

# Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal privacy law affording students certain rights related to the release of and access to their education records. The Registrar's Office ensures compliance with FERPA at Missouri Valley College, and this office should be contacted with any questions or concerns about this policy. Additionally, you may contact the following with any questions about your FERPA rights or to request clarification or further information: Marsha Lashley, Registrar, [lashley@mval.edu](mailto:lashley@mval.edu), 660-831-4115.

## Definition of Education Records and Exclusions

The definition of "education records" is any record maintained by the College that is directly related to a student and includes, but is not limited to, grades, transcripts, and disciplinary files. Education records can exist in any medium, including hard copy, typed, or electronic. However, there are some exclusions from the definition of education records, including:

- 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 College'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 College (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, related 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 College after the student is no longer in attendance and are not directly related to the individual's attendance as a student.

## Student Rights Under FERPA

Beginning with the first day of the student's first term at MVC, students have the following rights under FERPA:

- The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. A student should submit to the Registrar, Vice President of Student Affairs/ Dean of Students, Division Dean/Chair/Graduate Program Director or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
  - The College reserves the right to have a school official present during a student's review of his or her education records.

- The right of inspection and review includes the right to access and an explanation of the record. It does not include the right to a copy of the education record except in limited circumstances when failure to provide a copy would effectively prevent the student from inspecting and reviewing the record (e.g., the student lives outside of a reasonable commuting distance from the College).
- Students have the right to inspect their education records regardless of their financial status with the College. However, the College is not required to release an official transcript if the student has a past due account.
- At the postsecondary level, parents have no inherent rights to inspect or review their son or daughter's education records. This right is limited solely to the student. A student's education records may be released to parents only if they have been given a written release by the student or if an exception to FERPA's general rule against non-consensual disclosure applies (such as in the case of a health and safety emergency or in order to comply with a lawfully issued subpoena).
- 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.
- 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 the College to amend a record should write the College 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 College decides not to amend the record as requested, the College 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, but the following general procedures will be followed:
    - A hearing officer or board will be appointed by the appropriate College official.
    - A hearing will be held within a reasonable amount of time after the request for the hearing has been received.
    - The hearing officer/board will notify the student, reasonably in advance, of the date, place, and time of the hearing.
    - If the hearing officer/board supports the complaint, the education record will be amended accordingly and the student will be so informed.
    - If the hearing officer/board decides not to amend the education record, the student has the right to place in the education record a statement commenting on the challenged information and/or stating the reasons for disagreement with the decision. This statement will be maintained as part of the education record as long as the contested portion of the record is maintained.
  - 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 Grade Appeals Process located in the Student Handbook and College Catalog.
- The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorized disclosure without consent. Below is a non-exhaustive list of parties and conditions under which FERPA allows the College to disclose education records without consent (other exceptions can be found at 34 CFR § 99.31):
  - To school officials with a legitimate educational interest. A school official is defined at the College as a person employed by the College 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 College has contracted as its agent to provide a service instead of using College 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 College.

- To officials at another college or postsecondary institution where the student seeks or intends to enroll or has enrolled.
- In connection with the application for, or receipt of, financial aid.
- To accrediting organizations.
- To comply with a judicial order or lawfully issued subpoena. All subpoenas will first be reviewed by the College's legal counsel to determine the appropriate course of action.
- To parents of a dependent student under the Internal Revenue Code.
- When there is an articulable and significant threat to the health or safety of a student or other individuals. Factors to be considered in making a decision to release such information in these situations are: (1) the severity of the threat to the health or safety of those involved; (2) the need for the information; (3) the time required to deal with the emergency; (4) the ability of the parties to whom the information is to be given to deal with the emergency.
- When the information has been classified by the College as "directory information" (see below for more discussion about directory information).
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College 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 20202-5920