

Missouri Western State University

Student Records Policy

Appendices

Approved: 08/26/2009

A. PURPOSE

The purpose of this regulation is to set forth the guidelines governing the protection of the privacy of student records and to implement the Family Educational Rights and Privacy Act of 1974 (Buckley Amendment; Pub. L. 93-380, as amended).

B. Definitions

1. “Directory Information/Public Information” means a student’s name, address, telephone listing, date and place of birth, 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, and the most recent previous educational agency or institution attended by the student.
2. “Eligible Student” means a student who is attending Missouri Western State University.
3. “Education Records” are those records, files, documents, and other materials which contain information directly related to a student and are maintained by the University. “Education Records” do not include:
 - (a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are not accessible or revealed to any other person except a substitute.
 - (b) The records and documents of Missouri Western State University Traffic and Security Office are maintained solely for law enforcement purposes and are not available to persons other than law enforcement officials of the same jurisdiction.
 - (c) In the case of persons who are employed by the University but who are not in attendance at the University, records made and maintained in the normal course of business which relate exclusively to such person and that person’s capacity as an employee where the records are not available for any other purpose.
 - (d) All records on any University student which are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student’s choice.
4. “Parent” means a natural parent, an adoptive parent, or the legal guardian of the student.
5. “Party” means an individual, agency, or organization.
6. “Personally Identifiable” means that the data or information includes the name of a student, the student’s parent, or other family member, the address of the student, a personal identifier such as the student’s social security number or student number, a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or other information which would make it possible to identify the student with reasonable certainty.
7. “Record” means information or data recorded in any medium, including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche.
8. “Student” means any person who is attending or has attended the University where the University maintains education records or personally identifiable information on such person. However, the term does not include a person who has not been in attendance at Missouri Western State University.

C. Notification by the University

The University shall inform its eligible students, annually, by including in each campus information manual or other publication reasonable calculated to give actual notice of the following:

1. The types of education records and information currently maintained by the University.
2. The name and position of the official currently responsible for the maintenance of each type of record, the persons who have access to those records, and the purpose for which they have access.
3. The current University policy for reviewing and expunging education records.
4. The current University procedure established for providing student access to education records.
5. The University procedure for requesting a hearing to challenge the content of education records.
6. The cost which will be charged to the student for reproducing copies of the education records.
7. The categories of information which the University has designated as directory information/public information.

D. Student Access Rights

The University shall provide students who are or have been in attendance at the University access to their educational records as stipulated below:

1. The right to access shall include:
 - (a) The right to be provided a list of the types of education records which are maintained by the institution and are directly related to students.
 - (b) The right to inspect and review the content of those records.
 - (c) The right to obtain copies of those records which may be at the expense of the student but not to exceed the actual cost of reproduction.
 - (d) The right to a response to reasonable requests for explanations and interpretations of the education records.
 - (e) The right to an opportunity for a hearing to challenge the content of those records.
 - (f) If any material or document in the education records of a student includes information on more than one student, the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.
2. The University will not make available to students the following materials:
 - (a) Financial records of the parents of students or any information contained therein.
 - (b) Confidential letters and statements of recommendations which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for the purpose other than those for which they were specifically intended.
 - (c) Confidential recommendations respecting application for employment assistance where the student has signed a waiver of student's rights of access as provided in D.3.
3. The University shall not require eligible students to waive their right to access to their education records; however, a student or person applying for employment assistance may waive his or her right to access to confidential statements except that such waiver shall apply to recommendations only if the student is, upon request, notified of the names of all persons making confidential recommendations and such recommendations are used solely for the purpose for which they were specifically intended. Waivers will not be required as a condition for admission, receipt of financial aid, or receipt of any other services or benefits offered by the University.

E. Destruction of Records

The University may destroy any records if not otherwise precluded by law, provided, that if a student has requested access to such records prior to the University making its decision to destroy the record, the student shall be provided a copy of such record prior to their destruction.

F. Right to Challenge

1. Students who are or have been in attendance at a University may have an opportunity for a hearing to challenge the content of such student's education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of such student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records, a written explanation respecting the content of such records.
2. The University official charged with custody of the records will attempt to settle informally any disputes with any student regarding the content of the University's educational records through informal meetings and discussions with the student.
3. Upon the request of the University official charged with custody of the records or the student, the hearing required by F.1 shall be conducted.
 - (a) The request for a hearing shall be submitted in writing to the Vice President for Student Affairs, who will appoint a hearing officer or a hearing committee to conduct the hearing.
 - (b) The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing. The parties shall be entitled to 10 days prior written notice of the time and place of the hearing.
 - (c) The hearing shall be conducted and the decision rendered by an appointed hearing official or officials who shall not have a direct interest in the outcome of the hearing.
 - (d) The student shall be afforded a full and fair opportunity to present evidence relevant to the hearing.
 - (e) The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.
 - (f) Either party may appeal the decision of the hearing official or officials to the Vice President of Student Affairs. This appeal will be limited to a review of the record and not a full hearing.

G. Consent

The University shall not permit access to or the release of education records or personally identifiable information contained therein (other than directory information/public information) without the written consent of the student, to any party other than the following:

1. Other school officials, including teachers within the education institution or local educational agency who have been determined by such agency or institution to have legitimate educational interests.
2. Officials of other schools or school systems in which the student seeks or intends to enroll upon condition that the student is notified of the transfer, receives a copy of the record if requested, and has an opportunity for a hearing to challenge the content of the record.
3. The Comptroller General of the United States, the Secretary of Health, Education and Welfare, the Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education.
4. In connection with a student's application for or receipt of financial aid.
5. State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to a state statute adopted prior to November 19, 1974.
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which the study is conducted.
7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954.
9. In compliance with the judicial order, or pursuant to any lawfully issued subpoena, upon condition that the student is notified of all such order or subpoenas in advance of the compliance therewith by the University.

H. Content of Consent

Where the consent of an eligible student is required for the release of education records, it shall be in writing, be signed and dated by the student, and shall include (a) a specification of the records to be released, (b) the reason for such release, (c) the names of the parties to whom such records will be released, (d) a copy of the records released shall be provided to the student on the student's request.

I. Release of Information for Health or Safety Emergencies

The University may release information from the education records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The factors which will be taken into account in determining whether the records may be released under this section include the following:

1. The seriousness of the threat to the health or safety of the student or other persons;
2. The need for such records to meet the emergency;
3. Whether the persons to whom such records are released are in a position to deal with the emergency;
4. The extent to which time is of the essence in dealing with the emergency.

J. Record of Access

The University shall maintain a record kept with the education records of each student, which will indicate all parties except University officials who have requested or obtained access to a student's education records maintained by the University and such record will indicate specifically the legitimate interest that each part has in obtaining the information.

This record of access shall be available only to the student, to the school official and his or her assistant who are responsible for the custody of the records, and to University officials who have a legitimate educational interest and to those charged with responsibility of auditing the operation of the system.

K. Transfer of Information by Third Parties

The University should not release personal information on a student except on condition that the party to which such information is being transferred will not permit any other party to have access to such information without written consent of the student. The University shall include, with any information released to a third party, a written statement which informs such party of the requirement that it may not be released without the written consent of the student.