

Family Educational Rights and Privacy Act (FERPA) Notification of Rights

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords students certain rights with respect to their education records.

Student Rights

These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the Registrar, Dean, Head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before [University] discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to University officials with legitimate educational interests. A University official typically includes a person employed by the university in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); or a student serving on an official committee, such as a disciplinary or grievance committee.

A university official also may include a volunteer or contractor outside of the university who performs an institutional service of function for which the university would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another University official in performing his or her tasks. A University official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

Upon request, the University discloses education records without a student's consent to officials of another University in which a student seeks or intends to enroll.

Directory Information

The University has designated certain information as "directory information" which it may disclose without the student's written consent. Montana State University has designated the following as directory information.

1. name, campus address, home address, telephone listing and campus e-mail address.
2. state of residence
3. age, date, and place of birth
4. sex and marital status
5. name of advisor
6. name and address of parent(s)
7. major field of study, including the college, division, department, or program in which the student is enrolled
8. classification as a freshman, sophomore, junior, senior, or graduate student, or by number referring to such cases
9. participation in officially recognized activities and sports
10. weight and height of members of athletic teams
11. dates of attendance and graduation, and degrees received
12. the most recent educational institutional attended
13. honors and awards received, including selection to a Dean's list or honorary organization, and the grade point average of students selected
14. photographic, video or electronic images of students taken and maintained by the University

Any student may refuse to permit the university from designating any or all of the personally identifiable information designated as directory information with regard to his or her records. Any student wishing to exercise this right must inform the University Registrar in writing no later than the 10th class day of the semester, of the categories of personally identifiable information which are not to be designated as directory information with respect to that student.

FERPA permits the disclosure of certain information from the students' education records without the consent of the student if the disclosure meets certain conditions as outlined in the federal regulations (34 C.F.R. §99.31. The University will comply with the requirements of FERPA as outlined in 20 U.S.C. 1232G and 34 C.F.R., Part 99.

Complaints

Students who believe the university has failed to comply with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education concerning alleged failures by MSU to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202