

# Student Access to Educational Records

## Definitions

Educational Records are those records, files, documents, and other materials which (1) contain information directly related to a student, and (2) are maintained by Middle Tennessee State University or by a person acting for the University. "Records" means information recorded in any medium, including, but not limited to, the following: handwriting, print, tapes, film, CDs, cartridges, diskettes, and disk storage devices. Educational records do not include (1) personal notes, (2) records available only to law enforcement personnel, (3) employment records, (4) medical and psychiatric records (these are accessible by the student's physician).

For all nondisciplinary purposes, a student is any person who is or has been enrolled (registered for at least one class) at Middle Tennessee State University. An applicant who does not enroll or who is declared ineligible has no inherent right to inspect his or her file. Wherever "student" is used in reference to personal rights, an eligible parent of a dependent student has similar rights. This "eligible" parent is one who has satisfied Section 152 of the Internal Revenue Code of 1954 and who presents such proof to the custodian of the educational records. Normally this proof will be a certified copy of the parent's most recent federal income tax form.

Directory information includes the student's name, address (including e-mail), telephone listing, year and place of birth, major field of study, enrolled hours, student level (freshman, sophomore, etc.) 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. A student may request that such directory information not be released to anyone other than those persons defined as school officials. To do so, a Request for Nonrelease of Directory Information must be filed in the Records Office, Cope Administration 106. A student may request the nonrelease be honored until the end of the semester, until graduation or ceased enrollment, or indefinitely. A student must notify the Records Office in writing to resume the release of directory information.

A school official is a person employed by the University as an administrator, instructor, supervisor, or support staff member.

A legitimate educational interest exists if the official needs to review an educational record to fulfill his or her professional responsibility.

Having access to an educational record means being allowed to see the original record.

## Release of Personally Identifiable Student Educational Records

Middle Tennessee State University shall not permit access to or the release of any information in the educational records of any student that is personally identifiable (other than directory

information) without the written consent of the student to any party other than the following:

1. MTSU officials and staff who have legitimate educational interests;
2. officials of other schools in which the student seeks admission;
3. appropriate persons in connection with a student's application for, or receipt of, financial aid;
4. federal or state officials as defined in paragraph 99.37 of the Family Educational Rights and Privacy Act of 1974;
5. state and local officials authorized by state statute;
6. organizations conducting studies for or on the behalf of MTSU for the purpose of assisting in accomplishing the University's stated goals, when such information will be used only by such organizations and subsequently destroyed when no longer needed for the intended purpose;
7. accrediting organizations, to carry out their functions;
8. parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954 (Written consent may be allowed from either of these separated or divorced parents subject to any agreement between the parents or court order. In the case of a student whose legal guardian is an institution, a party independent of the institution, appointed under state and local law to give parental consent, may be allowed to do so.);
9. in compliance with judicial order or subpoena, provided that the student is notified in advance of the compliance unless the issuing court or agency has ordered that the existence or the contents of the subpoena or the information furnished not be disclosed; or
10. appropriate persons in connection with an emergency if such knowledge is necessary to protect the health or safety of a student or other persons.

**NOTE:** With the exception of MTSU officials and staff who have been determined by the University to have legitimate educational interests, all individuals and agencies who have requested or obtained access to a student's record (other than directory information) will be noted in a record which is kept with each student's Educational Record. A request must be in writing stating the purpose of the request. This record will also indicate specifically the legitimate interest that the persons or agency had in obtaining the information.

## Procedures for Accessing Educational Records

Eligible students have a right to inspect and review their Educational Records. To do so the student must request the custodian make the records available. The student may ask for an explanation and/or a copy of the record. (The price of the copies shall not exceed the cost of duplicating the record.) The records shall be made available within 45 days after the request. After consultation with the custodian the student may seek amendment of the records the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. If there is a disagreement between the student and the custodian as to the correctness of the data contained in the record, the student may submit a request for a formal hearing. The request and the formal challenge to the content of the records must be presented in writing to the chair of the Student Appeals Committee. The chair shall call a meeting no later than 45 days after receipt of the written appeal and challenge. The committee will allow the student to present evidence to substantiate appeal and shall render a written decision to the student within 45 days after the meeting.

Complaints of alleged failure of the institution to comply with the Family Educational Rights and Privacy Act may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.

**NOTE:** *This procedure does not provide for a hearing to contest an academic grade.*

### **Exclusions**

Right of access does not include

1. financial records of parents or any information therein;
2. confidential letters and statements of recommendation placed in the educational record of a student prior to January 1, 1975;
3. records to which access has been waived by a student. (This applies only if a student, upon request, is notified of the names of all persons making confidential recommendations and if such recommendations are used solely for the purpose for which they were intended.)

### **Destruction of Educational Records**

Educational records may be destroyed except that a student shall be granted access prior to destruction if such is requested.

### **Informing Students**

MTSU informs its students of the policy governing privacy rights of students' Educational Records by publishing the policy in the University Catalogs. *A listing of the types of records and related information may be found in the undergraduate catalog.*

