

Introduction

Michigan State University (“the University”) maintains student education records and is responsible for their access to and release in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (“FERPA”). It is the policy of the University to comply with FERPA.

Reason for Guidelines

These guidelines comply with standards established in FERPA. The guidelines govern the procedures for maintenance and access to student education records held by the University. The guidelines have a two-fold purpose:

1. To protect a student’s right to privacy of information in the University’s possession concerning the student; and
2. To provide guidance on release or disclosure of student information required by law and as necessary for the effective functioning of the campus community.

Who Should Read These Guidelines

All students, faculty and staff with access to student education records should read and be familiar with these guidelines.

Notification of Student Rights under FERPA

All currently enrolled students at the University are notified annually of their rights under FERPA. These rights include:

1. The right to inspect and review the student’s education records.
2. The right to request amendment of education records the student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.
3. The right to provide written consent before personally identifiable information from the student’s education records is disclosed except to the extent that FERPA authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning any alleged violation of the student’s rights under FERPA.

Definitions

The following definitions apply to terms as they are used in these guidelines.

Directory Information

Directory information is information in a student’s education record which may be disclosed to outside parties without a student’s prior written consent. While disclosure of directory information about a student is not generally considered harmful or an invasion of privacy under FERPA, FERPA does not require the University to disclose directory information to outside parties. Information that the University has designated as directory information is listed in the Michigan State University Notification of Student Rights under FERPA available at <https://www.reg.msu.edu/read/NotificationandDirectoryInformationNotice.pdf>.

Currently enrolled students may restrict the release of directory information by notifying the Office of the Registrar or updating their directory restrictions online through the StuInfo web site at <https://stuinfo.msu.edu/>.

Education Records

Education records are those records, files, documents, and other materials which contain information directly related to a student and are maintained by the University or by a party acting on behalf of the University. This includes information or data recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, microfiche, and any electronic storage or retrieval media.

Education records exclude: (1) records that are in the sole possession of school officials and are not accessible by other personnel; (2) law enforcement or campus security records that are maintained or created by the law enforcement unit for the purpose of law enforcement; (3) employment records relating to students who are employed by the University, unless the employment is a result of his/her status as a student; (4) records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, that are used only in connection with the treatment of the student and are not available to anyone other than those providing such treatment; and (5) records that contain information about an individual after that person is no longer a student at the University, unless the records pertain to the individual's previous attendance as a student.

FERPA

The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>).

Legitimate Educational Interest

An individual has a legitimate educational interest in education records if the information or record is relevant and necessary to the accomplishment of some employment or other institutional task, service, or function.

Parent

A parent is an individual who is the natural parent, the guardian, or the individual acting as the parent in the absence of a parent or guardian, of a student at the University.

Personally Identifiable Information

Personally identifiable information is any information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the campus community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Examples of personally identifiable information include, but are not limited to: (1) the student's name; (2) name of the student's parent or other family member; (3) the address of the student or student's family; (4) a personal identifier, such as a student's social security number or student number; (5) the student's date and place of birth; (6) the student's mother's maiden name; (7) biometric record; and (8) a list of personal characteristics or other information that would identify the student with reasonable certainty. Personally identifiable information also includes information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.

School Official

A school official is a person employed by the University in an administrative, supervisory, academic/research, or support staff position; contractors, consultants, volunteers and other non-employees performing institutional services and functions; and a person serving on an official

committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Student

A student is any individual with respect to whom the University maintains education records and has been in attendance at the University. Attendance is defined as physical attendance or participation in an academically-related activity, including but not limited to the submission of an assignment, taking an exam, or participation in a study group or online discussion about academic matters. A student's education records are protected under these guidelines beginning on the first day of the first term for which they have enrolled. No student shall be required to waive his or her rights under FERPA as a condition of admission or for the receipt of any services or benefits.

Responsibilities

Anyone Who Maintains or Seeks Access to Education Records

Maintain and release records in accordance with FERPA and these guidelines.

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Office of Planning and Budgets

Maintain and provide external and internal reporting of institutional data, which may include student information. Provide internal access and analytical reports of data for institutional studies and research.

Student

Read the Michigan State University Notification of Student Rights under FERPA and these guidelines.

University Registrar

Disseminate Michigan State University Notification of Student Rights under FERPA.

Manage the process by which students opt-out or restrict disclosure of their directory information.

Administer the process to determine whether alleged errors in education records are misleading, inaccurate, or in violation of a student's privacy rights.

Facilitate communications with appropriate school officials and provide advice, clarification, or direction on when release of confidential information is permissible.

Facilitate all responses to third party requests, subpoenas, or judicial orders for student education records. Oversee campus compliance, education and awareness of FERPA.

Procedures

Disclosure to Students

Inspection and Review

A currently enrolled or former student has the right to inspect and review his/her education records upon proper identification. All such requests must be made to the Office of the Registrar. Requests for access to records must be granted within a reasonable period of time, but in no case later than forty-five (45) days from the date of request. If a student is denied access to his/her education records, the student may appeal in writing to the official maintaining the records or to the University Registrar. If the decision to deny access is upheld, the school official handling the appeal must provide a written statement to the student regarding the basis for the denial within ten (10) days of the receipt of the appeal. Following the appeal, the student or the school official may request the Associate Provost for Academic Services and Enrollment Management to provide guidance on the rules and policies concerning access to education records. If the Associate Provost for Academic

Services and Enrollment Management determines that the requested record is an education record to which the student may have access under FERPA and these guidelines, the record shall be made available to the student.

Applicants have the right to review records and data submitted for admission with an admissions officer. Those denied admission must exercise this right within six (6) months of the date of denial. The decision to admit or deny admission is, however, a composite professional decision not subject to review.

Amendment of Record

A currently enrolled or former student has the right to request an amendment of records that he/she believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A request to amend a record should be made in writing to the school official maintaining the record, clearly identifying the part of the record the student wants changed and specifying why it should be changed. If the student's request to amend is denied, the school official will notify the student in writing of the decision and the right to a formal hearing on the matter.

A request for a formal hearing on the denial of a request to amend records must be made in writing to the University Registrar. Hearings will be conducted by a school official, otherwise known as the hearing officer, who does not have a direct interest in the outcome of the hearing. The hearing officer will provide notice to the student, reasonably in advance, of the date, place, and time of the hearing. The student will be afforded a full and fair opportunity at the hearing to present relevant evidence and is entitled to have a representative or advisor attend the hearing.

Following the hearing, the hearing officer will prepare a report discussing his/her decision. Copies of the report will be distributed to the parties who have a legitimate educational interest in the report. If the hearing officer decides the student's request to amend the record was improperly denied, the record shall be amended accordingly. Should the hearing officer uphold the denial, the student may appeal the hearing officer's decision, in writing, to the Associate Provost of Enrollment and Academic Strategic Planning within ten (10) days after notice of the decision is sent. The Associate Provost of Enrollment and Academic Strategic Planning will request an Appeals Committee, consisting of three (3) disinterested University officials, to make a final determination after reviewing records from the hearing, the hearing officer's report, and other relevant information. If the Appeals Committee determines the student's education record is factually incorrect, the record shall be amended accordingly. If the Appeals Committee decides to uphold the hearing officer's denial, the student will be given an opportunity to place a written statement with the education record setting forth his/her disagreement with the decision. The student's statement and the Appeal Committee's decision will be maintained as part of the student's education record for as long as the University maintains the record and may be disclosed to an authorized party when requested. The student also has the right to file a complaint with the Student Privacy Policy Office at the U.S. Department of Education.

Letters of Recommendation

Students may not have access to letters of recommendation or statements of evaluation obtained or prepared before January 1, 1975. A student may waive his/her right to access letters of recommendation obtained after January 1, 1975. A student who wishes to waive his/her right to access letters of recommendation must provide a signed statement of waiver to the author of the letter or the Office of the Registrar.

Disclosure to Third Parties

Personally identifiable information from a student's education records may not be released to third parties without the student's prior written consent, with certain exceptions. The exceptions to the consent requirement are limited to the following:

1. **Disclosure to School Officials.** Personally identifiable information from education records may be disclosed without written consent to school officials who have a legitimate educational interest in the records. These records may be disclosed only on a need to know basis. Specifically, a school official requesting information must have a legitimate need for the requested information for the effective functioning of his/her position or office. Determination as to whether the need to know requirement has been satisfied is made by the head administrator for the unit retaining the information or by the Office of the Registrar. All information released may only be used for the purpose intended.

For purposes of the school official's exception, education records may also be disclosed without consent to contractors, consultants, and other outside parties to whom the University has outsourced institutional services or functions that it would otherwise use employees to perform, provided that the outside party is under the direct control of the University with respect to the use and maintenance of the education records and subject to the same conditions governing the use and redisclosure of education records that apply to other school officials. The outside party must sign a statement indicating its compliance with the non-redisclosure provisions of FERPA prior to receiving any student information.

2. **Disclosure to Officials of Another School.** Personally identifiable information from education records may be disclosed to officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.
3. **Disclosure of Directory Information.** Information that the University has designated as directory information in the Michigan State University Notice of Directory Information may be disclosed without the student's consent.
4. **Disclosure pursuant to Judicial Order.** Personally identifiable information from education records may be released to comply with a judicial order or a lawfully issued subpoena. As permitted by law, reasonable attempts will be made to notify the student of the judicial order or subpoena in advance of compliance.
5. **Disclosure pursuant to Requests for Financial Aid.** Personally identifiable information from education records relevant to the student's application for, or receipt of, financial aid may be disclosed if the information is necessary to determine eligibility, determine amount or conditions of the aid, or enforce the terms and conditions of the aid.
6. **Disclosure to Federal and State Authorities.** Authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, may have access to education records. Disclosures under this provision may be made in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
7. **Disclosure to Accrediting and Professional Associations.** Designated representatives of accrediting and other professional organizations with

which the University is affiliated may have access to personally identifiable information to the extent necessary to fulfill the obligation of that accreditation or affiliation.

8. **Disclosure pursuant to Student's Delinquency on Payment.** Personally identifiable information from education records may be disclosed as necessary to effect collection of a student's financial obligations to the University.
9. **Disclosure pursuant to Litigation against the University.** Personally identifiable information from education records deemed necessary for the defense of the University in a suit filed by a student may be disclosed to attorneys representing the University.
10. **Disclosure pursuant to the University's Obligations to Support Study and Research.** The University may disclose personally identifiable information from a student's education records without consent if the disclosure is to an organization conducting studies for, or on behalf of, the University to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. Requests for access to student education records under the studies exception must be approved by the Office of the Registrar. Such requests will be fulfilled, if possible, by information from which all identification of the student has been removed.

The written agreement between the University and the organization conducting the study must specify the purpose, scope, and duration of the study and the information to be disclosed; require the organization to use personally identifiable information from education records only to meet the purposes of the study; limit any disclosures of personally identifiable information to individuals in the organization who have a legitimate interest in the information; and require the organization to destroy all personally identifiable information within a specified time period when the information is no longer needed for the purposes of the study.

For information related to conducting approved research involving surveys, please review the "Procedure to Request Confidential Student Data in Support of University Research"

(<http://reg.msu.edu/read/pdf/ResearchProcedure.pdf>). For information concerning mass e-mail distribution related to approved research, please also review the "Appropriate Use of MSU E-mail Services by Internal Users on MSUNET" (<https://tech.msu.edu/about/guidelines-policies/appropriate-use-msu-email/>)

11. **Disclosure to Protect the Health and Safety of an Individual.** The University may disclose personally identifiable information from education records to appropriate parties including, but not limited to, parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of a student or another individual if there is a significant and articulable threat to the health or safety of a student or other individual, considering the totality of the circumstances. The University must record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.
12. **Disclosure Pursuant to the Wetterling Act, 42 U.S.C. 14071.** The University may disclose without consent personally identifiable information received

under the Wetterling Act about a student who is required to register as a sex offender.

13. **Disclosure of Results of a Disciplinary Proceeding.** The final results of a disciplinary proceeding may be disclosed if the school determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him/her.

Parents or Legal Guardians

The University does not make disclosures of information to parents or legal guardians without written consent from the student. However, consistent with FERPA, the University does not need a student's consent to release information from education records to parents or other appropriate individuals in the case of health and safety emergencies. The University may also disclose to parents without consent information regarding their student's violation of any federal, state, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, if the University determines the student committed a disciplinary violation and the student is under the age of 21.

Data Requests

All academic and administrative units at the University seeking student and institutional data have: (1) full access to the Enrollment and Term-End Reports through the Office of the Registrar (<https://reg.msu.edu/RoInfo/EnrTermEndRpts.aspx>); (2) full access to Institutional Research and historical data reports through the Office of Planning and Budgets (<https://ir.msu.edu/explore>); and (3) restricted access to the Student Information Generator (<https://reg.msu.edu/Forms/StuInfoGen/Menu.aspx>).

Requests for student information beyond the scope of the systems referenced above should be submitted to the Office of the Registrar using the Data Request Form available at: <https://reg.msu.edu/Forms/DataRequest/DataRequest.aspx>.

Only the Office of the Registrar and the Office of Planning and Budgets are authorized to fulfill such requests. All other units and organizations may not release student or institutional data without prior approval from the appropriate Vice-President and the Office of the Provost.

If the data request involves confidential student data and University research, please review the "Procedure to Request Confidential Student Data in Support of University Research" (<http://www.reg.msu.edu/read/pdf/ResearchProcedure.pdf>).

Requests from recognized educational or governmental organizations for student or institutional data should be addressed to:

Michigan State University
Associate Registrar for Academic Records
Hannah Administration Building
426 Auditorium Road, Room 150
East Lansing, MI 48824-2603

All data requests are subject to review and approval for compliance with FERPA and University policies.

The University does not release student information for commercial purposes.

Requests which require extensive labor, interfere with regular operations, or require data in specific formats (e.g. mailing labels) may be denied or charged a fee for the service. An estimate of the fees may be provided upon request.

Freedom of Information Act

The Freedom of Information Act (“FOIA”), M.C.L. 15.231 et seq., regulates and sets requirements for the disclosure of public records by all public bodies in the state. FOIA provides that all public records of a public body are subject to disclosure unless specifically exempted by the Act. A public body may, but is not required to, withhold from disclosure those categories of public records exempt from disclosure under the Act. FOIA requests seeking student records, including directory information about a student, may be denied on a statutory exemption for records protected by FERPA, privacy, or other available exemptions. All FOIA requests must be submitted to:

Michigan State University
Freedom of Information Act Office
408 West Circle Drive
Room 177 Olds Hall
East Lansing, MI 48824

Further Information

If circumstances arise involving release of confidential information that are not covered in the University’s Academic Programs catalog or by these guidelines, please contact the Office of the Registrar for assistance.

I have received and reviewed the above Family Educational Rights and Privacy Act and agree to abide by its terms.

Acknowledged:

Signature

Date