

NORTHLAND COMMUNITY AND TECHNICAL COLLEGE

2015 DATA PRIVACY

Minnesota State Colleges and Universities comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, 34 CFR 99; the Minnesota Government Data Practices Act, (MGDPA) Minn. Stat. Ch 13, Minn. Rules Ch 1205; and other applicable laws and regulations concerning the handling of education records.

Accordingly, Northland Community and Technical College (NCTC) adopts the following policy:

Definitions

The following definitions apply for the purpose of this policy:

Student means an individual currently or formerly enrolled or registered, applicants for enrollment registration at a public educational agency or institution or individuals who receive shared time educational services from a public agency or institution. All students at a post-secondary school have the same rights regarding their educational data regardless of age.

Educational data or *education records* means data in any form directly relating to an individual student maintained by a public educational agency or institution or by a person acting for the agency or institution.

Educational records do not include:

- (1) financial records of the student's parents or guardian;
- (2) confidential letters or statements of recommendation placed in education records before January 1, 1975, or after January 1, 1975, if the student waived right of access;
- (3) records of instructional personnel that are kept in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker and are destroyed at the end of the school year;
- (4) employment records related exclusively to a student's employment capacity (not employment related to status as a student, such as work study) and not available for use for any other purpose;
- (5) records that only contain information about a student after that individual is no longer a student at the institution (alumni data).

Notice of Policy

Students are informed of their rights under federal and state privacy laws through an annual notice of rights and this policy, which is included in the Official Policy Notice and online Student Handbook. Additionally, the Data Privacy policy will be available in the posted online NCTC policies and procedures and will be available for inspection through the registrar's office.

Access to Student Records

Consent for Release Generally Required

NCTC will not permit access to or the release of personally identifiable information contained in student educational records without the written consent of the student to any third party, except as authorized by the MGDPA and FERPA or other applicable law. A copy of an informed consent release form is available through the registrar's office and available online through student services forms. A written consent is valid if it: 1) specifies the records that may be disclosed; 2) states the purpose of the disclosure; 3) identifies the party or class of parties to whom the disclosure may be made; and 4) is signed and dated by the student. If the release is for disclosure to an insurer or its representative, the release must also include an expiration date no later than one year from the original authorization unless otherwise specified, or two years for a life insurance application. If the student requests, the school shall provide him or her with a copy of the records released pursuant to the informed consent.

Release without Consent

As allowed by the MGDPA and FERPA, Northland will release student records *without consent* as follows:

1. to appropriate school officials who require access to educational records in order to perform their legitimate educational duties subject to §99.31(a)(1)(i)(B);
2. to officials of other schools in which the student seeks or intends to enroll, upon request of these officials, and upon the condition that the student be notified, if applicable; receives a copy of the record if requested; and has an opportunity for a hearing to amend the record as required by law;
3. to federal, state, or local officials or agencies authorized by law;
4. in connection with a student's application for, or receipt of, financial aid;
5. to accrediting organizations or organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained;
6. in compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs the institution not to disclose the existence of a subpoena;
7. to appropriate persons in an emergency situation if the information is necessary to protect the health or safety of the students or other persons, subject to §99.36; or

8. to an alleged victim of a crime of violence (as defined in 18 U.S.C. Sect 16) or non-forcible sex offense, the final results of the alleged student perpetrator's disciplinary proceeding may be released;
9. to another educational agency or institution, if requested by the agency or institution, where a student is enrolled or receives services while the student is also in attendance at NCTC, provided that the student is notified where applicable; receives a copy of the record, if requested; and has an opportunity for a hearing to amend the record, as required by law.
10. to the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her.

“School Officials” with a “legitimate educational interest”

NCTC will release information in student education records to appropriate school officials as indicated in (1) above when there is a legitimate educational interest. A school official is a person employed by NCTC in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company to whom NCTC has outsourced institutional services or functions (such as an contractors, consultants or other parties); volunteers; a person serving on the Board of Trustees; or a student serving on an official committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Record of Requests for Disclosure

Where required by law, a record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the registrar's office for each student and will also be made available for inspection pursuant to this policy. If the institution discovers that a third party who has received student records from the institution has released or failed to destroy such records in violation of this policy, it will prohibit access to educational records for five (5) years. Records of requests for disclosure no longer subject to audit nor presently under request for access will be maintained according to the school's applicable records retention schedule.

Directory Information

The following information on students at NCTC is designated as public Directory Information:

- Name
- College Assigned Email Address
- Hometown (city, state, country)
- Dates of Attendance
- Enrollment Status (enrolled, graduated, part-time, full-time)

Program of Study
Certificate/Diploma/Degree Awarded
Honors and Awards Received
Participation in Recognized Campus Activities/Sports
Height and Weight of Athletic Team Members
Photographs and Computerized or Videotaped Images

Notice to students about Directory Information:

Students may direct that any or all of the above-listed Directory Information be withheld from public disclosure by notifying the registrar's office in writing by completing a Withhold Directory Information form. The directive will be in place until the student withdraws it in writing including after he or she is no longer enrolled as a student at NCTC.

Access to Educational Records by Student

Upon written request, NCTC shall provide a student with access to his or her educational records. There is no charge for viewing the records even if NCTC is required to make a copy of the data in order to provide access. Responses to requests by students to review their educational records shall be within ten business days.

The written request for access to educational records is to be submitted to the registrar's office, identifying the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the record(s) may be inspected. If the record(s) are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Upon request, the meaning of educational data shall be explained to the student by NCTC personnel assigned to, and designated by, the appropriate office.

Students have the right to review only their own records. When a record contains private information about other student(s), disclosure cannot include information regarding the other student(s).

Challenge to Record

Students may challenge the accuracy or completeness of their educational records. *Note:* the right to challenge a grade does not apply under this policy unless the grade assigned was allegedly inaccurately recorded. Other challenges to grades shall be according to the Grade Appeal policy (Policy 3430).

Students who believe that their educational records contain information that is inaccurate, misleading, incomplete, or is otherwise in violation of their privacy rights may challenge the record through the following procedure.

A student who wishes to ask the college to amend a record shall make a written request to the registrar's office, clearly identifying the part of the record the student wants changed, and

specifying why it should be changed. The registrar's office contact shall forward on to the school official responsible for the record in question for a decision.

If agreement is reached with respect to the student's request, the appropriate records will be amended, and a reasonable attempt will be made to notify past recipients of inaccurate or incomplete data, including recipients named by the student. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the registrar's office of their right to a formal hearing.

Student requests for a formal hearing must be made in writing to the Minnesota Commissioner of Administration within 60 days of receiving the decision. The request must be directed to: Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, MN 55155, who, within a reasonable period of time after receiving the request, will inform the student of the date, place and the time of the hearing. The hearing will be conducted by the Office of Administrative Hearings (OAH) and according to the procedures set forth in Minn. Stat. Ch. 14. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense.

Decisions of the hearing officer will be based solely on the evidence presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.

The education records will be corrected or amended in accordance with the decision of OAH if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing officer, or both. The statements will be placed in and maintained as part of the student's educational records, and released whenever the records in question are disclosed.

Copies

Students may have copies of their educational records and this policy. The copies of records will be made at the student's expense at rates stated in the NCTC copy charge policy.

Students may obtain unofficial copies of their transcripts anytime by accessing their academic record in eServices. To request a transcript from the college, students must follow the college transcript request process. Transcripts (official or unofficial) cost \$5.00 each.

Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or financial "hold" at NCTC, unless otherwise required by law.

Complaints

Complaints regarding alleged failures to comply with the provisions of FERPA may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605. Complaints about compliance with the MGDPA may be brought to the college's Data Practices Compliance Official, Kristi Lane,

Director of Human Resources, NCTC, 1101 Highway 1 East, TRF, MN 56701 or to the Minnesota Commissioner of Administration.

Date of Implementation: 5/27/04

Date of Adoption: 6/2/04

Date & Subject of Revisions: 4/14/05; 5/31/05; 6/9/05 –Directory information changed
12/1/05- policy title change; 9/27/06 - separated directory
information item; 1/18/07 – position title changes; added
College Assigned Email Address; 12/16/08 - Reviewed
4/8/09 – Revised as per SGC recommendations; 5/7/09 -
SGC Review; 7/20/09 – Added MnSCU recommended
language; 03/09/10 Reviewed; 03/22/11 Revised;
02/29/12 Reviewed; 02/12/13 Reviewed
09/24/13 Rewritten by the OGC (Kris Kaplan) to replace
existing policy 2015.
10/14/13 – Minor revisions per SGC recommendations.
03/04/14 Revised
03/24/15 Revised recommendation from Kris Kaplan
02/16/16 Revised