- (5) 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;

(6) medical and psychological *treatment* records that are maintained solely by the treating professional for treatment purposes;

(7) records that only contain information about a student after that individual is no longer a student at the institution (alumni data).

Limited Directory data is non-directory information that will be released subject to specific limitations on parties, purposes, or both.

### **Notice of Policy**

Students are informed of their rights under federal and state privacy laws through an annual notice of rights and this policy, which is included in the student handbook and college catalog. Additionally, the student handbook and catalog will be available for inspection through the Student Affairs Office and most administrative offices.

### **Access to Student Records**

#### **Consent for Release Generally Required**

The college will not permit access to or the release of personally identifiable information contained in student educational records without the written consent of the student to any third party, except as authorized by the MGDPA and FERPA or other applicable law. A written consent is valid if it: 1) specifies the records that may be disclosed; 2) states the purpose of the disclosure; 3) identifies the party or class of parties to whom the disclosure may be made; and 4) is signed and dated by the student. If the release is for disclosure to an insurer or its representative, the release must also 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 informed consent.

#### **Release without Consent**

As allowed by the MGDPA and FERPA, the college will release student records *without consent* as follows:

- (1) to appropriate school officials who require access to educational records in order to perform their legitimate educational duties (see explanation below);
- (2) to federal, state, or local officials or agencies authorized by law;
- (3) in connection with a student's application for, or receipt of, financial aid;
- (4) 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;
- (5) in compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs the institution not to disclose the existence of a subpoena;

(6) to appropriate persons in an emergency situation if the information is necessary to protect the health or safety of the students or other persons; or

(7) to an alleged victim of a crime of violence (as defined in 18 U.S.C. Sect 16) or non-forcible sex offense, the final results of the alleged student perpetrator's disciplinary proceeding may be released;

(8) to another educational agency or institution, if requested by the agency or institution, where a student is enrolled or receives services while the student is also in attendance at the college or university, provided that the student is notified where applicable; receives a copy of the record, if requested; and has an opportunity for a hearing to amend the record, as required by law.

#### **“School Officials” with a “legitimate educational interest”**

The college will release information in student education records to appropriate school officials as indicated in (1) above when there is a legitimate educational interest. A school official is a person employed by the college in an administrative, supervisory, 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 (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, or assisting another school official in performing his or her tasks. 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 responsibility.

#### **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 Records and Registration for each student and will also be made available for inspection pursuant to this policy. 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 this policy, it will prohibit access to educational records for five (5) years. Records of requests for disclosure no longer subject to audit, nor presently under request for access will be maintained according to the school's applicable records retention policy.

#### **Directory Information**

The following information on students at college is designated as public Directory Information:

- (1) student's name, hometown
- (2) participation in officially recognized activities and sports
- (3) dates of attendance (beginning and end dates of the semester)
- (4) classification
- (5) degrees, honors and awards received
- (6) date of graduation
- (7) physical factors (height and weight) of athletes
- (8) photographs and videos

(9) enrollment status (e.g., undergraduate, graduate, full-time, or part-time)

### **Limited Directory Data**

Student email addresses and Star ID numbers are defined as Limited Directory Data for enterprise technology related purposes internal to the Minnesota State Colleges and Universities 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.

### **Notice to students about Directory Information**

Students may direct that the above-listed Directory and Limited Directory Information be withheld from public disclosure by notifying the Records and Registration Office in writing.

### **Access to Educational Records by Student**

Upon [written] request, the College shall provide a student with access to his or her educational records. There is no charge for viewing the records even if the college is required to make a copy of the data in order to provide access. Responses to requests by students to review their educational records shall be within ten business days.

Upon request, the meaning of educational data shall be explained to the student by college 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 student(s), disclosure cannot include information regarding the other student(s).

### **Challenge to Record**

Students may challenge the accuracy or completeness of their educational records. *Note:* the right to challenge a grade does not apply under this policy unless the grade assigned was allegedly inaccurately recorded.

Students who believe that their educational records contain information that is inaccurate, misleading, incomplete, or is otherwise in violation of their privacy rights may challenge the record through the following procedure: The student may discuss his or her problems informally with the college 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 they will be informed by the registrar of their right to a formal hearing.

Student requests for a formal hearing must be made in writing to the Minnesota Commissioner of Administration within 60 days of receiving the decision. The request must be directed to: Commissioner of Administration, State of Minnesota, 50 Sherburne

Avenue, St. Paul, MN 55155, who, within a reasonable period of time after receiving the request, 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 Minn. Stat. Ch. 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.

### **Copies**

Students may have copies of their educational records and this policy. The copies of records will be made at the student's expense at rates stated on the website.

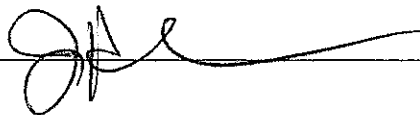
Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or financial "hold" at the College, unless otherwise required by law.

### **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 about compliance with the MGDPA may be brought to the college's Data Practices Compliance Official (Director of Human Resources), or to the Minnesota Commissioner of Administration.

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College President: \_\_\_\_\_



Date: 12/19/14

Date of Adoption:

Date of Implementation: 3/7/08

Date repealed or replaced: