

STUDENT DATA PRACTICES

POLICY

(Students' Rights, Responsibilities and Authorizations for the Collection and Release of Data)

Ridgewater College complies with the [Family Educational Rights and Privacy Act](#) (FERPA), 20 USC §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, Ridgewater College adopts the following policy:

Definitions

The following definitions apply for the purposes of this policy:

- *Student* means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at the College, or individuals who receive shared time educational services from the College.
- *Educational data or education records* means data in any form or media, in any location, which are personally identifiable to an individual student (i.e., not aggregate or summary information) maintained by Ridgewater College. 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) records of law enforcement units (if law enforcement unit is a separate entity and the records are maintained exclusively by and for law enforcement purposes); (5) 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; (6) medical and psychological *treatment* records that are maintained solely by the treating professional for treatment purposes; (7) 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 orientation materials, a biannual email notice, as well as in the student catalog and handbook. Additionally, the policy will be available for inspection through the College's Data Practices Compliance Official.

Access to Student Records**Consent for Release Generally Required**

Ridgewater College 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 MGDPA and FERPA or other applicable law. A student may grant consent by completing an Informed Consent Release Form. A copy of the College's Informed Consent Release Form is available in Student Services or on the College website.

A written consent generally must: 1) specify the records to be disclosed; 2) state the purpose of the disclosure; 3) identify the party or class of parties to whom the disclosure may be made; and 4) be signed and dated by the

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student. 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 under MGDPA and FERPA, Ridgewater College 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 (see explanation below);
- (2) to officials of other schools in which the student intends to enroll or has enrolled, for purposes related to the student's enrollment or transfer. The College may also return records to an original provider, if deemed necessary, for updates, corrections or verification of authenticity;
- (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) upon adequate proof, to the parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954;
- (7) 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;
- (8) to appropriate persons in an emergency situation if the information is necessary to protect the health or safety of the students or other persons; or
- (9) to an alleged victim of a crime of violence (as defined in 18 USC Sect 16) or non-forcible sex offense, the final results of the alleged student perpetrator's disciplinary proceeding may be released;
- (10) 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 the College, provided that the student is notified where applicable; receives a copy of the record, if desired.

"School Officials" with a "Legitimate Educational Interest"

The college will release information in student education records only to appropriate school officials as indicated in (1) above when there is a legitimate educational interest. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person who is serving as a consultant, volunteer or other outside service provider to perform institutional services and functions (under such third-party situations, the College will ensure that it retains direct control over the maintenance and use of data, including re-disclosure regulations); 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. Ridgewater College will use reasonable methods to limit school officials' access to records in which they have a legitimate educational interest and will use reasonable methods to identify and authenticate who is receiving education records from the College.

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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 Office of the Registrar for each student and will also be made available for inspection pursuant to this policy. If the College discovers that a third party who has received student records from the College 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 College's applicable records retention policy.

Subpoenas and Other Legal Process Requests

If a college employee receives a request in the form of a legal matter (by letter, subpoena, court order, etc.), the employee is to immediately forward such request to the College Data Practices Compliance Official for consultation with the Office of General Counsel or Attorney General's Office. If an employee receives a search warrant, the employee is to comply immediately and then notify the College Data Practices Compliance Official as soon as practicable.

Public Student Data - Directory Information

Under FERPA, certain information is considered public and is called directory information. The following information on students at Ridgewater College is designated as public directory information:

- Name
- Hometown
- Most recent previous educational institution attended
- Major field of study
- Enrollment status (e.g. full-time or part-time)
- Dates of enrollment or graduation
- Degrees, honors, awards and scholarships received (including hometown and necessary grade point average)
- Dates, position and wage rate of student employment
- Physical factors (height and weight) of athletes
- Photographs, videos, and other media taken and maintained by the college for various purposes.
- Participation in officially recognized activities, programs and sports

Ridgewater College does not publish a student directory, but directory information may be disclosed to a third party through an approved written request.

Limited Directory Information

The following information on students at Ridgewater College is designated as Limited Directory Information:

1. Local and Permanent Address
2. Phone Number
3. Place of Birth
4. Identification Card Photographs
5. College Issued E-mail Addresses
6. Star ID
7. Tech ID

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Please note: Student email addresses and Star ID numbers are defined as Limited Directory Data for enterprise technology related purposes internal to the Minnesota State Colleges and Universities system that are approved by System Office IT, including, but not limited to, inclusion of email addresses and Star ID numbers in a directory accessible to Minnesota State students and employees.

Limited Directory Information will not be provided by the institution to external parties not contractually affiliated with the College. Use and disclosure of, and access to, this information shall be limited to: 1) publications either in print or electronic format, hosted by, on behalf of, or for the benefit of the college, , and 2) use within internal technical systems that is needed to support operations, including contracted services (e.g., College email services, third party service provider hosted systems). Limited Directory Information may also be provided to officials within the college consistent with the Family Educational Rights and Privacy Act or the Minnesota Government Data Practices Act, and only in conjunction with an official institutional purpose.

Notwithstanding any other provision of this policy, the following information is defined as Limited Directory Information for purposes of sharing with LeadMN so the association can communicate with their members: student name, college-issued email address, and student change code (New/RTN/Drop); the following information is defined as Limited Directory Information for purposes of sharing with PTK, our national honor society, so it can communicate with potential members: student name, college-issued email address, local and permanent mailing address.

Notice to Students About Directory Information and Limited Directory Information:

Students may direct that all of the above-listed Directory and Limited Directory Information be withheld from public disclosure by notifying the Office of the Registrar in writing. If a student would like to change their preference, that also must be done in writing. A form for both actions is available on our website.

Access to Educational Records by Student

Upon written request, the College shall provide a student with access to his or her educational records. There is no charge for viewing the records even if the College 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.

Upon request, the meaning of educational data shall be explained to the student by College 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).

Requests shall be made in writing to the custodial office of such records. Since colleges do not maintain all educational records in one central location, it may be helpful to include a detailed list of the types of educational records that are maintained and describe with particularity to whom or where requests for access are to be made. For example, the list could include:

A. **Academic Records**

Registrar's Office (Admissions/Registrar): Registrar
College, Division, Department and Faculty Offices

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B. Student Services Records

Counseling Office: Dean of Students

Student Activities Office: Student Activities and Wellness Coordinator

Student Services: Dean of Students

C. Financial Records

Business Office: Director of Business Services

Financial Aid Office: Director of Financial Aid

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 College's Grade Appeal Policy.

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:

The student may discuss his or her problems informally with the College's Data Practices Compliance Official. 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 in 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 College's Data Practices Compliance Official of their right to a formal hearing. Student requests for an appeal must be made within 10 days of notification. The request must be in writing, and must be directed to the College's Data Practices Compliance official.

If after a Ridgewater College formal appeal is completed and the student is still not satisfied with the outcome, the student may request a formal hearing with the Minnesota Commissioner of Administration within 60 days of receiving the decision. The request must be in writing and 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 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.

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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 Requests for Public Data Policy.

Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or financial "hold" at the College, 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, US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605. Complaints about compliance with the MGDPA may be brought to the College's Data Practices Compliance Official or to the Minnesota Commissioner of Administration.

Ridgewater College's Data Practices Compliance Official is:

Heidi Olson, Dean of Students
Ridgewater College
2101 15th Ave NW
Willmar, MN 56201
Phone: 320-222-5209
Fax: 320-222-5212
Email: heidi.olson@ridgewater.edu

If you have questions regarding data privacy, please contact Heidi Olson directly.

History:

02.02.06 Adopted and Implemented

10.18.07 Revised; 11.20.09 Revised

09.17.15 Proposed; 11.16.15 Revised

12.02.16 Proposed; 02.13.17 Revised and Implemented

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