

Family Educational Rights and Privacy Act of 1974 (FERPA)

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which states the following: a written institutional policy must be established, and a statement of adopted procedures covering the privacy rights of students must be made available. The law provides that the institution maintain the confidentiality of student education records.

Montana State University – Billings accords all the rights under the law to students who are declared independent. No one outside the institution shall have access to nor will the institution disclose any information from students' educational records without the written consent of the students except to personnel within the institution, to officials of other institutions where students seek to enroll, to persons or organizations providing students with financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. All these exceptions are permitted under the Act.

Within the Montana State University – Billings community, only those members, individually or collectively, acting in the student's educational interest are allowed access to student education records. These members include personnel in the Offices of Admissions/Records, Controller, Financial Aid, and academic personnel within the limitations of their need to know. At its discretion the institution may provide directory information in accordance with the provisions of the Act to include the following: student name, local and permanent addresses, local and permanent telephone numbers, date and place of birth, dates of attendance, class, college, major, most recent school attended, full-time or part-time status, honor roll, participation in officially recognized activities and sports, weight and height of members of athletic teams, degree(s) and honors conferred, and commencement program information. Students may withhold directory information by notifying the Registrar in writing within two weeks after the first day of class for the Fall Term.

Request for non-disclosure is honored by the institution for only one academic year; therefore, authorization to withhold directory information must be filed annually in the Office of Admissions/Records.

The law provides students with the rights to inspect and review information contained in their educational records, to challenge the contents of their educational records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if the decisions of the hearing panels are unacceptable. The Registrar has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, and financial files, and academic cooperative education, and placement records. Students wishing to review their education records must make written request to the Registrar listing the item of interest. Only records covered by the Act will be made available within 45 days of the request. Students may have copies made of their records with certain exceptions (e.g., a copy of the academic record for which a financial "hold" exists, or a transcript of an original or source document which exists elsewhere). These copies would be made at the student's expense at existing rates which are listed in the current catalog. Education records do not include records of instructional administrative, and education personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute, records of the law enforcement unit, student health records, employment records or alumni records. Health records, however, may be reviewed by physicians of the student's choosing.

Students may not inspect and review the following as outlined by the Act: financial information submitted by their parents, confidential letters and recommendations associated with admissions, employment, job placement, or honors to which they have waived their right of inspection and review; or education records containing information about more than one student in which case the institution permits access only to that part of the record which pertains to the inquiring student. The institution is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to 1 January 1975, provided those letters were collected under established policies of confidentiality and were used only for the purpose for which they were collected.

Students who believe that their education records contain information that is inaccurate, misleading, in violation of their privacy or other rights may discuss their problems informally with the Registrar. If the decisions are in agreement with the student's request, the appropriate records will be amended. 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 the Registrar to the right to a formal hearing. Student requests for a formal hearing must be made in writing to the Vice Chancellor for Student Affairs, who, within a reasonable period of time after receiving such requests,

will inform students of the date, place, and time of the hearings. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more person of their choice, including attorneys, at the students' expense. The hearing panel, which adjudicates such challenges, will be the Vice Chancellor for Student Affairs, representatives of that office and Dean of the student's College.

Decisions of the hearing panel will be final, will be based solely on the evidence presented at the hearings, will consist of 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 decisions of the hearing panel if the decisions are in favor of the student. If the decisions are 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 decisions of the hearing panel. The statements will be place in the education records, maintained as part of the student's records and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with provisions of the Act may request, in writing, assistance from the chancellor of the institution to aid them in filing complaints with the Family Education Rights and Privacy Act Office (FERPA), Department of Education, Room 4074, Switzer Building, Washington, D.C. 20202.

Revisions and clarifications will be published as experience with the law and institution's policy warrants.

Penalties For Violating FERPA Regulations

The Family Policy Compliance Office reviews and investigates complaints of violations of FERPA. If the Office finds that there has been a failure to comply with FERPA, it will notify the institution about the corrections that need to be made to bring the institution into compliance. The Office will establish a reasonable period of time for the institution to voluntarily accomplish the specified changes.

If the Secretary of Education finds, after this reasonable period of time, that an institution has failed to comply with FERPA and determines that compliance cannot be secured by any means, the Secretary can, among other options, direct that no federal funds under his/her administrative control (financial aid, educational grants, etc.) be made available to that institution.

Although federal funding has never been withheld from any institution under these regulations, civil cases have been brought for alleged violations of FERPA.

MSU-Billings Student Employee Agreement

After discussing what this means with my supervisor, I understand that a violation of the Family Educational Rights and Privacy Act will subject me to the appropriate action and would be a violation of federal law as well as grounds for dismissal from this job.

Employee Signature _____

Date _____

Employee's Supervisor Signature _____

Date _____