

STUDENT DATA PRIVACY & PRACTICES

POLICY

Minnesota State Colleges and Universities, including the Office of the Chancellor, and Ridgewater College must comply 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 and data.

It is the policy of Ridgewater College to handle students' education records in accordance with applicable federal and state laws and Minnesota State Colleges and Universities Board Policies and Procedures. All school officials are responsible for the privacy, security, and appropriate use of the education records over which they have responsibility or control and for compliance with applicable laws, regulations, policies, procedures and other standards. Ridgewater College shall enact appropriate procedures and provide training resources to its workforce on an ongoing basis to assure compliance with this policy.

The procedure that follows explains in detail students' rights under this policy, which include the right to inspect and review their education records, the right to seek amendment of their education records, the right to consent to disclosure of personally identifiable information contained in education records, and the right to file a complaint with the U.S. Department of Education concerning alleged violations of FERPA.

Definitions

The following definitions apply for the purpose of this policy:

1. *A student* is an individual who has either applied for enrollment, who is currently enrolled, or has been formerly enrolled at Ridgewater College. A student is an individual receiving educational services by any method. All students have the same rights regarding their educational data.
2. *Personally identifiable information* is information maintained in education records and includes direct identifiers, such as a student's name or student identification number, plus indirect identifiers such as a student's date of birth or other information which can be used to distinguish or trace an individual's identity directly or indirectly through linkages with other information.
3. *Educational data or education record(s)* means data in any form directly related to an individually identifiable student collected, created, received, or disseminated by Ridgewater College. Educational data includes, but is not limited to, admissions materials, financial aid records, transcripts, class lists, class schedules, graded exams or papers, records of disciplinary processes, photographs, work study records, and more. 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) law enforcement records not shared with school officials and maintained 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 and accessible solely by the treating professional for

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treatment purposes; (7) records that only contain information about a former student gathered after that individual is no longer a student at the institution (alumni data).

History:

09.20.2021 Proposed; Reviewed for equity compliance.

04.15.2022 Revised

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PROCEDURE**Annual Notice of Rights and Policy**

This procedure is enacted to provide guidance for the implementation of Policy 1040 in order to comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and the Minnesota Government Data Practices Act (MGDPA), Minn Stat. Chapter 13, in handling education records. This procedure is adopted in order to ensure that Ridgewater College carries out its responsibilities with regard to educational records in accordance with these and other applicable laws.

Enrolled students will be provided information about their rights under FERPA (FERPA Notice) including, but not limited to, the following rights to: 1) inspect and review their education records; 2) seek amendment of their education records if they are believed to be inaccurate, misleading, incomplete, or otherwise in violation of their privacy rights; 3) consent to disclosure of personally identifiable information contained in education records, as required by law; 4) file a complaint with the U.S. Department of Education concerning alleged violations of FERPA.

The Ridgewater College FERPA Notice will be provided to enrolled students at least annually by college email. It will also be available on the college website, in the new student orientation materials, and in the college catalog and student handbook. Additionally, the policy and related procedure can be made available in alternative formats or translations by contacting Ridgewater College's Data Practices Compliance Official.

Data Privacy Collection Notice

Pursuant to the requirements of the MGDPA, whenever Ridgewater College collects private data from an individual who is the subject of the information, it shall inform the individual:

1. About the purpose for collecting the data and intended use of the information;
2. Whether the individual may refuse or is legally required to provide the information;
3. Any known consequences from giving or refusing to supply the data; and
4. About the identity of individuals who will have access to the information.

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 Ridgewater College's Authorization to Release Student Information Form is available in Student Services or on the Ridgewater 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 student. If the student requests, the school shall provide a copy of the records released pursuant to the informed consent.

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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. Ridgewater 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 Title 18 United States Code Section 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 Ridgewater College, provided that the student is notified where applicable; receives a copy of the record, if desired.

"School Officials" with a "Legitimate Educational Interest"

A school official is someone who needs to review an education record in order to fulfill their official responsibilities, and as such has a legitimate educational interest. Ridgewater College has defined school official as: persons employed by Ridgewater College in an administrative, supervisory, academic or research, or support staff position; a person or company with whom Ridgewater 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, Ridgewater 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; Office of the Chancellor personnel; or a student serving on an official committee; a college safety or security officer acting in a health or safety situation or emergency; or a person assisting another school official in performing their tasks.

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 Ridgewater College discovers that a third party who has received student records from Ridgewater College has released or failed to destroy such records in violation of this

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policy, it will prohibit third-party 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 Ridgewater 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 Ridgewater 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 Ridgewater College Data Practices Compliance Official as soon as practicable.

Directory Data

Directory data or directory information is information contained in Ridgewater College's education records for a student that would not generally be considered harmful or an invasion of privacy if disclosed; under FERPA, directory data is considered public information. Ridgewater College designates the following information as directory data:

- Name
- Hometown
- Most recent previous educational institution attended
- Major field of study
- Enrollment status (full-time or part-time)
- Dates of attendance and graduation
- Degrees, diplomas, certificates, honors, scholarships, and other awards
- Dates, position, and wage rate of student employment
- Height and weight of athletes
- Photographs, videos, and other media taken and maintained by Ridgewater College
- Participation in officially recognized activities, programs, and sports

Because directory data is considered public, Ridgewater College will release such information to anyone upon request except for the directory data of students who have requested it be withheld from public disclosure.

Limited Directory Data

Ridgewater College designates the following as Limited Directory Data:

- Local and Permanent Mailing Address(es)
- Phone Number(s)
- Place of Birth
- Date of Birth
- Identification Card Photographs
- E-mail Address(es)
- Minnesota State Star ID
- Minnesota State Tech ID

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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 Information Technology (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 Data will not be provided by the institution to external parties not contractually affiliated with Ridgewater College. Use, disclosure of, and access to this information shall be limited to: 1) publications in print or electronic format hosted by, on behalf of, or for the benefit of Ridgewater College, and 2) use within internal technical systems needed to support operations, including contracted services (e.g., College email services, third party service provider hosted systems).

Notwithstanding any other provision of this policy, the following information is defined as Limited Directory Data for purposes of sharing with LeadMN, the student association for two-year colleges, 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 Data for purposes of sharing with Phi Theta Kappa (PTK), our national honor society, so it can communicate with potential members: student name, college-issued email address, local and permanent mailing address.

The following information is defined as Limited Directory Data for purposes of sharing with the Ridgewater College Foundation and alumni office/association for events, marketing, fundraising, and community relations: mailing addresses, email addresses, phone numbers, Tech ID, and date of birth.

Withholding Directory Data and Limited Directory Data:

Students may direct that Directory Data and Limited Directory Data be withheld from public disclosure by submitting an Authorization to Withhold Directory Information form.

Access to Student Records

Upon written request, Ridgewater College shall provide a student with access to his or her educational records, unless limited by law. There is no charge for viewing the records even if Ridgewater 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 of receipt of the request.

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).

Students do not have access to confidential letters or statements of recommendation placed in education records if the student waived the right of access as permitted by law.

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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: Registrar
College, Division, Department and Faculty Offices

- 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 Ridgewater 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 their problems informally with Ridgewater 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 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 the student will be informed by Ridgewater College's Data Practices Compliance Official of the 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 Ridgewater College's Data Practices Compliance official.

If 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) according to the procedures set forth in Minnesota Statute Chapter 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.

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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 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 Ridgewater 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 Ridgewater 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
02.14.19 Proposed; 04.01.19 Revised
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04.15.2022 Revised