

Privacy of Education Records

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

University Policy 1040

**Section 1. Purpose**

Minnesota State Colleges and Universities, including the Office of the Chancellor, must 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 policy 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**

The following definitions apply for the purpose of this policy:

Personally Identifiable Information means identifiable information that is maintained in education records and includes direct identifiers, such as a student's name or identification number, indirect identifiers, such as a student's date of birth, or other information which can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.

Student means an individual currently or formerly enrolled or registered at Metropolitan State, or applicants for enrollment or registration at Metropolitan State.

Educational data or education records means information recorded in any form directly related to an individually identifiable student collected, created, received, maintained or disseminated by Metropolitan State or by a person acting for the Metropolitan State.

Education records do not include:

1. records of instructional personnel which are kept in the sole possession of the maker and are not accessible or revealed to any other individual;
2. records created by the Metropolitan State safety and security unit, maintained by the safety and security unit apart from educational data and solely for law enforcement purposes, and not disclosed to Metropolitan State school officials outside of the law enforcement unit;

3. employment records that are related exclusively to a student's status as an employee (and not employment related to status as a student worker, such as work study) and are not available for use for any other purpose;
4. medical or psychological treatment records, which are maintained and accessible only to professionals for treatment purposes;
5. records that contain only information about a former student gathered after that individual is no longer a student at the institution (alumni data).

*Directory Information* means information contained in the University's education records for a student that would not generally be considered harmful or an invasion of privacy if disclosed. Metropolitan State designates that information in the educational record that will be available publicly, unless otherwise restricted by the student.

The following list of information is defined by Metropolitan State as Directory Information and is public data that can be accessed 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

In addition to the definition of Directory Information, this policy (and Procedure 104) define 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 ITS, 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. Additional purposes include the release of Limited Director Information to designated organizations or vendors that provide services to Metropolitan State University students.

School official means a person who needs to review an education record in order to fulfill his or her official responsibilities, and as such has a legitimate educational interest.

Metropolitan State has defined school officials as:

- 1) persons employed by the University in an administrative, supervisory, academic or research, support staff, or student worker position (including security personnel and health staff);
- 2) a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent);
- 3) a trustee of Minnesota State Colleges and Universities;
- 4) Office of the Chancellor personnel, or
- 5) a student serving on a student conduct or academic appeals committee, or assisting another school official in performing his or her tasks.

### **Section 3. Policy**

It is the policy of Metropolitan State University to handle students' education records in accordance with applicable federal and state laws and Minnesota State Colleges and Universities Board Policies and Procedures. All school officials are responsible for the privacy, security, and appropriate use of the education records over which they have responsibility or control and for compliance with applicable laws, regulations, policies, procedures and other standards. The University shall enact appropriate procedures and provide training resources to its workforce on an on-going basis to assure compliance with this policy.

Procedure 104 explains in detail students' rights under this policy, which include the right to inspect and review their education records; the right to seek amendment of their education records; the right to consent to disclosure of personally identifiable information contained in education records; and the right to file a complaint with the U.S. Department of Education concerning alleged violations of FERPA.

The University's FERPA Notice concerning students' rights with respect to their education records is provided to students at least annually, and is available at new student orientation and on the University website.

### **Section 4. Authority**

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

### **Section 6. Responsibility**

The responsibility for implementation of this policy is assigned to the Provost and Executive Vice President for Academic and Student Affairs, who may delegate duties as appropriate. Implementation of this policy will include, but is not limited to, the following:

1. Development and maintenance of institutional policies, procedures and safeguards relative to student data privacy;
2. Preparation of public documents required by federal law and state statutes;
3. Review and approval of institutional forms used to collect data on students to ensure that students receive proper notification of rights and other pertinent information;
4. Organization and maintenance of student data privacy files, including all forms used to collect data on students, public documents and other pertinent records; this shall include a listing of the types and responsible authorities for educational records;
5. Preparation of the official "notification of rights" statement available to students on the university web site and various printed documents;
6. Maintenance of records of disclosure of personally identifiable information as required by law.

### **Section 7. Review**

This policy shall be reviewed on a biennial basis or as needed.

**Section 8. Signature(s)**

Issued on this date: July 15, 2019

Virginia "Ginny" Arthur, JD  
President

Date of Adoption: March 26, 2019

Date of Implementation: March 26, 2019

Date of Last Review: March 26, 2019

Date and Subject of Amendments:

Additional History and/or Revision Dates: