

SUBJECT: Student Affairs

Policy 302.3 Family Educational Rights and Privacy Act

Effective: June 2007

Revised:

Reviewed: July 2014

Definitions

For the purposes of this policy, Great Falls College Montana State University (hereinafter Great Falls College MSU) has used the following definitions of terms.

Student - any person who attends or has attended Great Falls College MSU

Education records - any record (in handwriting, print, tapes, film, or other medium) maintained by Great Falls College MSU or an agent of the university which is directly related to a student, except:

1. 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.
2. 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.
3. Records maintained by the Office of The Commissioner of Higher Education if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and the Unit does not have access to education records maintained by the College.
4. Alumni records which contain information about a student after he or she is no longer in attendance at the College, and which do not relate to the person as a student.

Locations of Education Records

Following is a list of the types, locations and custodians of education records maintained by Great Falls College MSU.

1. Cumulative *academic records & academic progress records* are located in the Registrar's Office. Custodian: Registrar
2. *Financial Aid records* are located in the Financial Aid Office. Custodian: Director of Financial Aid
3. *Financial records* (charges, payments, etc.) are located in the Business Office. Custodian: Controller
4. *Placement records* are located in the Placement Office. Custodian: Director of Career Development & Placement.
5. *Non-academic records* (e.g. disciplinary actions) are located in the office of the Associate Dean. Custodian: Associate Dean

Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the appropriate record custodian. Students should submit to the Registrar a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The Registrar 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 within 45 days of the receipt of the request. When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

Right of the College to Refuse Access

Great Falls College MSU reserves the right to refuse to permit a student to inspect the following records:

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1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975.
3. Records connected with an application to attend Great Falls College MSU or a component unit of Great Falls College MSU if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

Refusal to Provide Copies

Great Falls College MSU reserves the right to deny transcripts or copies of records not required to be made available by the FERPA in any of the following situations:

1. The student lives within commuting distance of Great Falls College MSU.
2. The student has an unpaid financial obligation to the College.
3. There is an unresolved disciplinary action against the student.

Fees for Copies of Records

The fee for copies of educational records other than transcripts is \$0.50 per page. The fee for a transcript is \$3.00.

Disclosure of Education Records

Great Falls College MSU will disclose information from a student's education records only with the written consent of the student, except:

1. To school officials who have a legitimate educational interest in the records. A school official is:
 - A person employed by the College in an administrative, supervisory, academic or research, or support staff position.
 - A person elected to the Board of Trustees.
 - A person employed by or under contract to the College to perform a special task, such as an attorney or auditor.A school official has a legitimate educational interest if the 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 officials of another school, upon request, in which a student seeks or intends to enroll.
3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection 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. If required by a state law requiring disclosure that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the university.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena.

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10. To appropriate parties in a health or safety emergency.
11. To an alleged victim of any crime of violence if the results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.

Record of Requests for Disclosure

Great Falls College MSU will maintain a record of all requests for and/ or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest of the party had in requesting or obtaining the information. The record may be reviewed by the student.

Directory Information

Great Falls College MSU has designated the following items as Directory Information: student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended, and photograph. The College may disclose any of those items without prior written consent, unless notified in writing to the contrary by the second week of a semester. A non-disclosure of information form for this purpose is available from the Registrar's Office. Directory information will then be withheld indefinitely until the Registrar's Office receives in writing a revocation of the request for non-disclosure.

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. Following are the procedures for the correction of records:

1. A student must ask the office responsible for the record to amend a record. In so doing, the student should identify the part of the record he/ she believe it is inaccurate, misleading or in violation of his or her privacy or other rights.
2. The College may comply with the request or it may decide not to comply. If it decides not to comply, the custodian of the record will notify the student of the decision and advise him/ her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Great Falls College MSU will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested 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 records. The student may be assisted by one or more individuals, including an attorney.
5. Great Falls College MSU 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.
6. If the College decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/ she has 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.



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7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Great Falls College MSU discloses the contested portion of the record, it must also disclose the statement.
8. If the College decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing that the record has been amended.