

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act of 1974 affords students certain rights with respect to their educational records. 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 students' educational interests are allowed access to student educational records. These members include personnel in the Offices of Admissions and Records, Financial Aid, Business Services, and academic personnel within the limitations of their need to know. At its discretion the institution may provide student directory information in accordance with the provisions of the Act to include the following: name, local and permanent addresses, local and permanent telephone numbers, e-mail address, 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. The institution honors request for non-disclosure for only one academic year; therefore, authorization to withhold directory information must be filed annually in the Office of Admissions and Records.

The law provides students with the right 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 educational records, which include admissions, personal, academic, and financial files, and academic, cooperative education, and placement records. Students wishing to review their educational records must make written requests to the Registrar listing 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 copy rates. Educational records do not include records of instructional, administrative, and educational 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. Physicians of the student's choosing, however, may review health records.

Students may not inspect or 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 January 1, 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 educational 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 persons of their choice, including attorneys, at the students' expenses. The hearing panel, which adjudicates such challenges, will be the Vice Chancellor for Student Affairs, representatives of that office and academic 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 educational 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 educational 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 placed in the educational records, maintained as part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudication of their challenges were unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the Chancellor of the institution to aid them in filing complaints with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C., 20202-4605.