

Minnesota State University, Mankato University Policy

Policy Name: Student Education Records	Effective Date of Last Revision April 10, 2019
Custodian of Policy: Provost and Senior Vice President for Academic Affairs	Date of Last Review February 2019 (Expedited) September 2016 (Standard)
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Policy

Minnesota State University, Mankato complies with the Minnesota Government Data Practices Act (MGDPA) and the Family Education Rights and Privacy Act (FERPA) governing privacy of student records. Education records under MGDPA and FERPA are private. Certain exceptions apply, as noted below in the procedures. Data Privacy Protection provides college students, not their parents or guardians, the right to control disclosure of their education records to the extent permitted by law.

FERPA was established in 1974 and FERPA regulations prohibit the University from releasing private information contained in education records unless authorized in writing by the student or permitted under the law.

The Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices (MGDPA) Act, and University policies require that specific information related to a student's educational records, including financial information, may not be shared with anyone (including parents/guardians and spouses) other than the student, unless otherwise authorized by law. The law does not consider age and, therefore, even if a student is under the age of 18, the privacy laws still apply.

Procedures

DEFINITIONS

For the purposes of this policy, Minnesota State Mankato uses the following definitions of terms:

Student: An individual for whom Minnesota State Mankato maintains educational data as defined below and who: (a) has made application for enrollment or registration; (b) is enrolled in or registered for a credit or non-credit course, including an online course, at Minnesota State Mankato; (c) has completed the immediately preceding term and is eligible for re-enrollment, including the recess periods (e.g. winter session or summer session(s)) between terms; or (d) is on an approved leave of absence or other approved leave status, or is on filing fee status.

Education Records: Education records include any record (in handwriting, print, tapes, film, email, optical disk, computer, other medium) maintained by Minnesota State Mankato or by an agent of the University which is directly related to a student. Official University education records include, but are not limited to, the following: admissions records maintained by the Director of Admissions, 122

Taylor Center; graduate student records maintained by the Associate Vice President for Research and Dean of Graduate Education, 315 Wigley Administration Center; financial aid records maintained by the Director of Financial Aid, 120 Wigley Administration Center; academic records maintained by the **Director of Registration and Academic Records**, 132 Wigley Administration Center, and disciplinary records maintained by the Director of Student Conduct; 228 Wigley Administration Center.

Data Privacy Protection: Institutions must collect, disclose, and retain government data in compliance with state and federal law. Educational records are governed by The Minnesota Government Data Practices Act information directly related to a student. These records are generally private and subject to strict rules of disclosure. ** The University's data privacy policies extend to all students attending a post-secondary institution including PSEO students and minors. Only directory information can be released to parents/guardians without the student's written consent or as otherwise authorized by law, such as in health or safety emergencies.

Minnesota State Mankato employees are not allowed to give out private student information to anyone but the student or other school officials having a legitimate educational interest. This information cannot be shared with parents/guardians, siblings, spouses and/or friends without express written authorization by the student.

Requestors should be aware when contacting the University on behalf of a student and that student has not provided written authorization for Minnesota State Mankato to release their private information, the University will be limited to providing general policy and/or procedure information only.

Student data privacy laws apply to all Minnesota State Mankato students, regardless of age.

Exceptions to education records include:

1. A personal record in hard copy or electronic form kept by a staff member that is kept in the sole possession of the maker of the record, is used only as a personal memory aid, and is not accessible or revealed to any other person, except a temporary substitute for the maker of the record.
2. Records created and maintained by Minnesota State University, Mankato Security Services for law enforcement purposes.
3. An employment record of an individual whose employment is not contingent on the fact that they are a student, provided the record is used only in relation to the individual's employment.
4. Records made or maintained by the Counseling Center or Student Health Service if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records created or obtained by the University after the subject alumni is no longer enrolled at the University

DIRECTORY INFORMATION

In conformity with the Family Educational Rights and Privacy Act of 1974, Minnesota State Mankato recognizes certain items as directory information that may be released for any purpose at the discretion of the University. This information may be released until it is withdrawn or amended, including after

enrollment ends. The following information may be released to the public without the consent of the student:

1. Name (Legal and/or Preferred Name)
2. Major field of study
3. Dates of attendance
4. Grade level classification
5. Previous college/University attended
6. Degrees received
7. Awards and honors
8. Height and weight information for athletic participants
9. Performance records and participation in competitive events
10. Participation in officially recognized activities, sports and organizations
11. Individual or group photos and videos

LIMITED DIRECTORY INFORMATION

As defined by the Family Education Rights and Privacy Act (FERPA), Minnesota State Mankato has defined the following Limited Directory Data. This includes the following data elements:

1. Email address(es)
2. Star ID
3. Local and permanent address
4. Local and permanent telephone number
5. Student Change Code (NEW/RTN/DROP)
6. Country of Birth
7. Gender
8. Marital Status
9. Birth Date
10. TechID
11. High School and years of attendance
12. Ethnicity
13. Status as a first-generation college student

Limited Directory Data may be used:

1. for enterprise technology-related purposes internal to the Minnesota State Colleges and Universities system, including, but not limited to, inclusion of email addresses and Star ID numbers in a directory accessible to Minnesota State students and employees. Please note that inclusion in the Office 365 Global Address List is one of the approved uses.
2. for purposes of sharing with Students United so that the Minnesota State student association can communicate with their members.
3. in carrying-out official Minnesota State Mankato student and alumni services and functions.
4. in compliance with official Minnesota State Mankato contracts for service.
5. for research and/or studies approved by the University's Institutional Review Board and/or the Associate Vice President for Research and Dean of Graduate Education.
6. for the purposes of sharing information about graduated students (Alumni) with the Minnesota State University, Mankato Foundation to promote stewardship, ongoing engagement, career services, private gifts and grant opportunities for the benefit of the University.

DISCLOSURE OF EDUCATION RECORDS

Students may request that the University not disclose directory information without the student's written permission by completing a privacy request form available at the Campus Hub or online at:

https://mankato.mnsu.edu/globalassets/registrar/forms/data_priv.pdf.

If a student is not currently enrolled-in or receiving services from another educational agency or institution (not limited to the Minnesota State system), the University will disclose their records to those entities for the purposes related to their enrollment. If a student intends to enroll at another educational institution, the University will disclose the records to that institution for purposes related to enrollment or transfer. If a request is made, a student may receive a copy of their records that the University disclosed to the other educational agency or institution.

Students do not have the right to remain anonymous in class – whether the course is conducted in person or online – even if the student has requested non-disclosure of directory data. Students who do not wish to reveal their email address or other electronic identifier that must be used to participate in an online course should be advised to find a different section of the course.

A Student has the right to request a copy of records that have been disclosed. The student also has the right to request a hearing to correct any inaccurate, incomplete, or misleading information in those disclosed records. For further information about student rights, please contact the Data Compliance Officer at the College or University that supplied the records.

Questions concerning data privacy should be directed to the University's Data Compliance Officer in the Office of the President.

Minnesota State Mankato will disclose information from a student's education records only with the written consent of the student, except that records may be disclosed without consent when the disclosure is:

1. To school officials who have a legitimate educational interest in the records.

A school official is:

- A person employed by the University in an administrative, supervisory, academic or research, security services, or support staff position, including health or medical staff and also clerical staff who transmit the education record.
- A contractor, consultant, volunteer or other service provider with whom the University has contracted as its agent to provide a service that would otherwise be performed by a University employee, such as (but not limited to) an attorney, auditor or collection agency.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing their tasks.
- A person serving on the Board of Trustees.

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

- Performing a task that is specified in their position description or contract agreement.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, advising, job placement, or financial aid.
- Maintaining the safety and security of the campus.

2. To authorized representatives of the U.S. Department of Education, the Comptroller General, Attorney General, and State and local educational authorities, in connection with audit of state or federally supported education programs.
3. In connection with a student's request for or a receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
4. To State and local officials or authorities if specifically required by a State law that was adopted before November 19, 1974, if the disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
5. To organizations conducting certain studies for or on behalf of the University.
6. To accrediting organizations to carry out their functions.
7. To comply with a judicial order or a lawfully issued subpoena.
8. To appropriate parties (parents/guardians, law enforcement and others) when an articulable and significant health or safety emergency arises. A record must be created promptly and maintained that includes the threat, description of the records disclosed and to whom the records were disclosed.
9. To individuals requesting directory information so designated by the University.
10. To the victim of a crime of violence or non-forcible sex offense, in which case the University may release the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime.
11. To other educational institutions where the student intends to enroll or has enrolled at any time. This includes returning educational records to the original source of the record for appropriate purposes, such as verification of the document's authenticity. The University's disclosure of information to another educational institution is contingent on a student not having a transcript hold on their records.
12. In connection with information provided to the University from law enforcement about a student required to register as a sex offender.
13. In response to an ex parte court order from the U.S. Attorney General and/or the Justice Department under the USA Patriot Act.

RELEASE OF INFORMATION TO PARENTS/GUARDIANS AND THIRD PARTIES

Any information not included in the definition of Directory Information will not be provided to a third party requester without written authorization from the student unless otherwise authorized by law. This will serve to inform the requesters that Federal, State, and University regulations prohibit the release of private information. Further, the requester should be told to obtain the desired information from the student or ask the student to sign a written release form (which should be retained), permitting disclosure of the desired information to the third party requester.

Students may request that their directory information be maintained as private by completing a form provided in the [Office of Registration and Academic Records](#); this will mean that their directory information will not be available as public information. Students who complete this form should understand that their data will continue to be available to school officials who need the information to perform their work, and as otherwise authorized to be disclosed by law. After submitting a confidentiality form, the student's address will only be used for internal purposes. However,

students should be aware that addresses appear on many reports (e.g. advisor reports, grade reports, etc.), and the releasing of information could occur by persons reading those various reports.

Parents/Guardians are not permitted under University policy to access their student's education record at the postsecondary level. This includes minors and high school students enrolled in the Postsecondary Enrollment Options (PSEO) Program. The University may only share non-public information if the disclosure complies with FERPA and MGDPA requirements for disclosure without consent. Release of Information forms are available for students to sign at the Campus Hub permitting disclosure of the following information to a designated recipient upon request: financial aid information and data; student payroll information; billing charges and payments; registration enrollment/grades/academic probation/suspension; alcohol and drug violations.

GRADE POSTING BY FACULTY

Posting of grades may occur on printed lists as well as on class websites provided the method maintains high security precautions and protects student confidentiality. However, the use of full or partial student ID numbers, or any part of social security numbers, is prohibited.

Posting grades according to the last 2-3 digits of the student identification number listed on the grade roster in an order that is not alphabetical by name, is permitted. If the class is very small, it is strongly recommended that the instructor or record use a method other than partial student identification numbers.

PRACTICES NOT ALLOWED BY LAW EVEN WITH STUDENTS' WRITTEN PERMISSION

- Posting grades by student names or initials.
- Posting grades by full social security number.
- Posting grades by full Minnesota State Mankato student identification (file) number.
- Posting grades by full Minnesota State system tech identification number.
- Students may be notified of grades by other means (e.g., email and Web posting), as long as student identifying information is strictly protected.

Graded tests or papers may not be placed in open mail boxes or left in the open for students in an office or hallway. Students should be advised to pick up materials during the instructor's office hours by a specified deadline or to leave a self-addressed, stamped envelope for return by mail.

For more information on grade posting practices, contact The Office of [Registration and Academic Records](#) or the University's Data Compliance Officer.

RESPONSIBILITY OF THOSE TO WHOM PRIVATE INFORMATION IS RELEASED

Private student information is released from the University upon the condition that it will be used for the purpose for which it was requested and will not be released to any other individual or office. Further, the University stipulates that each recipient of student data maintain the data about individual students in a secure fashion, such that it cannot be accessed by unauthorized individuals. The University shall also stipulate that when identifiable data are no longer needed, they will be destroyed or stored in such a manner that identification is not possible. This paragraph does not apply to disclosures of private information where no consent is required.

PROCEDURE TO INSPECT EDUCATION RECORDS

Students may inspect and review their education records upon request to the appropriate records custodian. Students should submit to the records custodian or an appropriate University staff person a

written request which identifies as precisely as possible the record or records they wish to inspect. Records custodians include, but are not limited to, the individuals listed in the attachment of custodians.

The records custodian or an appropriate University staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access will be given in 45 days or less from the date of receipt of the request. State data privacy policy may require the University to provide access within a shorter time frame (10 days). When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

LIMITATIONS ON RIGHT OF ACCESS

Minnesota State Mankato does not allow students to inspect the following records absent written authorization:

1. The financial statement of the student's parents/guardians.
2. Confidential letters and statements of recommendation for which a student has waived their right of access, or which were maintained before January 1, 1975.
3. Records connected with an application to attend Minnesota State Mankato or a component unit of Minnesota State Mankato if that application was denied.
4. Those records which are excluded from the FERPA and MGDPA definitions of education records.
5. Educational records excluded from accessibility are records relating exclusively to persons as employees and not used for any other purpose.

LIMITATIONS ON PROVIDING COPIES

Minnesota State Mankato reserves the right to deny copies of records, including official transcripts, not required to be made available by FERPA in any of the following situations:

1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.
3. The education record request is an exam or set of standardized test questions. (An exam or standardized test which is not directly related to a student is not an education record subject to FERPA's access provisions.)

FEES FOR COPIES OF RECORDS

The fee for general photocopying and production of records and transcripts will be determined based on the standard rates on campus at the time the request is made. Please note these rates are subject to change (<http://www.mnsu.edu/policies/procedures/publicdoccopyfeeprocedure.pdf>).

RECORD OF REQUESTS FOR DISCLOSURE

Minnesota State Mankato will maintain a record of all requests for and/or disclosures of private information from a student's education records with the exception of disclosures made in accordance with HR 3162, the "USA Patriot Act." The record will indicate the name of the party making the request and

any additional party to whom it may be disclosed. The record of disclosure will be maintained with the education record and may be reviewed by the eligible student.

ANNUAL NOTIFICATION

- Students are notified of their FERPA rights annually by electronic publication at <http://www.mnsu.edu/campus/campus/ferpa/index.html>, or by publication in the student handbook (<http://www.mnsu.edu/students/basicstuff/>).
- Students are notified of their FERPA rights by electronic publication in the graduate bulletin and undergraduate catalog.
- Students have electronic access to the Student Education Records Policy through the Minnesota State Mankato electronic policies and procedures web page at <http://www.mnsu.edu/acadaf/policies/>.

PROCEDURES FOR CORRECTION OF EDUCATION RECORDS

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights.

The procedures for the correction of records, other than contested grades, are as follows:

1. A student must ask the appropriate official of Minnesota State Mankato to amend a record. Students should contact the custodian of the education record identified under the definition of Education Records in Part I of the Student Record Policies. In so doing, a student should identify the part of the record to be amended and specify why the student believes it is inaccurate, misleading or in violation of their privacy rights.
2. Minnesota State Mankato may comply with the request or it may deny the request. If it denies the request, Minnesota State Mankato will notify the student of the decision and advise a student of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. 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) 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 hearing by one or more persons of their choice, including attorneys, at the student's expense.
4. 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.
5. 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 not in favor of 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.

COLLECTION OF INFORMATION/INFORMED CONSENT

The Minnesota Government Data Practices Act contains requirements in addition to the requirements of the Federal Family Educational Rights and Privacy Act (FERPA). The Act requires that the University provide a data practices notice (Tennessee Warning) to all individuals who are asked to supply private information about themselves. The notice must include the following:

1. The purpose and intended use of the information.
2. Whether the individual may refuse or is legally required to supply the data.
3. Any known consequence from giving or refusing to supply the data.
4. The identity of others who will have access to the data.
5. The effective dates of data collection, not to exceed one year.

Private data should be collected only if necessary. Notice may be verbal, but a written record is the recommended practice.

COMPLAINT AND ENFORCEMENT PROCEDURES

The Secretary of Education has authorized the Family Policy Compliance Office, within the Department of Education, to investigate process and review FERPA complaints and violations.

Students wishing to file a FERPA complaint may contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-4605.

Rationale

Minnesota State University, Mankato complies with the Minnesota Government Data Practices Act (MGDPA) and the Family Education Rights and Privacy Act (FERPA) governing privacy of student records.

Appendix 1

Custodians of Education Records

The following offices retain student education records. The term "student record" does not refer to the following: sole possession personal records; security records; student employment records; counseling or health records.

<u>Record</u>	<u>Custodian</u>	<u>Location</u>
Academic Records	Director of Registration and Academic Records	WA 132
Activity Record	Associate Director of Student Activities	SU 173
Admission Files	Director of Admissions	TC 122
Alumni Records	Director of Alumni Relations & Special Events	AF 224
Directory Information	Director of Registration and Academic Records	WA 132
Disability Documentation	Director of Accessibility Services Office	ML 132
Disciplinary Files	Director of Student Conduct	WA 228
Financial Aid Records	Director of Financial Aid	WA 120
Graduate Student Records	Graduate Dean	WA 315
Housing Records	Director of Residential Life	CC 111
Information Technology Records	Vice President of Information Technology	ML 3010
Intramural and Club Sports	Director of Campus Recreation	MF 118
Patron Records	Dean of Library Services	ML 3104
Placement Files	Director of Career Development Center	WA 209
Student Accounts	Director of Accounts Receivable	WA 120
Student Athlete Records	Director of Intercollegiate Athletics	MF 135
Student Payroll	Business Services	WA 236
Subpoenas and Legal Actions	President's Office	WA 309

Appendix 2

**RECEIPT OF INFORMATION
from
MINNESOTA STATE UNIVERSITY, MANKATO**

I, _____

Title/Agency or Organization

acknowledge receipt of the following student information:

RE:

This information is to be used for the following purpose(s):

I agree:

1. Not to share this information with others.
2. Not to make another copy.
3. To store the information under secure conditions.
4. To make every effort to insure privacy.
5. To destroy the information when it is no longer needed.
6. To use the information only for the purpose described above.

I realize that I may be subject to civil and criminal penalties for disclosure in violation of these conditions and data privacy laws. I may also face campus adjudication with sanctions that can include expulsion from the University and revocation of a diploma awarded by Minnesota State Mankato.

Signed

Date

**PRIOR TO RELEASE OF REQUESTED STUDENT INFORMATION, THIS FORM
MUST BE SUBMITTED TO: _____**

History of Revisions

3/20/2019 – Expedited Policy Review

8/1/2016 – Standard Policy Review

8/1/2015 – Standard Policy Review

7/1/2013 – Expedited Policy Review

9/1/2009 – Standard Policy Review

6/2003 – Standard Policy Review

1996 – Policy Adopted