

# Pine Technical College

## Policy and Procedure

**Policy Number:** 313R **Date:** December 1, 2004  
**Division/Department:** Student Affairs **Author:** Phil Schroeder  
**Subject:** Student Data Privacy Policy

**Authorities:**

- Family Educational Rights and Privacy Act of 1974
  
- Minnesota Data Practices Act
  
- Solomon Amendment

**Purpose:**

The purpose of this policy is to outline college procedures ensuring compliance with the Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act (MGDPA).

**Policy:**

It is the intention of Pine Technical College to comply with the provisions of the Minnesota Data Practices Act and Federal Educational Rights and Privacy Act of 1974.

PTC maintains only those educational records within the definition of law which are essential to the process and procedures required to develop and maintain an accurate academic record for each student and to support such student accounting needs and requirements as imposed by law, state and federal regulations, and college operations. These records may be found in some or all of the following offices: Student Affairs (including counseling services, disability services, financial aid, admissions and records, advising, and student life), Academic Affairs (including departmental and program faculty), Business Office, and Human Resources (student employees). This policy applies to all students, including those under the age of 18, regardless of dependent status.

*Definition:*

Definitions of Student Data (educational data)

1. The term "student" includes a person currently or formerly enrolled and applicants for admission, including PSEO students and others under the age of 18.,
  
2. Student data means, in general, all data in which any individual is or can be identified. By statute, data on students is termed "educational data."
  
3. Records of instructional personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute teacher and are destroyed at the

end of the school year shall not be subject to the restrictions of this policy.

4. Records relating to a student as an employee shall be subject to personnel policies unless this employment is contingent upon attendance.

#### *Public Student Data*

This data is accessible to any member of the public for any reason. It includes the following items:

1. Statistical studies on students where individuals cannot be identified, including follow-up, profiles, enrollments, and financial aid.

2. Directory information.

#### *Directory Information*

The following information has been designated as "directory information" and is available to any member of the general public. It is considered public data unless the student requests in writing that this data be treated as private.

1. Name

2. Hometown

3. Program major

4. Status with regard to full time/part time

5. Certificates, diplomas, degrees earned and awards received

6. Dates of enrollment

7. Participation in school events

8. Campus email address

If a student does not want this information released, he/she must request confidentiality in writing. This must be done within two weeks after the term or class begins; a form is available in the Admissions Office for this purpose.

#### *Release of Information: Solomon Amendment*

Under the Solomon Amendment, Federal law requires the college to allow military recruiters access to the campus and to provide them with student recruiting information.

The following information must be provided for students between the ages of 17 and 34 to military recruiters upon request:

1. Name

2. Address

3. Telephone listing
4. Date of birth
5. Level of education (freshman, sophomore, etc.)
6. Academic Major
7. Certificates, diplomas, degrees earned
8. Educational institution in which the student most recently was enrolled

Students' requests for confidentiality as noted above under Directory Information applies to the Solomon Amendment as well.

*Private Student Data*

This data is not accessible to the public. It is accessible to the student, to individuals or agencies authorized by law to gain access, and to any person or agency having the approval of the student. Unless there is a specific law stating otherwise, or as stated elsewhere in this rule, educational data is presumed to be private. Private data includes:

1. Academic information, including transcripts, grades, and test results.
2. Recommendation information.
3. Evaluations.
4. Profile information which identifies individuals.
5. Student financial aid records and other financial information.
6. Background information, including behavior, performance, and traits.
7. Counselor records, except if they contain information otherwise classified as confidential or as public.

*Confidential Data*

This data is not accessible to the public or to the student. It is accessible only to individuals or agencies authorized by law to gain access. Confidential data includes:

1. Investigation information collected for purposes of active or pending legal action, prior to such action.
2. Investigation information collected for purposes of anticipated suspension or expulsion of students for disciplinary reasons, prior to the formal action.
3. Legal counsel.

4. Financial records and statements of a student's parents.

**Procedure:**

Access to Private Data on Students

Private student data shall be disclosed only:

1. To the student who is the subject of the data.
2. To officials or to other schools upon written request of the student.
3. To any person or agency if the student has given informed consent.
4. To other college personnel and system office personnel who have legitimate educational interests. Authorized personnel include:
  - a. Persons employed by the College in an instructional, administrative, supervisory, advisory, research, or support staff position.
  - b. Persons employed by or under contract to the College to perform a special task, such as an attorney or auditor.
  - c. Students serving on an official committee, such as a disciplinary or grievance committee, or who are assisting another school official in performing his/her tasks.
5. In connection with a student's application form, or receipt of, financial aid.
6. To federal or state authorities in connection with the audit and evaluation of federally-supported educational programs.
7. To state and local officials, as may be required by state statute existing prior to November 19, 1974.
8. To accrediting organizations in order to carry out their accrediting functions.
9. To the alleged victim of a crime of violence when the College has the results of any disciplinary proceedings conducted by the College against an alleged perpetrator of that crime.
10. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of:
  - a. Developing, validating, or administering predictive tests.
  - b. Administering student aid programs.
  - c. Improving instruction.

11. To appropriate persons, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

12. On the basis of a valid court order, or a lawfully issued subpoena - but only after calling the court's attention, through proper channels, to the statutory provisions, rules, or regulations which restrict the disclosure of such information. The College may disclose records to a court without a court order or subpoena when the institution initiates legal action against a student and gives the student prior notice of the intended disclosure.

13. To appropriate health authorities, but only to the extent necessary to administer immunization programs.

14. For other purposes stated to the student at the time of collection.

*Student Rights Regarding Personal Information (Tennessee Warning)*

Students asked to supply private or confidential data concerning themselves shall be informed of:

1. The purpose and intended use of the data.
2. Whether one may refuse or is legally required to supply the requested data.
3. Any known consequences arising from supplying or refusing to supply private or confidential data.
4. The identity of other persons or entities authorized by state or federal law to receive the data.
5. Whether the college maintains any data on him or her and what the classification of that data is. This includes confidential data.
6. The right to review all private or public data (on self) without any charge.
7. The right to receive copies of private or public data (on self). The agency may charge a fee, which covers the actual costs involved, for providing copies.
8. The right to be informed as to what is classified as directory information, and on request have any or all of it treated as private data.
9. The right to contest, in writing, the accuracy or completeness of public or private data.
10. The right to file a complaint with the College or the U.S. Department of Education for any alleged noncompliance with this policy.

This notice will be made available in the College's General Catalog, Student Handbook, and Web site. Tennessee Warnings will be posted at all locations collecting private student data – i.e.: admissions office, business office, customized training office.

Tennessee Warning is attached.

*Records of Requests and Disclosures*

The college shall include copies of any student's signed release of information forms with the educational records of each student. Parties who have requested or obtained access to a student's educational records, will also be noted

**Dissemination:**

Students will be informed of this policy by the following methods: Inclusion in the College Catalog, the Student Handbook and PTC's Web site. This policy will also be covered at new student orientation sessions. Copies will also be included in the Faculty and Staff Handbooks.

**Reviewed by Leadership Team:** 6/30/03, 7/14/03, 7/28/03, 11/29/04

**Reviewed by Joint Governance:** 9/8/03

**Approved:** 9/8/03

**Revised:** 11/29/04

**Date:** \_\_\_\_\_

Robert L. Musgrove, Ph.D., President

*Data Privacy/Tennessee Warning*

Pine Technical College is asking you to provide information which includes private information under the Minnesota Government Data Practices Act. The College only requests private information and maintains only those educational records which are essential to develop and maintain an accurate academic record for each student.

**Private Data**

The following information is defined as Private Data under state and/or federal laws: birthdate, sex, social security number, and other data of a personal nature. In general, this information may not be released to others without your consent. Only certain entities authorized by law, or under court order, are eligible to receive and use this data. They include:

1. College personnel and system office personnel who have legitimate educational interests, including those under contract to the College to perform a special task, such as an attorney or auditor.
2. Federal or state authorities in connection with the audit and evaluation of federally-supported educational programs.
3. Alleged victim of a crime of violence when the College has the results of any disciplinary proceedings conducted by the College against an alleged perpetrator of that crime.
4. Appropriate persons, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
5. A valid court order, or a lawfully issued subpoena.

Submission of this data is voluntary. However, failure to do so may result in delays in admission, registration, financial aid or the provision of other educational support services for which you are

eligible.

### *Directory Information*

The College has determined the following as Directory Information:

- Student's name - Certificates, diplomas, degrees earned
- Home town - Awards received
- Program major - Participation in college events
- Full or part-time status - Dates of enrollment
- Campus email address

Directory information is considered public and may be released without your permission unless otherwise requested. Confidentiality requests must be made through the admissions office within two weeks of starting a class or program.

### *Confidential Data*

This data is not accessible to the public, or to the student. It is accessible only to individuals or agencies authorized by law to gain access. Confidential Data includes:

1. Investigation information collected for purposes of active or pending legal action, prior to such action.
  
2. Investigation information collected for purposes of anticipated suspension or expulsion of students for disciplinary reasons, prior to the formal action.
  
3. Legal counsel
  
4. Financial records and statements of a student's parents.

You have the right to see all data collected about you, request copies, have its use explained to you, and challenge its accuracy. Requests may be made through the Dean of Academic Affairs.

7/03