



## Policy 2.0 Confidentiality of Students' Records Policy Reviewed March 2014

Mesabi Range College is in full compliance with the provisions of the Minnesota Data Practices Act and Federal Educational Rights and Privacy Act of 1974. Students have access to any and all educational information kept on them in the files of the Records Office at Mesabi Range College campuses. This also applies to the parents of any student who is less than 18 years of age. New students are provided with this policy during orientation sessions and all students have a summary available to them in the Student Handbook. In addition, the entire policy is available for review during normal office hours in the Student Services Office.

### **Classification of Data (Educational Data):**

The term "student" includes a person currently or formerly enrolled and applicants for admission.

Data on students means, in general, all data in which any individual is or can be identified. By statute, data on students is termed "educational data."

Records of instructional personnel which are in the sole possession of the maker, and are not accessible or revealed to any other individual except a substitute teacher and are destroyed at the end of the school year, shall not be subject to the restrictions of this policy.

Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional if the records are used only for treatment of a student and made available only to those persons providing the treatment, shall not be subject to the restrictions of this policy.

Records relating to a student as an employee shall be subject to personnel policies rather than student data privacy policies, unless this employment is contingent upon attendance. The three classifications for data on students are as follows:

**Public:** This data is accessible to any member of the public for any reason. It includes the following:

- statistical studies on students where individuals cannot be identified, including follow-up, profiles, enrollments, financial aid;
- student performance records for which the performance is public, such as athletic statistics;
- directory information, voluntarily given, involving name, address, telephone, electronic e-mail address, major, participation in authorized college activities, weight and height of members of athletic teams, dates of attendance, degrees and awards received;
- student employment records, such as salary, fringe benefits, job description, etc.

**Private:** This data is not accessible to the public. It is accessible to the subject of the data, to individuals or agencies authorized by law to gain access, and to any person or agency having the approval of the subject. Unless there is a specific law stating otherwise, or as stated elsewhere in this rule, educational data is presumed to be private. Private data includes the following:

- academic information, including transcripts, grades and test results;
- recommendation information; (It is not required that recommendations placed in the records prior to January 1, 1975, be shown to a student.)
- evaluations;
- profile information which identifies individuals;
- student financial aid records and other financial information;
- background information, including behavior, performance, and traits;

- counselor records, except if they contain information otherwise classified as confidential or as public.

**Confidential:** This data is not accessible to the public or to the subject of the data. It is accessible only to individuals or agencies authorized by law to gain access. Confidential data includes the following:

- investigation information collected for purposes of active or pending legal action, prior to such action;
- investigation information collected for purposes of anticipated suspension or expulsion of students for disciplinary reasons, prior to the formal action;
- legal counsel;
- financial records and statements of a student's parents. (However, these are accessible to the parents.)

### **Access to Private Data on Students:**

Private student data shall be disclosed only as follows:

- to the student who is the subject of the data;
- to officials of other schools, upon request of the student;
- to any person or agency, if the student has given written informed consent. Informed consent requires the signing of a statement that:
  - a) is in plain language;
  - b) is dated;
  - c) indicates who shall release and who shall receive the information;
  - d) specifies the nature of the data;
  - e) specifies the purposes for which information may be used; and
  - f) indicates the expiration date, usually not to exceed one year.
- to other college personnel authorized by the college administration that have legitimate educational interests. Authorized personnel include:
  - a) persons employed by the College in an administrative, supervisory, advising, research or support staff position;
  - b) persons employed by or under contract to the College to perform a special task, such as the attorney or auditor;
  - c) students serving on an official committee, such as a disciplinary or grievance committee, or who are assisting another school official in performing his or her tasks.
- An authorized staff person has a legitimate education interest if the official is:
  - a) performing a task that is specified in his or her position description or contract agreement;
  - b) performing a task related to a student's education;
  - c) providing a service or benefit relating to the student or
  - d) student's family, such as counseling, job placement or financial aid;
  - e) maintaining the safety and security of the campus.
- in connection with a student's application for or receipt of financial aid;
- to parents of an eligible student under age 18 who is claimed as a dependent for tax purposes;
- to federal or state authorities in connection with an audit and evaluation of federally supported education programs;
- to state and local officials, as may be required by state statute existing prior to November 19, 1974;
- to accrediting organizations in order to carry out their accrediting functions;
- the results of any disciplinary proceedings conducted by the College against an alleged perpetrator of a crime of violence to the alleged victim of that crime;
- to organizations conducting studies for, or on behalf of, education agencies or institutions for the purpose of (1) developing, validating, or administering predictive tests; (2) administering student aid programs; or (3) improving instruction. These studies must be conducted in such manner as will not permit the personal identification of students by persons other than

- representatives of such organizations, with the information to be destroyed when no longer needed for its purpose;
- to appropriate persons, if the knowledge of such information is necessary to protect the health or safety of the students or other persons including disciplinary actions taken against a student;
  - on the basis of a valid court order, or a lawfully issued subpoena, but only after calling the court's attention, through the proper channels, to the statutory provisions, rules, or regulations which restrict the disclosure of such information. The College may disclose records to a court without a court order or subpoena when the institution initiates legal action against a student and gives the student prior notice of the intended disclosure;
  - to appropriate health authorities, but only to the extent necessary to administer immunization programs;
  - to individuals requesting directory information so designated by the College.

**Rights of Students Who Are Subjects of Data:**

Students asked to supply private or confidential data concerning themselves shall be informed of the following:

- the purpose and intended use of the data;
- whether one may refuse or is legally required to supply the requested data;
- any known consequences arising from supplying or refusing to supply private or confidential data;
- the identity of other persons or entities authorized by state or federal law to receive the data.

Upon request a student must be told whether the College maintains any data on him or her and what the classification of that data is. This includes confidential data.

A student has the right to review all private or public data (on self) without charge. A student has the right to receive copies of private or public data (on self). The College may charge a fee, which covers the actual costs involved, for providing copies. A student has the right to be informed as to what is classified as directory information, and on request, have any or all of it treated as private data.

A student may, in writing, contest the accuracy or completeness of public or private data. The College shall within thirty (30) days either correct the data found to be in error, or notify the student the College believes the data to be correct. If data is found to be incorrect, the College shall attempt to notify past recipients. The student may appeal an adverse determination of the College through provisions of the Administrative Procedures Act relating to contested cases. The permission or consent required of, and rights accorded to parents by statute or law, shall only be required of and accorded to the student. A student has the right to file a complaint with the College or the U.S. Department of Education for any alleged noncompliance with this policy.

**Limitation on Right of Access:**

Mesabi Range College reserves the right to refuse to permit a student to inspect the following records:

- the financial statement of the student's parents;
- letters and statements of recommendation for which the student has waived his or her right of access or which were maintained before January 1, 1975;
- records connected with an application to attend Mesabi Range College or a component unit of Mesabi Range College if that application was denied;
- those records which are excluded from the FERPA definition of education records.

*Review/Revision History:*

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