

NORTH HENNEPIN COMMUNITY COLLEGE

Number: 2.21.1	Name: Privacy of Education Records Procedure
Author: Landon Pirius	Custodian: Policy Committee
Effective Date: August 27, 2012	Next Review Date: AY2015-2016
Regulatory Authority: <ul style="list-style-type: none">• FERPA (34 CRF Part 99); MGDPA (M.S. Chapter 13)	

Part 1. Notice of Policy

Students are informed of their rights under federal and state privacy laws through an annual notice of rights and this policy, which is included on the North Hennepin Community College (NHCC) website. Additionally, the policy will be available for inspection through the offices of Records and Registration, Data Practices Compliance Official, and the Chief Student Affairs Officer.

Part 2. Student Rights under FERPA and MGDPA

Subpart 1. Right to Inspect Educational Data

A student has a right to inspect and review his or her educational data. Requests should be made in writing to the Registrar. North Hennepin Community College will provide access to view educational data immediately if possible, or within ten days of the student's request. A student requesting a copy of his or her educational data will be assessed the cost according to current college fee rates.

Subpart 2. Right to Consent to Disclosures of Information

A student has a right to consent to disclosures of information, which identify him or her personally, except to the extent that these disclosures are allowed without student consent under state and federal law.

Subpart 3. Right to Correct Educational Data

A student has the right to request that the Office of Records and Registration correct educational data, which he or she believes to be inaccurate or misleading. The student should contact the Registrar in writing and clearly identify the part of the record they want changed as well as why the record is inaccurate or misleading. More information is below under "Access to Educational Records by Student." Note: The right to challenge a grade does not apply under this policy unless the grade assigned was allegedly inaccurately recorded.

Subpart 4. Right to File a Complaint

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by North Hennepin Community College to comply with the requirements of FERPA. Students desiring to file a complaint should address the complaint to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Phone: 1-800-USA-LEARN (1-800-872-5327)
Website: <http://www2.ed.gov/policy/gen/guid/fpco/index.html>
Email: fpco@ed.gov

Part 3. Directory Information

Directory information is not generally considered harmful or an invasion of privacy if disclosed to the public. North Hennepin Community College designates the following as public Directory Information.

1. Student name
2. Date of graduation
3. Dates of attendance
4. Degrees, honors, and awards received
5. Institution-assigned email address
6. Enrollment status (e.g., undergraduate, graduate, full-time, or part-time)
7. Major field of study
8. Most recent previous educational institution attended
9. Participation in officially recognized activities and sports
10. Photographs taken individually or in groups
11. Video recordings taken individually or in groups

North Hennepin Community College will not release directory information to any financial institution requesting data for credit card marketing purposes.

Students may direct that any or all of the above-listed Directory Information be withheld from public disclosure by notifying the Office of Records and Registration in writing. The directive remains in effect until rescinded by the student. A copy of the *Request to Withhold Directory Information from Public Disclosure* form is available in Student Services offices, academic areas, and the college website.

Part 4. Access to Student Records

Subpart A. Consent for Release Generally Required

North Hennepin Community College will not permit access to or the release of personally identifiable information contained in student educational records without the written consent of the student to any third party, except as authorized by the MGDPA and FERPA or other applicable law. A copy of the *Release of Private Educational Data* form is available in Student Services offices, academic areas, and the college website. A written consent is valid if it:

1. specifies the records that may be disclosed;
2. states the purpose of the disclosure;
3. identifies the person(s) to whom the disclosure may be made;
4. is signed and dated by the student; and
5. is verified with a valid government ID.

Subpart B. Release without Consent

As allowed by the MGDPA and FERPA, the college will release student records *without consent*:

1. to appropriate school officials who require access to educational records in order to perform their legitimate educational duties;
2. to officials of other schools in which the student seeks or intends to enroll, upon request of these officials, and upon the condition that the student be notified, if

- applicable; receives a copy of the record if requested; and has an opportunity for a hearing to amend the record as required by law;
3. to another educational agency or institution, if requested by the agency or institution, where a student is enrolled or receives services while the student is also in attendance at the college or university, provided that the student is notified where applicable; receives a copy of the record, if requested; and has an opportunity for a hearing to amend the record, as required by law;
 4. to federal, state, or local officials or agencies authorized by law;
 5. in connection with a student's application for, or receipt of, financial aid;
 6. to accrediting organizations or organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained;
 7. in compliance with a judicial order or lawfully submitted subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs the institution not to disclose the existence of a subpoena;
 8. to appropriate persons in an emergency situation if the information is necessary to protect the health or safety of the students or other persons; or
 9. to an alleged victim of a crime of violence (as defined in 18 U.S.C. § 16) or non-forcible sex offense, the final results of the alleged student perpetrator's disciplinary proceeding may be released;
 10. to military recruiters (as defined in 10 U.S.C. § 983) for purposes of military recruiting the following information pertaining to students (who are 17 years of age or older) enrolled at the college: names, addresses, and telephone listings; date and place of birth; levels of education; academic majors, degrees received, and the most recent educational institution enrolled in by the student;
 11. in response to an *ex parte* court order from the U.S. Attorney under the USA Patriot Act;
 12. to the North Hennepin Community College Alumni Association (only includes North Hennepin Community College graduate mailing address, phone number, and email address).

Subpart C. Record of Requests for Disclosure

Where required by law, a record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the Office of Records and Registration for each student and will also be made available for inspection pursuant to this policy. If the institution discovers that a third party who has received student records from the institution has released or failed to destroy such records in violation of this policy, it will prohibit access to educational records for five (5) years. Records of requests for disclosure no longer subject to audit, nor presently under request for access, will be maintained according to the school's applicable records retention policy.

Part 5. Identity Verification

College personnel will verify a student's identity before sharing non-directory information. The steps below will be taken to verify a student's identity.

1. In person: College personnel will ask for a government or college-issued photo ID.
2. By phone: College personnel will ask to verify at least two pieces of information about the student that exists in the Student Information System (SIS). The information to be verified includes student ID, birth date, or other identifiable data only available to that student. If this information is not in the SIS or if the student provides conflicting

information, they will be prompted to come to campus and show a government or college issued photo ID.

3. By email: College personnel will respond to questions sent from the North Hennepin email addresses and may respond using private educational data. Questions sent from other email addresses will be answered without the use of private educational data.

Part 6. Access to Educational Records by Student

Upon written request, the College shall provide a student with access to his or her educational records. There is no charge for viewing the records even if the college is required to make a copy of the data in order to provide access. Responses to requests by students to review their educational records shall be within ten (10) business days.

Upon request, the meaning of educational data shall be explained to the student by college personnel assigned to, and designated by, the appropriate office.

Students have the right to review only their own records. When a record contains private information about other student(s), disclosure cannot include information regarding the other student(s).

Students may request access to their educational records from the Registrar in the Office of Records and Registration.

Part 7. Grades and Student Transcripts

Grades and transcripts are an essential element of educational data and the following supplemental policies shall govern these records at North Hennepin Community College.

1. Faculty will take care to not reveal individual student grades. If grades are posted at a location accessible to all students, no private educational data, including name, social security number, or any part of those identifiers may be used in conjunction with posted grades;
2. Student grades will not be revealed over the phone;
3. All requests for transcripts must be received in writing via secure web form, fax, mail, or in person;
4. Official copies of academic records or transcripts will not be released for students who have an outstanding obligation to the college, unless otherwise required by law.

Part 8. Procedure to Correct Educational Data

Students have the right to ask to have educational data corrected under the following circumstances: the student believes the data are inaccurate, misleading, or in violation of the student's privacy. Below are the procedures for the correction of educational data.

1. A student must request, in writing, that the Registrar amend educational data. In so doing, the student must identify the data to be amended and specify why the student believes it is inaccurate, misleading or in violation of his or her privacy rights.
2. The Registrar will decide whether or not to comply with the request. If the college decides not to comply, the Registrar will notify the student of the decision and advise the student of his or her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, North Hennepin Community College will arrange for a hearing and notify the student in advance of the date, place, and time of the hearing.
4. The hearing will be conducted by the Chief Student Affairs Officer. The student shall be afforded ample opportunity to present evidence relevant to issues raised in the original request to amend the student's educational data. The student may be assisted by a North Hennepin Community College faculty or staff member serving in an advisory capacity.

5. Chief Student Affairs Officer 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 North Hennepin Community College decides that the information is inaccurate, misleading, or in violation of the student's privacy rights, the educational data will be amended and the student notified, in writing, of the change.
7. If North Hennepin Community College decides that the challenged information is not inaccurate, misleading, or in violation of the student's privacy rights, the student will be notified that he or she has the 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.

The statement will remain part of the student's educational data as long as the contested information is maintained. If North Hennepin Community College discloses the contested portion of the educational data, it must also disclose the student's statement.

Part 9. Applicable Laws

Copies of FERPA, MGDPA, and the Solomon Amendment can be found online.

1. FERPA
 - a. 20 U.S.C. 1232g
<http://www.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf>
 - b. 34 CFR Part 99
<http://www.ed.gov/legislation/FedRegister/finrule/2004-2/042104a.pdf>
2. MGDPA
 - a. Chapter 13:
<http://www.revisor.leg.state.mn.us/stats/13/>
3. Solomon Amendment
 - a. 32 CFR Part 216:
http://www.access.gpo.gov/nara/cfr/waisidx_03/32cfr216_03.html

Part 10. Contacting the Office of Records and Registration

Questions concerning data privacy should be directed to:

North Hennepin Community College
Office of Records and Registration
7411 85th Avenue North
Brooklyn Park, MN 55445
763-424-0719 (phone)
763-493-0563 (fax)
<http://www.nhcc.edu>
registration@nhcc.edu

Part 11. Notice of Data Practices Access Personnel

Students who have questions or concerns about obtaining access to educational data or other data practices issues may contact the campus Data Practices Compliance Official: Chief Human Resource Officer, Educational Services Building, 763-424-0955.

Requests for Educational Data should be directed in writing to Registrar, Educational Services Building, 763-424-0713.

Requests for Personnel Data should be directed in writing to Chief Human Resource Officer, Educational Services Building, 763-424-0955.

The address for North Hennepin Community College is 7411 85th Avenue North, Brooklyn Park, MN 55445. The college website address is <http://www.nhcc.edu>.

Review Action	Date(s)
Campus Community Review Period	March 21, 2012 – April 4, 2012
Shared Governance Council Review	April 27, 2012
Labor/Management Meetings Review	MAPE April 5, 2012 MMA April 5, 2012 AFSCME April 26, 2012
Student Senate Review	April 26, 2012
President Approval	June 4, 2012
Campus Community Dissemination	July 2012

History

- Formerly policy V.02.08, adopted 4/15/2008