500 Access to Education Records

Approved by President

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Sidney A. McPhee, President

Effective Date: ____________, 2020
Responsible Division: Student Affairs
Responsible Office: Records and Scheduling
Responsible Officer: University Registrar

I. Purpose

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. This policy outlines those rights, provides definitions of related terms, and describes the circumstances under which Middle Tennessee State University (MTSU or University) may release personally identifiable information (PII).

II. Definitions

A. Education Records. Those records, files, documents, and other materials which contain information directly related to a student and are maintained by MTSU or by a person acting for the University. Education records refer to information recorded in any medium including, but not limited to, handwriting, print, tapes, film, CDs, emails, or electronic devices. Education records do not include: (1) personal notes not accessible or revealed to others; (2) records maintained by law enforcement personnel solely for law enforcement purposes; (3) employment records (except those of student employees); (4) medical, psychological, and psychiatric records (these are accessible by the student's physician); or, (5) records created or received after an individual is no longer a student in attendance that are not directly related to the individual's attendance as a student.

B. Student. For all non-disciplinary purposes, a student is any person who is or has been enrolled (registered for at least one [1] class) at the University. An applicant who does not enroll or who is declared ineligible has no inherent right to inspect their file. Wherever student is used in reference to personal rights, an eligible parent of a dependent student has similar rights. The 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 education records. Normally, this proof will be a certified copy of the parent's most recent Federal income tax form.
C. Directory Information. Information deemed to be directory in nature may, at the University’s discretion and pursuant to Policy 120 Public Records-Inspecting and Copying, be disclosed to third parties without a student’s prior written consent. 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 Non-Release of Directory Information must be filed with the MT One Stop. The request is valid until the student requests the University to remove it. A student must notify the Registrar’s Office in writing to resume the release of directory information.

1. Directory information includes the following information which may be provided to any requesting party:

   a. Student name;
   b. City of permanent place of residence;
   c. Photograph or video when related to a MTSU activity;
   d. Birth year;
   e. Major field of study;
   f. Enrollment status (full-time, part-time, withdrawn);
   g. Student level (freshman, sophomore, etc.);
   h. Dates of attendance;
   i. Degree status (expected graduation date and/or dates conferred);
   j. University-recognized honors and awards and dates received;
   k. Participation in officially recognized activities/sports, including weight and height of members of athletic teams; and
   l. The most recent educational agency or institution attended by the student.

2. Directory information also includes the following information that may only be provided to requesters for a legitimate educational purpose or in relation to a MTSU activity.

   a. Email addresses (campus and personal);
   b. Mailing addresses (campus, primary, and permanent); and
c. University ID Number (M#).

D. Student Recruitment Information. The following information may be released to military recruiters pursuant to the Solomon Amendment, 10 U.S.C. § 983, a federal law that allows military recruiters to access some addresses, biographical, and academic program information on students age 17 and older. MTSU may release data included in the list of student recruitment information even if it is not included on our listing of directory information.

Student recruitment information includes:

1. Name;
2. Address;
3. Telephone listing (not defined as directory at MTSU);
4. MTSU email address;
5. Age;
6. Place of birth;
7. Level of education or class standing;
8. Most recent educational institution attended; and

E. School Official. A person employed by MTSU in an administrative, supervisory, academic, research, or support position (including law enforcement unit personnel and health staff); a person or company with whom MTSU has contracted as its agent to provide a service instead of using University employees or officials; a person serving on the MTSU 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 their tasks.

III. Student Rights in Their Education Records

Pursuant to FERPA, students have the right to inspect and review their education records, to seek their amendment, to consent to disclosure of these records, and to file complaints with the U.S. Department of Education concerning alleged failure by the University to comply with FERPA. Further information concerning these rights is available by contacting records@mtsu.edu, 615-898-5170, or submitting a Request to Review Education Records form.
IV. Release of Personally Identifiable Student Education Records

The University shall not permit access to, or the release of, any information in the education records of any student that is personally identifiable, other than directory information, without the written consent of the student.

However, there are several exceptions which allow the University to disclose PII without the student’s prior written consent. One such exception concerns disclosures to school officials with legitimate educational interest in the record. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the University.

With the exception of school officials who have been determined by the University to have a legitimate educational interest, all individuals and agencies who have obtained access to a student’s record (other than directory information) will be noted in a record which is kept with each student’s education record. A request must be in writing stating the purpose and the legitimate interest of the request.

Further, MTSU may provide education records and PII contained in such records to officials of another institution 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 enrollment or transfer.

Additionally, education records and PII contained in such records (including Social Security numbers, grades, or other private information) may be accessed without student consent in certain circumstances. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities (Federal and State Authorities) may allow access to education records and PII without student consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is principally engaged in the provision of education, such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to education records and PII without student consent to researchers performing certain types of studies, in certain cases even when the University objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without student consent PII from education records, and they may track a student's participation in education and other programs by linking such PII to other personal information about the student that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

V. Accessing Education Records
Eligible students have a right to inspect and review their education records. To do so, the student must request the records custodian to make the records available. The student may ask for an explanation and/or a copy of the record. Charges for copies of the record will be assessed in accordance with Policy 120 Public Records-Inspecting and Copying.

The records shall be made available within forty-five (45) days after the request. After consultation with the records custodian, the student may seek amendment of the record(s) 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 records custodian as to the correctness of the data contained in the record, the student may submit a request for a hearing.

The request and the formal challenge to the content of the records must be presented in writing to the chair of Student Appeals Committee. The chair shall call a meeting no later than forty-five (45) days after receipt of the written appeal and challenge. The committee will allow the student to present evidence to substantiate the appeal and shall render a written decision to the student within forty-five (45) days after the meeting. If the University decides not to amend the record, it shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the committee.

NOTE: This policy does not provide for a hearing to contest an academic grade, which is set forth in Policy 313 Student Grade Appeals.

VI. Exclusions

The right of a student to access their education records does not include access to:

A. Financial records of parents or any information therein;

B. Confidential letters and confidential statements of recommendation; or,

C. 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 seeking confidential recommendations and if such recommendations are used solely for the purpose they were intended.

VII. Complaint Process

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. Such complaints may be submitted to:
VIII. Notice to Students

MTSU informs its students of the policy governing privacy rights of students' education records (FERPA) via the online catalog, semi-annual emails, and the University website.

Forms:

Request to Review Education Records

Revisions: June 5, 2017 (original); ______, 2020.

Last Reviewed: _____ 2020.