Policy Implementing The Family Educational Rights and Privacy Act at the University of Central Missouri

This is a policy designated to state, in general fashion, the implementation of the Family Educational Rights and Privacy Act at Central. If there are any questions, or if further details are needed, you may contact the Office of the Vice Provost for Student Experience and Engagement for assistance.

1. Students Rights
   The Act provides students, and former students, certain rights which, generally stated, are:

   a) The right to review his or her education records and files and make copies, with certain exceptions.
   b) The right to have no educational data released to third parties unless the institution first has the consent of the student to do so.
   c) The right to be excluded from directories such as the student directory.
   d) The right to challenge, or object to, the contents of educational records on the grounds that they are inaccurate, misleading, or otherwise inappropriate.
   e) The right to file a complaint with the Family Policy Compliance Officer, US Department of Education.

2. Student Obligations
   It should be noted that the rights accorded to students, and former students, by the law have corresponding obligations and duties. For instance, when a student requests access to his or her records, he or she must follow the required procedures and likewise, when a student requests correction of a record, he or she must do so according to the procedures set forth in this policy.

Annual Notice

Notice of these rights will be published annually in booklet form; notices will also be posted online.

Directory Information

1. Publication of Information on Students
   The below-listed information is designated as "directory information" with respect to each student, or former student, and may be published in directories, programs, etc., or released to third parties without the consent of the student unless the student requests, by the proper date, that some or all of the below-listed information not be published or released without his or her prior consent.

2. When Student Must Request Exclusion
   The date by which a student must object if he or she wishes to have some or all of the below-listed information excluded from "directory information" in regard to him or her, is the end of the 5th day after classes have begun in any semester/session of the school year.

   Special individual notice may be provided, however, to any student stating that, because of particular circumstances, the student is being provided special notice of the right to request exclusion and that he or she will then have five days to make such a request should the student elect to do so.

3. Items of Directory Information
   a) Student's name

b) Student's mailing, physical and UCM student email address
c) Student's telephone listing
d) Student's age and place of birth
e) County, state, or US territory from which the student originally enrolled
f) Student's major field of study
g) Class (junior, senior, etc.)
h) Enrollment status (full-time, part-time, etc.)
i) Student's participation in officially recognized activities and sports
j) Weight and height of members of athletic teams
k) Student's dates of attendance and anticipated date of graduation
l) Student's degrees and awards received
m) Student's most recent previous educational agency or institution attended
n) Honors information

4. Procedure for Requesting Exclusion
A student wishing to exercise his or her right to exclusion must do so by executing a "Request for Exclusion from Directory Information" form. These and other forms mentioned in this policy can be obtained from the Office of the Vice Provost for Student Experience and Engagement.

Access to Records

1. The University shall provide students who are or have been in attendance at the University access to their educational records except as provided in #2 below.

2. Limitations on Access
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 recommendation that were placed in the education records prior to January 1, 1975.
c) Confidential recommendations respecting admission to the University, application for employment and receipt of an honor or honorary recognition, if the student has signed a waiver of the student's rights of access.
d) Other records not defined as education records.

3. Access Rights
The right to access as specified in #1 (above) 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 the 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 exceed the actual cost of reproduction.
d) The right to respond to reasonable requests for explanations and interpretations of the education record.
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.

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 its destruction.

The Policy regarding destruction of records has been established in accord with Sections 109.200 to 109.310 RSMo (1969) known as "The State Records Law". The policy for each of the specified offices listed below is presented in summary fashion. If a more detailed description of a particular office policy is desired, such can be obtained from the office involved; also, others having access (in addition to the attendant clerical staff) are shown.

1. List of education records maintained and open to student(s) and the custodian(s) of each:

   a) Academic record, Personal file: Office of the Registrar
      Custodians:
         Registrar
         Associate Registrar
      Others having access:
         Faculty and staff with a legitimate educational interest
      Policy on destruction:
         Academic record – permanent retention
         Personal file – 10 years retention
   b) Discipline files: Office of Vice Provost for Student Experience and Engagement
      Custodians:
         Vice Provost for Student Experience and Engagement
         Associate Vice Provost for Student Services
      Others having access:
         Staff in the above office with a legitimate educational interest.
      Policy on destruction:
         Personal files – destroy when no longer of reference value
   c) Graduate files: Office of the Graduate School
      General correspondence
      Graduation Cards
      Graduation Cards (inactive)
      Student folders (active & inactive)
         Masters and Education Specialists Certificates of Eligibility, 1965 to date
         Current term prospective degree candidates
         Minutes of the Graduate Council
         Reject folders, maintained electronically
      Custodian: Dean of the Graduate School
      Others having access:
         Faculty and staff with a legitimate educational interest
      Policy on destruction:
         Records of active graduate students kept on file in the Graduate Office. If not active for a period of one year, contents of folders maintained electronically. Folders of those receiving graduate degrees are maintained electronically in the Graduate Office. Application for Graduation card kept permanently in the Registrar's Office. General correspondence files are maintained as long as needed. Graduate Council minutes maintained permanently in the Graduate Office.

d) Financial Assistance and Scholarship files: Office of Student Financial Assistance Applications
Custodians:
Director of Student Financial Assistance
Assistant Director of Student Financial Assistance
Others having access:
Staff of the Office of Student Financial Assistance
Faculty and Administration with a legitimate educational interest
Policy on destruction:
Federal Perkins and Stafford Loan records – 5 years following payment in full of the loan
Federal Pell, SEOG, and Work Study employment records – 5 years after termination of enrollment

e) Collections: Student Accounts and Loans
Custodian:
Director of Student Accounts and Loans
Others having access:
Staff in the above office with a legitimate educational interest
Policy on destruction:
Promissory notes, permanent retention ledger cards, permanent retention balance of folder may be destroyed 3 years after last payment

f) Credential files: Office of Career Services
Custodian:
Director of Career Services
Others having access:
Staff in the above office with a legitimate educational interest
Policy on destruction:
Recommendation – 10 years if inactive

g) Veteran Educational Benefits files: Office of Student Financial Assistance
Custodian:
Veteran Services Clerk
Others having access:
Director of Student Financial Assistance and Veteran Services
Veteran Administration Representative
Secretary, Office of Veteran Services
Policy on destruction:
Retained while active; held as inactive for 5 years

h) Housing Office files: Office of University Housing Administration
Custodians:
Senior Director of University Housing and Residential Dining Services
Director of Residence and Greek Life
Associate Director of University Housing
Assistant Director of University Housing
Others having access:
Faculty and staff with a legitimate educational interest
Policy on destruction:
Student Housing files retained while active; held as inactive for 5 years
Housing change forms retained while active; held as inactive for 5 years
Student files retained while active; held as inactive for 5 years

i) University Relations files: Office of University Relations
Custodians:
Director of University Relations
Assistant Director Integrated Communication

Assistant Director Media Relations
Assistant Director Creative Services
Others having access:
Staff in the above office with a legitimate educational interest
Policy on destruction:
When no longer of reference value; however, there is a permanent record kept of every official news release which has been written

j) Intercollegiate Athletic Department files: Office of Director of Intercollegiate Athletics
Athletic Scholarships
Cumulative statistics and records of individual players
Custodian:
Director of Intercollegiate Athletics
Others having access:
Staff in the above office with a legitimate educational interest
Policy on destruction:
Scholarship files and purchase requests – when no longer of value or after 3 years

k) Elliott Union files: Office of the Director of Elliott Union, Meeting and Conference Services
Student Committee Involvement Data
Custodian:
Director of Elliott Union, Meeting and Conference Services
Others having access:
Staff in the above office with a legitimate educational interest
Policy on destruction:
5 years after graduation or when no longer of reference value

l) University Health Center files: University Health Center
Medical Records of UHC clients
Custodian:
Director of UHC
Others having access:
University Health Center staff with a legitimate work-related responsibility
Policy on destruction:
Retained until 10 years after last date of care

m) Counseling Center
Counseling files of Counseling Center clients
Custodian:
Director of Counseling Center
Others having access:
Counseling Center staff with a legitimate work-related responsibility
Policy on destruction:
Retained until 7 years after last contact, or 7 years after the client turns 18, whichever is greater

n) All Academic Colleges: College of Arts, Humanities and Social Sciences, Harmon College of Business and Professional Studies, College of Education, College of Health, Science and Technology, Honors College
Academic folders, general correspondence, graduate assistant program
Custodians:
Deans
Department Chairs
Others having access:
Coordinator of Graduate Studies
Academic and University staff with a legitimate educational interest
Policy on destruction:

Retention until graduation or 5 years after last enrollment

o) Teacher Education files: Department of Educational Foundations and Literacy, Department of Elementary and Early Childhood Education, and the Director of Clinical Services & Certification
Personal teacher education folder
Teacher certification records
Student teaching records
Custodians:
Dean of Education
Director of Clinical Services & Certification
Others having access:
Staff in above offices with a legitimate educational interest
Policy on destruction:
Personal teacher education folders – when no longer of reference value
Teacher certification records – when no longer of reference value
Student teaching records – when no longer of reference value except for student teaching time report cards, which are retained permanently

p) Testing Services files: Office of Director of Testing Services
Custodian:
Director of Testing Services
Others having access:
Student on whom scores were developed
Academic staff who need to know the student's scores
Staff in above offices with a legitimate educational interest
Policy on destruction:
When no longer of value

Release or Forwarding of Education Records or Data to Third Parties

1. Requests for educational data or information about a student, or former student, usually originate from either the student or from some third party, such as an employer or prospective employer of the student. The law provides that information from education records cannot be released to third parties unless the Institution first has the consent of the student, or former student to do so.

2. Exceptions to this policy are the following:
In relation to postsecondary institutions, prior consent is not required to disclose personally identifiable information:

a) To a school official who has a legitimate educational interest.
b) To schools in which a student seeks or intends to enroll (the institution must make an attempt to notify the student that records are being provided).
c) To federal, state and local authorities involving an audit or evaluation of compliance with education programs.
d) In connection with financial aid (such as the administration or continuation of aid).
e) To individuals or organizations conducting studies for or on behalf of an educational institution.
f) To regional or professional accreditation organizations.
g) To parents of a dependent student.
h) To comply with a judicial order or subpoena. A reasonable effort must be made to notify the student beforehand – unless so ordered by the subpoena not to do so.
i) In the event of a health or safety emergency where the information is required to resolve the emergency.

j) That is considered directory information, so long as the student has not requested nondisclosure of this information.
k) To the student.
l) That is the result of a disciplinary hearing where the student is the perpetrator of a crime of violence or a non-forcible sex offense. Under this exception, information may be released to anyone, including the media. No information on the victim or witnesses may be released.
m) Of a student under the age of 21 who has committed a drug or alcohol related offense (e.g., reporting the offense to the parents of the student).

3. Consent to Release
The federal regulations state that the consent must:

a) Be in writing
b) Be signed
c) Be dated
d) Specify the records or information to be released
e) Specify the reasons for the release
f) Specify the names of those to whom the records or information is to be released.

4. It should be noted that Central couldn't, therefore, honor a request to send records or information (other than directory information) to a third party unless the proper written consent is first provided to the University. If the student, or former student, requests that records be sent to a third party such as a prospective employer, the student, or former student, should be sure that the request also complies with the requirements of consent to release the records. Those six basic requirements are outlined above.

5. If a request is received from a third party seeking information about a student, or former student, and the University does not, at the time, have the student's or former student's consent to release the information to that party, the third party will be so informed.

Waivers

1. Confidential Recommendations
A student may elect to waive his or her right of access to, or right to review:

a) Confidential statements such as letters of reference for admission to the University.
b) Confidential statements or references for recommendations to be used in securing employment.
c) Such confidential statements or letters of recommendation in regard to the receipt of an honor or honorary recognition.

2. Option to Waive Access (i.e., keep references confidential)
The University may not require a student to waive his or her right of access to review such statements or references and the decision to waive such a right should be made according to the student's wishes in the matter.

3. Notice to Reference
Individuals giving references in regard to students are usually notified of the confidentiality or non-confidentiality of their statements according to whether or not the student has waived his or her right of access to such records.

4. Procedure to Waive

In most instances a student will be asked whether he or she wishes such confidential statements or letters of recommendation to be confidential or non-confidential and will be given the opportunity to elect to waive or not to waive his or her right to review the records. If a student has a question in regard to waiver and confidentiality of such recommendations and letters of reference, he should contact the custodian of the records involved.

5. Confidential References Prior to January 1, 1975
   The regulations provided that all letters of reference and confidential statements provided to the Institution prior to January 1, 1975, shall remain confidential and not subject to review by the student, or former student.

Modification of Education Records

1. Request for Change of Data
   A student seeking deletion, alteration, or modification of an educational record or any part thereof must notify the custodian of the record specifying the record in question and stating the specific reasons for the requested correction and the specific objection to the record as it stands in the file. The request must specify the remedy sought (e.g., deletion of certain items, change in wording, correction in figures or other data).

2. Initial Determination
   The custodian will then review the request and grant or deny, in whole or in part, the request; or, in the alternative, may first schedule a conference to discuss the matter with the student, or former student, after which the custodian will then render a decision. The student, or former student, will be sent notification of the decision within two days thereafter.

3. Formal Hearing
   If all of the above procedures have been completed and the student, or former student, has not received satisfactory relief, he or she may then request a formal hearing.

   a) Hearing procedure
      The student will have, at the formal hearing, the opportunity to present evidence and argument to a hearing committee in support of his or her contention that the records are inaccurate, misleading, or otherwise inappropriate. The student, or former student, may be assisted by counsel of his or her own choosing if so desired, may present witnesses, will be entitled to cross examination and will have the burden of proof. The institution may present a case in rebuttal with the same aforementioned procedural rights.
   b) Initiation of procedure
      In order for the student, or former student, to avail himself or herself of the opportunity for a hearing to challenge the contents of a record, the student, or former student, must submit a written appeal to the custodian of records in question and the Vice Provost for Student Experience and Engagement. The sole grounds upon which a hearing may be granted are allegations that the records are inaccurate, incorrect or otherwise inappropriate. Any of these alleged grounds must be supported by specifically named reasons or listed on the written appeal.

4. Decision
   The committee will then render a decision within five days in writing and stating its findings of fact, conclusions and a decision granting or denying the challenge in whole or in part.