

## **EDUCATIONAL RIGHTS AND PRIVACY**

The Family Educational Rights and Privacy Act (FERPA) of 1974 (also known as the Buckley Amendment) is a federal privacy law affording students certain rights with respect to their education records. MidAmerica Nazarene University complies fully with this law. The University Registrar serves as the institutional FERPA Compliance Officer.

### **Definition of Education Records**

The definition of “education records” is any record maintained by MNU that is directly related to a student. However, there are some caveats, and the following types of records are not included within the definition of education records:

- Records kept in the sole possession of the maker, that are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Records of the University’s law enforcement unit that are created by it for law enforcement purposes and maintained by it;
- Records relating to an individual who is employed by the University (except if the individual is a student employed as a result of his or her status as a student) that are made and maintained in the normal course of business, relate exclusively to the individual in that individual’s capacity as an employee and are not available for any other purpose;
- Records on a student 18 years of age or older made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity so long as the records are made, maintained or used only in connection with treatment of the student and are disclosed only to individuals providing treatment;
- Records created or received by this University after the student is no longer in attendance and are not directly related to the individual’s attendance as a student.

### **FERPA Rights**

MNU students have the following rights under FERPA:

1. The right to inspect and review the student’s education records within 45 days of the day MNU receives a request for access. A student should submit to the University Registrar a written request that identifies the record(s) the student wishes to inspect. If the University Registrar does not maintain the

records, he or she shall advise the student of the correct official to whom the request should be addressed. The University Registrar, or other appropriate University official, will make arrangements for access and notify the student of the time and place where the records may be inspected. The University reserves the right to have a school official present during a student's review of his or her education records.

- This right of inspection and access does not extend to the financial records of a student's parents. Also, certain restrictions apply to a student's access to confidential letters and confidential statements of recommendation placed in a student's education records.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask MNU to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. A student will have the opportunity to include explanatory comments with an education record that he or she believes should have been amended but the University has decided not to modify following a hearing.
- Requesting an amendment to an education record is not the proper avenue for challenging course grades. A student may challenge a final course grade by using the University's Grade Changes and Grade Appeals policy.
3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. Below is a non-exhaustive list of parties and conditions under which FERPA allows the University to disclose education records without consent (34 CFR § 99.31):
- School officials with a legitimate educational interest;
    - A school official is defined at MNU as a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as

its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

- A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - To parents of a student if the parent provides documentation that the student is a dependent pursuant to Section 152 of the Internal Revenue Code and notice is given to the student that a parent has requested such information;
  - Appropriate parties in cases of significant and articulable health and safety emergencies;
  - State and local authorities, within a juvenile justice system, pursuant to specific State law; and
  - When the information has been classified by the University as “directory information” (see below for more discussion about directory information).

Students may authorize the release of education records protected by FERPA to designated parties by using the MNU release of information form, available in the Registrar’s Office.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

**Directory Information**

Directory information is data about a student which can be released without prior consent because it would not generally be considered to be harmful or an invasion of privacy if disclosed. MNU designates the following items as Directory Information: Name; address; email address; telephone number; hometown, parents or guardians, date and place of birth; major field of study; participation in officially recognized activities and sports; points earned in competition in activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; most recent previous educational institution attended by student; photograph; classification; and, enrollment status (undergraduate or graduate; full-time or part-time).

Unless the University has been notified by the student that directory information about himself/herself is not to be released, MNU is free to release such information at its discretion and without further permission. Students who do not wish to permit the distribution of such information shall complete and sign a form to that effect during the registration period each semester. Students may request that all or part of his or her directory information not be released.

The University will honor all requests to withhold any of the categories of directory information listed in the completed form, but will not assume any responsibility to contact the student for subsequent permission to release that information. Regardless of the effect on the student, the University assumes no liability for honoring a request of the student to restrict the disclosure of directory information.

Notwithstanding the above, a student may not opt-out of the disclosure of the student's name, identifier or University email address in a class in which the student is enrolled.