

Policy Title: Family Educational Rights and Privacy Act (FERPA)

Purpose: The primary purpose of FERPA is to protect the privacy of student information, and this protection is achieved by controlling access to and disclosure of students' "education records," as that term is defined in FERPA.

Scope: This policy applies to anyone maintaining or accessing student records retained by College of Menominee Nation (CMN).

Policy Statement: The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law which states that an educational institution must establish a written institutional policy concerning the confidentiality of student education records and the fact that students must be notified of this statement of policy and their rights under the legislation. In accordance with the Act, students at CMN have the following rights:

- a) The right to inspect and review education records covered by the Act.
- b) The right to challenge (seek amendment of) the contents of these records.
- c) The right to a formal hearing, if necessary, for a fair consideration of such a challenge.
- d) The right to place an explanatory note in the record in the event that a challenge of contents is unsuccessful.
- e) The right to control, with certain exceptions, the disclosure of the contents of the records.
- f) The right to be informed of the existence and availability of the institutional policy covering FERPA rights.
- g) The right to report violations of FERPA legislation to the Registrar's Office or the Admissions Office and/or the U.S. Department of Education concerning alleged failures of the College to comply with the requirements of the Act. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920

Procedures Title: Procedures for Inspection and Review of Education Records

A student should submit to the Registrar a written request that identifies the record(s) the student wishes to inspect. The Registrar will contact the student to make arrangements for access and notify the student when the records may be inspected. If the records are not maintained by the Registrar, the Registrar will advise the student of the correct official to whom the request has been directed.

1. CMN discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests.

A school official is determined to have legitimate educational interest if the information requested is necessary for that official to (a) perform appropriate tasks that are reasonably necessary based on his or her position or duties; (b) perform a task related to a student's education; (c) perform a task related to the discipline of a student; or (d) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. CMN has designated the following categories of student information as public or directory information per 34CFR Part 99.3 (a):

- Name;
- Addresses – permanent, CMN email;
- Associated telephone numbers;
- Major;
- Degree(s) sought;
- Expected date of completion of degree requirements and graduation;
- Degrees conferred;
- Awards and Honors (e.g., Dean's list);
- Full- or part-time enrollment status and class level;
- Dates of attendance;
- Participation in officially recognized school activities (e.g., AIBL, Student Government, etc.); and
- Photograph.

Directory information may be released upon request unless a student specifically requests in writing that this information not be released. This request must be submitted in writing to the Registrar within five (5) days of the first day of classes of each school year.

CMN may disclose any of these items at its discretion, without prior written consent unless notified in writing not to disclose. Note, however, that CMN values student privacy. Therefore, while CMN reserves the right to release student directory information, we generally do not release information other than the list above, unless (a) required to do so by law, (b) based on unusual circumstances warranting disclosure at CMN discretion, or (c) with the student's consent.

CMN does not disclose or confirm directory information about a student without consent if it uses non-directory information (including social security numbers) to identify either the student or the records from which the directory information is determined. A request for non-disclosure by a student is in effect from the date received in writing from the student until rescinded in writing by the student. Notice can be given by completing a Student Request for Non-Disclosure form, available from the Office of the Registrar. The opt-out right cannot be used to prevent CMN from disclosing or requiring the student to disclose his or her own name, identifier, or institutional e-mail address in a class in which the student is enrolled.

3. The College may also release personally identifiable information contained in a student's record to:
 - Officials of other institutions in which a student seeks to enroll.
 - To government officials in connection with the audit and evaluation of federal and state supported education programs.
 - To persons or organizations conducting research for the development of tests, administration of financial aid, or the improvement of instruction.
 - To accrediting agencies.
 - To persons in an emergency in order to protect the health and safety of the student or of others.
 - To persons in compliance with a judicial order or subpoena.
 - As required for the College to defend itself where a student has brought a lawsuit against the College.

The College offices maintaining education records shall keep a record of all parties requesting or obtaining access to the contents of student records (except in case of requests by school officials or by parties requesting directory information). This record of request must identify the legitimate interest the person(s) had in seeking or obtaining information contained in a record and may be available for inspection by the student identified by the record.

4. A student who wishes to ask CMN to amend a record should write the Registrar, clearly identify the part of the record the student wants changed, and specify why it should be changed. If CMN decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to an administrative hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

Students may waive any of their FERPA rights, including the release of their education records, by providing written consent. Such consent must be signed and dated by the student and specify the exact purpose of the waiver or release.

The Office of Admissions and/or the Office of Registrar have the necessary form that allows a student to provide access to a third party.

5. CMN is not required and does not necessarily permit access to the following types of information:
 - Financial information submitted by parents.
 - Confidential letters and recommendations on which a student has waived the right of inspection.
 - Any part of a record pertaining to another student.
 - Information specifically excluded under the Act's definition of "education records."
 - Records of an instructional, supervisory, administrative, and educational nature, maintained by College officials for their personal use only.

- General health data, information which is used by the College in making a decision regarding the student's status, is subject to review by the student under this policy. Written medical, psychiatric, and psychological case notes which form the basis for diagnosis or for recommendation of treatment plans remain privileged information not accessible to the student. Such case notes are not considered to be part of the College's official education records. (These records may be personally reviewed by a physician or other appropriate professional of the student's choosing.)

Policy status: Revised

Approval Body: Deans and Directors Council

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Definitions

Student - any person who is enrolled or was previously enrolled at CMN.

Education records - any records (in handwriting, print, tapes, film, computer, or other medium) maintained by CMN or an agent of the College that is directly related to a student, except:

- 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.
- 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.
- Alumni records that contain information about a student after he or she is no longer in attendance at the College and that do not relate to the person as a student.

School officials - members of an institution who act in the student's educational interest within the limitations of their "need to know." They may include a person employed by CMN in an administrative, supervisory, academic, or research or support position, including CMN department staff; a person elected to the Board of Trustees; a person serving on an institutional governing body of CMN; a person used by, employed by, or under contract to CMN to perform a special task (e.g., an attorney or auditor,

outside consultant, external clinic, or internship administrators); a person or organization acting as an official agent of the institution and performing a business function or service on behalf of the institution; a student conducting CMN business (e.g., serving on an official committee, working for CMN, or assisting another school official in fulfilling his or her professional responsibility); and any other person determined by the Office of the Registrar or the Chief Academic Officer of CMN to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of the College.