

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords students certain rights with respect to their education records.

Student Rights

Right of Access

Students at Montana State University may access to their educational records. This includes nearly all information maintained by the university which is directly related to the student. In most cases, an educational record that's "directly related to a student," consists of grades and semester enrollment. Students have the right to review their educational record 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, or other appropriate official, written requests that identify the record(s) they wish to inspect. The university official 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, that official shall advise the student of the correct official to whom the request should be addressed.

Note: Students must provide photo identification in order to access their education records.

Right to Amend

The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students who believe their record is inaccurate or misleading should write to the university official responsible for the record. Clearly identify the part of the record they want changed, and specify 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 his or her right to a hearing about the request for amendment. Additional information about the hearing procedures will be provided to the student when notified of the right to a hearing.

Note: FERPA does not address grade disputes or grievances, which are pursued through other university and/or college procedures. Students should consult section 530.00 of the Student Code of Conduct (http://www.montana.edu/policy/student_conduct/#academicgrievances).

The Right to Consent

At institutions of higher education, students may authorize the release of their educational records--but the student has the exclusive right to decide whether or not to authorize the release. This means that, in most cases, even a student's parent may not demand the release of the student's educational record. Moreover, students' access to their own educational records--as well as the right to limit disclosure of those records--continues even after they graduate or otherwise leave the institution.

A student may give consent in writing to release their enrollment information to a third party, this includes a letter of verification or an official transcript. Students may also complete a FERPA Release to have certain information made available to their parent or guardian.

Exceptions

Disclosure of Directory Information (http://www.montana.edu/registrar/ferpa/directory_information.html) can be made without a student's consent.

Disclosure without consent is also permitted to school officials with legitimate educational interests. School officials include administrators,

faculty, professional staff, academic advisors, clerical or support employees, including MSU law enforcement unit personnel and MSU health staff; volunteers; a person or company with whom the university has contracted as its agent, acting with a legitimate educational interest, to provide a service instead of using university employees or officials (such as an attorney, auditor, collection agent, service provider); a person serving on the Board of Regents; staff in the Alumni Association and MSU Foundation offices; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the interest in an education record is justified under one or more of the following conditions:

- the information or records requested are relevant and necessary to accomplish some task or determination related to the legitimate educational interest of the student
- the official needs to review an education record in order to fulfill his or her professional responsibilities for the university
- the task or determination is an employment responsibility or a properly assigned subject for the inquirer's determination and/or
- the task or determination is consistent with the purpose for which the records, information, or data are maintained.

Letters of Recommendation

Occasionally, a school official may be asked, or volunteer, to write a letter of recommendation on behalf of a student.

This usually would not require the student's written release or authorization. But if the letter includes information that falls within FERPA's definition of educational records--such as grade point average or class ranking--the student's written consent to include such information would be necessary.

Directory Information

The University has designated certain information as "directory information" which it may disclose without the student's written consent. Montana State University has designated the following as directory information:

1. name, campus address, home address, telephone listing and campus email address.
2. state of residence
3. age, date, and place of birth
4. sex and marital status
5. name of advisor
6. name and address of parent(s)
7. major field of study, including the college, division, department, or program in which the student is enrolled
8. classification as a freshman, sophomore, junior, senior, or graduate student, or by number referring to such cases
9. participation in officially recognized activities and sports
10. weight and height of members of athletic teams
11. dates of attendance and graduation, and degrees received
12. the most recent educational institutional attended
13. honors and awards received, including selection to a Dean's list or honorary organization, and the grade point average of students selected
14. photographic, video or electronic images of students taken and maintained by the University

Any student may refuse to permit the university from designating any or all of the personally identifiable information designated as directory information with regard to his or her records. Any student wishing to exercise this right must inform the University Registrar in writing no

later than the 10th class day of the semester, of the categories of personally identifiable information which are not to be designated as directory information with respect to that student.

FERPA permits the disclosure of certain information from the students' education records without the consent of the student if the disclosure meets certain conditions as outlined in the federal regulations (34 C.F.R. §99.31. The University will comply with the requirements of FERPA as outlined in 20 U.S.C. 1232G and 34 C.F.R., Part 99.

Complaints

If you believe Montana State University is not complying with state or federal regulations regarding FERPA or other privacy protections, please bring the Registrar's Office or Legal Council your concerns to see if we can agree upon a resolution. Every effort will be made to address your concern; if you are not satisfied; you have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Montana State University to comply with the requirements of FERPA. A complaint may be filed in writing with the Department of Education at the following address: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC, 20202.

Definitions

Education Record —Any record(s) directly related to a student and maintained by MSU or by a party acting for the university. Education records include any information or data recorded in any medium, including but not limited to handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

Personally Identifiable Information —Includes not only the name of the student and other personal identifiers, but also a list or description of personal characteristics or any other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the student and/or relevant circumstances, to identify the student with reasonable certainty. Further, personally identifiable information includes all information about a student that is not defined as directory information, as well as any information that the student has indicated may not be released, including directory information.

Student —Any individual formally admitted who is or has been in attendance at MSU. The term does not apply to applicants for admission, nor does it apply to persons who have been admitted but who have not registered.