



## **Family Educational Rights and Privacy (FERPA) Policy**

### **Policy Statement**

Saint Mary's University of Minnesota ("the university") maintains the privacy of student education records in its possession with the exception of those situations in which the law or consent of the student permits disclosure according to FERPA.

### **Policy**

#### **Summary**

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, is a federal law that controls the confidentiality of, and access to, student education records. FERPA gives students the right to inspect and review education records, to seek to amend those records and to limit disclosure of information from the records in general or to specific individuals.

### **Definitions**

For this policy, the university has used the following definitions of terms.

*Student:* any person who attends or has attended the university. Student status begins the first day of the first term in which the student is in attendance or registered.

*Education records:* any record (handwritten, print, tapes, film, electronic or other medium) maintained by the university or an agent of the university that is directly related to a student, except:

- a personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.

- an employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
- Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity and used only in connection with the treatment of a student and disclosed only to individuals providing that treatment. *Note: immunization records are considered education records.*
- Alumni records that contain information about a student after he or she is no longer in attendance at the university and do not relate to the person as a student.

**Parent:** includes a natural/adoptive parent of a student or a guardian or an individual acting as a parent in the absence of a parent or a guardian.

**Qualified parent:** is either (1) a parent who has been given written consent by a student for the parent to review the student's educational records or (2) either parent, as long as one has claimed the student as a dependent as defined in section 152 of the Internal Revenue Code of 1954 in the most recent ended tax year.

**Record custodian:** university employee, or designee, who maintains education records.

**School official:**

- a person employed by the university in an administrative, supervisory, academic, research, or support staff position.
- a person elected to the Saint Mary's University of Minnesota Board of Trustees.
- a person hired or utilized by the university on a contractual and/or temporary basis to perform a special function (e.g., attorneys, auditors, third-party vendors).
- a person used by the university to verify scholarship, honor society, or other academic honors and/or to select recipients for such honors or scholarships.
- a person utilized by the university in a volunteer capacity.

A school official has a legitimate educational interest in the official is:

- performing a task specified in their position description or contract or under written/oral direction from appropriate supervisory personnel.
- performing a task related to a student's education.
- performing a task related to the discipline of a student.
- providing a service or benefit relating to the student, such as health care, counseling, job placement, honor societies, academic honors consideration, or financial aid including scholarships.

## **Disclosure of Student Records**

### General Disclosure

Personally identifiable information from the education records of a student may be disclosed by the university with the prior written consent of the student. The existence of a student's written consent to disclose does not require the university to disclose this information under FERPA, but rather permits its disclosure. However, the university may disclose information without the prior written consent of the student in the following circumstances:

1. To school officials with a legitimate educational interest in the records.
2. To officials of another school, at the request of those officials, in which a student seeks or intends to enroll.
3. To certain officials of the U.S. Department of Education, the U.S. Comptroller General, and state and local education authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid or to enforce the terms and conditions of the aid.
5. If disclosure is required by certain state laws relating to the juvenile justice system.
6. To organizations conducting certain studies for or on behalf of the university.
7. To accrediting organizations to carry out their functions.
8. To either of two parents when at least one parent has claimed the student as a dependent for income tax purposes. A certified copy of the parent's most recent federal income tax form may be required to verify dependency.

9. To comply with a valid court order or subpoena or with federal law (e.g. the USA Patriot Act or the Solomon Amendment).
10. To appropriate parties in a health or safety emergency.
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, the final results of a disciplinary proceeding conducted by the university with respect to the alleged crime or offense. The university may disclose the final results of the disciplinary proceedings, regardless of whether it concluded a violation was committed.
12. Directory information so designated by the university.
13. To parents of students under the age of 21 when laws or university policies regarding alcohol or drugs are violated.
14. To a court or administrative agency in the event of legal action between the university and a student.

#### Handling of Aggregate Student Information

Although FERPA does not prohibit the disclosure of student information in aggregate, steps need to be taken to ensure that aggregate data are not shared that could lead to the identification of individual students. As such, the university requires aggregate data to be protected and treated as individual student information if cell sizes are five (5) or below. In these cases, protocols governing the disclosure of education records under FERPA listed above should be adhered to when handling the aggregate data set.

#### Release of Records for Deceased Students/Alumni

The protections afforded by FERPA end with a student's death.

All requests for disclosures of non-directory information regarding deceased students must be submitted in writing to the Office of the Registrar. Such requests must (1) specify the individual records requested, (2) indicate a purpose for the disclosure of the records, and (3) identify the recipients of the information requested.

The requestor(s) must be identified as a party with a legitimate interest in non-directory information regarding the decedent. A party with a legitimate interest in non-directory information regarding the decedent typically includes a descendant (e.g., child, grandchild), estate executor or administrator, or if the estate has already closed, the next of kin under Minnesota law. The requestor(s) must also submit a copy

of the student's death certificate or obituary or provide an authorized court order/subpoena.

The university reserves the right to refuse disclosures and/or to notify the estate of the deceased student, if known, before releasing the information or responding to requests for non-directory information about the former student.

Written requests must contain the following elements:

- Student's name, date of birth, and, if known, years of attendance
- Copy of the death certificate, obituary, or court order/subpoena
- The name, address, and phone number of the person requesting the records along with evidence that they are qualified to receive the records based on the criteria above
- Signature of the person requesting the records
- Date of request

Requests can be emailed to [registrar-win@smumn.edu](mailto:registrar-win@smumn.edu) for students at the College and to [tcregistrar@smumn.edu](mailto:tcregistrar@smumn.edu) for students at the Schools of Graduate and Professional Programs.

### **Directory Information**

Personally identifiable directory information from the education records of the student in attendance at the university *may* be disclosed without the necessity of prior consent of the student concerned as provided by FERPA, subject to the student's right to inform the university in writing that all directory information with respect to them shall not be so disclosed.

Such notice must be delivered to the Office of the Registrar and will be effective as to such disclosures for the balance of that semester only, except that such a restriction will not apply to material already printed or in the process of being printed. In addition to the above, students have the option to declare whether their address(es), telephone number(s), and university email address are to be made public.

The university has designated as directory information each of the following items of information:

- the student's name(s)
- student identification number
- address(es)
- telephone number(s)
- university email address
- photographs
- electronic images
- date and place of birth
- major field(s) of study
- current enrollment status, including academic level (e.g., sophomore) and full- or part-time status
- participation in officially recognized activities
- dates of attendance
- degrees earned and dates of graduation, including expected graduation dates
- awards and academic honors received (including selection criteria and names of scholarships)
- Dean's List selection (including selection criteria)
- previous educational institution(s) attended
- program and promotion materials for participants in various sports and similar public activities, including weights and heights of members of athletic teams.

### **Procedure to Inspect Education Records**

Students may inspect and review their education records upon request to the office of the appropriate record custodian, hereafter referred to as record custodian.

- An official Request to Inspect Education Records form must be submitted to the appropriate record custodian(s). Forms may be obtained from any record custodian identified below.
- The request must specify and identify as closely as possible the desired records.
  1. At the time of the request, the student must provide proper identification (photo ID) verifying that they are the person whose record is being assessed.
  2. Inspection and review must be permitted within 45 calendar days from the receipt of the student's request.

3. The designated staff person(s) must supervise the review of the contents of the record with the student.
4. Students will be free to make notes concerning the contents of their records, but will not be allowed to remove any materials from the records or make copies (electronic or otherwise) of the records at the time of inspection. When a record contains information about more than one student, the student may inspect and review only that portion of the record that relates to them.
5. Some documents may be copied with a .50 per page fee. Other materials, including but not limited to transcripts from other schools, high school transcripts, letters or forms of recommendation for which student has waived their right to view, are not available to copy.

### Academic records/education records

The following is a list of the types of records that the university maintains, their locations, and their custodians.

Types of Records	Location	Custodian
Academic Records/Advising Records (progress, advising, etc.)	Office of Academic Affairs	Vice President for Academic Affairs
	Office of the Registrar	Registrar, College
		Director of Academic Records and Systems, SGPP
	Student Success Center	Senior Director of Student Success
	Department Office	Chairperson of the department
	Program Offices	Director of the Program
Admissions File	Office of Admission – College	Senior Director of Admission
	Office of Admission – SGPP	Director of Admission



Career Records	Career-Services	Director of Career Services
Conduct/Disciplinary Records	Office of Student Development	Dean of Students
Cumulative Academic Records (grades, transcripts, etc.)	Office of the Registrar	Registrar, College  Director of Academic Records and Systems, SGPP
Access Services	Office of Access Services	Director of Access Services
Enrollment Records	Office of the Registrar	Registrar, College  Director of Academic Records and Systems, SGPP
Financial Records	Business Office	Chief Financial Officer
Financial Aid Records	Office of Financial Aid	Director of Financial Aid
Health Records	Office of Student Development	Dean of Students
Note: The university provides health services through Winona Health. It maintains all student health records with the exception of immunization records, which are maintained by the university.		

Intercollegiate Athletics	Athletics Department	Athletics Director
International Student Records	International Center: College	Director of International Center: College
	International Student Services: SGPP	Assistant Director of International Student Services
Military/Veteran Services Records	Office of the Registrar	Director of Academic Records and Systems, SGPP
Miscellaneous Records (student education records not included in the above list)	The appropriate university official/employee will locate and collect such records.	The university official/employee who maintains such records

### **Amendment/Correction of Education Record**

Students have the right to request correction of records they believe are inaccurate, misleading, or in violation of their privacy rights. Any request for grade changes must follow the procedure as outlined elsewhere in the SGPP catalog or the College catalog, as appropriate.

The following are procedures for the correction of records:

1. A student must ask the appropriate record custodian to amend a specific record. In so doing, the student must identify the part of the record the student

wants to be changed and specify why the student believes it to be inaccurate, misleading, or in violation of the student's privacy rights.

2. After reviewing the request, and within a reasonable time, the record custodian may or may not comply with the request. If the record custodian decides not to comply, the record custodian will notify the student of the decision and advise the student of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, the record custodian will arrange for a hearing and will notify the student reasonably in advance of the date, location, and time of the hearing.
4. The hearing will be conducted by a disinterested party who is an official of the university. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may have an adviser from the university community present at the hearing. The adviser serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The adviser may not speak for the student or address the hearing officer.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the hearing officer decides that the contested information is not inaccurate, misleading, or in violation of the student's rights, the hearing officer will notify the student that the student has a right to place in the record a statement commenting on the contested information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the university discloses the contested portion of the record, the statement will also be disclosed.
7. If the hearing officer decides that the information is inaccurate, misleading or in violation of the student's rights, the record custodian will amend the record and notify the student, in writing, that the record has been amended.
8. Grades and academic/performance evaluations may be challenged under this procedure only on the basis of the accuracy of their transcription.

9. The university reserves the right, in its sole discretion, to revise its procedures regarding the Family Educational Rights and Privacy Act at any time and without notice in light of applicable legal requirements or developments.

## **Notification**

Students will be notified of their FERPA rights each term by email and by annual publication of this notice in the student handbook.

Saint Mary's University of Minnesota will treat as private all data except that considered to be directory information. Directory information includes: the student's name(s), university identification number, address(es), telephone number(s), university email address, photographs, electronic images, date and place of birth, major field(s) of study, current enrollment status, participation in officially recognized activities, dates of attendance, degrees earned and dates of graduation, including expected graduation dates, awards and academic honors received (including names of scholarships), Dean's List selection, previous institution(s) attended, program and promotion materials on participants in various sports and similar public activities, including weights and heights of members of athletic teams.

Students also have the right to restrict the release of all directory information and may initiate the process by contacting Cardinal Central or Student Central, as appropriate.

In addition, FERPA affords students certain rights concerning their education records.

- The right to inspect and review the student's education records within 45 days of the day the university receives a request for access.

Students should submit to the registrar, dean, head of the academic department, vice president of student development, or other appropriate official written requests that identify the record(s) they wish to inspect. A form can be obtained from the Office of the Registrar that the student may use to request access to Academic Records. After the written request, each office or department 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, the

official shall advise the student of the correct official to whom the request should be addressed.

- The right to request the amendment of anything in the student's education records that the student believes is inaccurate or misleading.

Students may ask the university to amend a record that they believe is inaccurate or misleading. They may write to the university official responsible for the record, clearly identifying the part of the record they want changed and specifying why it is inaccurate or misleading.

If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of their 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.

- The right to consent to disclosures of all personally identifiable information contained in the student's education records, except directory information as stated above and other provisions of FERPA that authorize disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the university has contacted for a service (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks; or a volunteer or other non-employee 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 their professional responsibility.

Upon request, the university may disclose education records without consent to

officials of another school in which a student seeks or intends to enroll and must provide the name and address of all students to any legitimate military recruiter who makes such a request in writing to the Office of the Registrar.

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by Saint Mary's University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC