

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Definitions

For the purposes of this policy, Montana Tech has used the following definitions of terms:

Student - any person who attends or has attended Montana Tech

Education records - any record (in handwriting, print, tapes, film, or other medium) maintained by Montana Tech or an agent of the university which is directly related to a student, **except**:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
3. Records maintained by the Office of The Commissioner of Higher Education if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and the Unit does not have access to education records maintained by the institution.
4. Records maintained by the Student Health Center if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records which contain information about a student after he or she is no longer in attendance at the institution, and which do not relate to the person as a student.

Locations of Education Records

Following is a list of the types, locations and custodians of education records maintained by Montana Tech.

1. Until the sixth week of a student's first semester, **admission records:** Admissions (MG 206). Custodian: Dir. College Relations & Marketing.
2. Cumulative **academic records and academic progress records:** Registrar (MG 207). Custodian: Registrar.
3. **Financial Aid records:** Financial Aid (MG 111). Custodian: Dir. Financial Aid.
4. **Financial records** (charges, payments, etc.): Business Office (MG 205). Custodian: Controller.
5. **Health records:** Health Center (SUB 111). Custodian: Nurse.
6. **Career Services records:** Eng. 102A. Custodian: Dir. Career Services.

Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the appropriate record custodian. Students should submit to the record custodian a written request identifying as precisely as possible the record or records he or she wishes to inspect.

The record custodian will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access will be given within 45 days of the receipt of the request. When a record contains information about more than one student, the student may inspect and review only the records that relate to him or her.

Right of the Institution to Refuse Access

Montana Tech reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived right of access, or which were placed in file before January 1, 1975.
3. Records connected with an application to attend Montana Tech or a component unit of Montana Tech if that application was denied.
4. Those records, which are excluded from the FERPA definition of education records.

Refusal to Provide Copies

Montana Tech reserves the right to deny transcripts or copies of records not required to be made available by the FERPA in any of the following situations:

1. The student lives within commuting distance of Montana Tech.
2. The student has an unpaid financial obligation to the Institution.
3. There is an unresolved disciplinary action against the student.

Fees for Copies of Records

The fee for copies of educational records other than transcripts is \$0.50 per page. **The fee for a transcript is \$3.00.**

Record of Requests for Disclosure

Montana Tech will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest of the party in requesting or obtaining the information. The record may be reviewed by the eligible student only.

Directory Information

Montana Tech has designated the following items as Directory Information: student name, address (including campus e-mail address), telephone number, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended, and photograph. Except as noted in item 1. below, class rosters for electronically mediated (Blackboard) classes will NOT be released, except to students enrolled in that specific class. Students may request that their name be blocked from the electronic class roster in the "personal information" settings in Blackboard. **The Institution may disclose any of those items without prior written consent, unless notified in writing to the contrary by the end of the second week of a semester.** A non-disclosure of information form for this purpose is available from the Registrar's Office. **Directory information will then be withheld indefinitely until the Registrar's Office receives in writing a revocation of the request for non-disclosure.**

Disclosure of Education Records

Montana Tech will disclose information from a student's education records only with the written consent of the student, except:

1. To school officials who have a legitimate educational interest in the records.

A school official is:

a person employed by the institution in an administrative, supervisory, academic or research, or support staff position; a person elected to the board of trustees; or a person employed by or under contract to the Institution to perform a special task, such as an attorney or auditor.

A school official has a legitimate educational interest if the official is:

1. performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; or performing a task related to the discipline of a student.
2. To officials of another school, upon request, in which a student seeks or intends to enroll.
3. To certain officials or representatives of the U.S. Attorney General's Office, U.S. Department of Education, the comptroller general, Veteran's Administration Officials, and State and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. If required by a State law requiring disclosure that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the university.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes. Note that Montana Law supercedes

FERPA, and that student information WILL NOT be given to a parent without the student's written permission.

9. To comply with a judicial order or a lawfully issued subpoena.
10. To appropriate parties in a health or safety emergency.
11. To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense, and the public, in connection with the final results of an institutional disciplinary proceeding.
12. To parents regarding the student's violation of any federal, state, or local law, or of any institutional policy or rule governing the use of alcohol or a controlled substance if 1) the institution has determined that the student has committed a disciplinary violation with respect to that use or possession; and 2) the student is under the age of 21 at the time of the disclosure to the present. This item does not supersede any state law that prohibits an institution from disclosing this information.

Correction of Education Records

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student must ask the office responsible for the record to amend a record. In so doing, the student should identify the part of the record he/she believes is inaccurate, misleading or in violation of his or her privacy or other rights.
2. The institution may comply with the request or it may decide not to comply. If it decides not to comply, the custodian of the record will notify the student of the decision and advise him/her of the student's right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Montana Tech will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of hearing.
4. A hearing officer who is a disinterested party will conduct the hearing; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. One or more individuals may assist the student, including an attorney.
5. Montana Tech will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the institution decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Montana Tech discloses the contested portion of the record, it must also disclose the statement.
8. If the institution decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student in writing that the record has been amended.

The necessity for keeping abreast of rapid changes in engineering, science, technology, education and other broad academic areas frequently demands adjustments in curricular requirements. When this occurs, every effort will be made to apply reasonable flexibility to avoid imposing undue hardship on students.

Procedure to Authorize Disclosure of Non-Directory Information to a Third Party

A student who wishes to disclose to a third party information normally considered "restricted" may do so by obtaining from, completing and returning the proper form to the Registrar's Office.