

Winona State University



Number:
Policy 3-9

Responsible Officer:
Institutionally Assigned Data Owner or VP
of Enrollment Management and Student
Life
Responsible Office:
Record Custodian or VP of Enrollment
Management and Student Life

Title: Access to and Privacy of Student Education Records

PURPOSE:

This regulation describes how the university complies with the federal Family Educational Rights and Privacy Act (FERPA), as amended, and the Minnesota Government Data Practices Act.

A. DEFINITIONS:

For the purposes of this regulation, Winona State University (WSU) uses the following definition of terms:

Student: Any person who attends or has attended WSU

Education record: Any record (in handwriting, print, tape, film, electronic, or other medium) maintained by WSU or an agent of the university, which is directly related to a student except:

- A. 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.
- B. 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.
- C. Campus Security Records. Records used in official disciplinary proceedings that result in conduct sanctions are considered education records. Original security records do not become education records merely because they may be passed along to school officials for possible disciplinary action.
- D. Records maintained by Health Services if the records are used only for treatment of a student and made available only to those persons providing the treatment.
- E. Alumni records which contain information about a student after he or she is no longer in attendance at WSU and which do not relate to the person as a student.

School Official:

A person employed by WSU in an administrative, supervisory, academic, research or support staff position. A person elected to the Minnesota State Colleges and Universities (Minnesota State) Board of Trustees. A person employed or under contract to WSU perform a special task, such as an attorney or auditor.

Directory Information: Information in a student's education record which WSU will release to any interested third party, unless the student specifically requests that it not be released.

Limited Directory Data Information in a student's education record which WSU will release to the public if cleansed of personally identifiable information and authorized explicitly by the Record Custodian or the Vice President of Enrollment Management and Student Life or acquired through an official public data inquiry or investigative process.

Non-Directory Information: Information in a student's education record, which WSU will not release to any interested third party without the student's consent, except under conditions set forth in the "Disclosure of Education Records" below.

Private Data: Data which a statute, federal law, or temporary classification makes not accessible to the public, but is accessible to the individual subject of the data and to agencies authorized by law to gain access.

Confidential Data: Data which by federal law or temporary classification makes it not accessible to the public or to the subject of the data, but is accessible to agencies authorized by law to gain access.

PROCEDURE:

NOTIFICATION: WSU will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, by publication on the Student Life web site.

PROCEDURE TO INSPECT EDUCATION RECORDS: Students may inspect and review their education records by asking the appropriate Record Custodian. Students should submit to the record custodian a written request that identifies as precisely as possible the record or records they wish to inspect. The record custodian 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 must be given in forty-five (45) days or less from receipt of the request. When a record contains information about more than one (1) student, the student may inspect and review the records, which relate to him/her.

TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS: WSU maintains several kinds of education records. They are located in many different departments. The Record Custodian or the VP of Enrollment Management & Student Life understand the locations and types of records overseen in these various departments. Please contact the Record Custodian or the VP of Enrollment Management & Student Life if information is need about record types and locations.

REFUSAL OF ACCESS TO RECORDS: WSU reserves the right to refuse students access to inspect the following records:

- A. Financial statements of the student's parents.

- B. Letters and statements of recommendation for which the student has waived his or her right of access, or which have been maintained by WSU prior to January 1, 1975.
- C. Records connected with an application to attend WSU or a component of WSU if that application is denied.
- D. Records which are excluded from the FERPA definition of education records.
- E. Records which are determined by the university to include confidential data, in accordance with the Minnesota Government Data Practices Act.

REFUSAL TO PROVIDE COPIES: WSU reserves the right to deny transcripts or copies of records not required to be made available by FERPA, as amended, in the following situations:

- F. The student has an unpaid financial obligation to the university.
- G. There is an unresolved disciplinary action pending against the student.

FEES FOR COPIES OF RECORDS: WSU may charge fees for copies of records, including transcripts, if the fees have been properly authorized.

CORRECTION OF EDUCATION RECORDS: Students have the right to request correction of records that they believe are inaccurate, misleading, or in violation of their privacy rights. The following are the procedures for the correction of records:

- A student must make a request to the records custodian to amend a record. The student should identify the part of the record he or she want changed and specify why they believe it is inaccurate, misleading or in violation of his/her privacy or other rights.
- If WSU chooses not to comply with the request, WSU will notify the student of the decision and advise him or her of their right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
- Upon request of the student, WSU will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing.
- The hearing will be conducted by a hearing officer, appointed by the Provost/Vice President of Academic Affairs (P/V/PAA), who is a neutral party; however the hearing officer may be an official of the institution. 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 record. The student may be assisted by one (1) or more individuals, including an attorney.
- 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.
- If WSU decides that the challenged information is not inaccurate, misleading or in violation of the student's right to privacy or in violation of the student's right privacy, WSU will notify the student that they have a

right to place in the record a statement commenting on the challenged 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 record as long as the contested portion is maintained. If WSU discloses the contested portion of the record, WSU must also disclose the statement.

DIRECTORY INFORMATION: WSU considers the following kinds of information in student education records to be directory information. The university may disclose any of these items without prior consent, unless notified in writing to the contrary.

- a. Preferred Name
- b. Local Address
- c. Permanent City and State
- d. Local WSU Email Address
- e. Dates of Attendance
- f. Classification (FR, SO, JR, SR, GR, SP, etc)
- g. Current Major and Minor Fields of Study and Licensure Programs
- h. Degrees and Awards Received
- i. Participation in NCAA or Club Sports

LIMITED DIRECTORY DATA: WSU considers the following kinds of information in student education records to be limited directory data. This data may only be released to the public if authorized explicitly by the Record Custodian or Vice President of Enrollment Management and Student Life

- a. Tech ID
- b. Star ID
- c. Photo
- d. Legal Name
- e. Permanent Address
- f. Residence Status (in or out-of-state)
- g. Permanent Telephone Number
- h. Local Telephone Number
- i. Date of Birth
- j. Place of Birth
- k. Weight and Height
- l. Educational Institutions Previously Attended
- m. Age
- n. Date of WSU Graduation
- o. Advisor's Name
- p. Cell phone number

DISCLOSURE: WSU will disclose non-directory information and private data from a student's education records only with the written consent of the student, except in the following cases:

1. To school officials who have a legitimate education interest in the records. A school official has a legitimate educational interest if the school official is: Performing a task that is specified in his or her position description or by a contract agreement. Performing a task related to a student's education. Performing a task related to the discipline of a student.
2. To other agencies or institutions that have requested the records and in which the 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.
3. To certain officials of the United States Department of Education, the Comptroller General, state and local educational authorities, and federal agencies as set forth in the United States Patriot Act, in connection with certain state or federally supported education programs, as determined by the institutional data owner or record custodian with certain responsibility for maintaining the record.
4. In connections 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. As required by Minnesota State law requiring disclosure that was adopted before November 19, 1974.
6. To organizations conducting certain studies for, or on behalf of WSU.
7. To accrediting organizations to carry out their functions.
8. To comply with judicial order or a lawfully issued subpoena. (WSU will make a reasonable attempt to notify the student of its intent to comply with a judicial order or subpoena.)
9. To appropriate parties in a health or safety emergency.
10. To an alleged victim of any crime of violence, of the results of any institutional disciplinary proceedings against the alleged perpetrator of that crime, with respect to that crime.
11. WSU will not disclose education records to parents without written consent of the student, except in instances when the child is a dependent student under the age of 18 and parental rights are undisputed.

RECORD OF REQUESTS FOR DISCLOSURE: WSU will maintain a record of all requests for and/or disclosures of non-directory information from a student's education records, with the following exceptions:

- Requests made by, or disclosures made to, a student, or someone else who has the student's written consent to act in their behalf, with regard to information about that student's academic record.

- Requests made by persons whom the university determines have legitimate educational interests in the information requested/disclosed.

The record will indicate the name of the making the request and any additional party to whom it may be disclosed, the legitimate interest that the party and any additional party to whom it may be disclosed, had requesting and obtaining the information. This record may be reviewed by the student whose information has been disclosed.

See Procedure: (Refer to Procedure #) Procedure is a separate document.

SIGNATURE, TITLE AND DATE OF APPROVAL

This policy needs to be signed by the approval officer (listed below) before it is considered approved.

Approved:



President

5-17-17

Date

Policy History: This policy supersedes WSU Regulation 3-9 dated October 8, 1997.

Date of Adoption:

Date of Implementation:

Date & Subject of Revisions: 10/8/1997, 08/23/2007, 08/28/2009