Family Educational Rights & Privacy Act (FERPA) 1974

Notice of Student Rights and Responsibilities
The Family Educational Rights and Privacy Act of 1974, as amended (also referred to as the Buckley Amendment), is a federal law regarding the privacy of student educational records and the access provided to those records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements.

What Are Educational Records?
Under FERPA, educational records are defined as records that are directly related to a student and are maintained by an institution or by a party acting for the institution. Educational records can exist in any medium, including: typed, computer generated, videotape, microfilm and email, among others.

- The law applies to all students in higher education, regardless of age, once they begin attending classes. The law continues to apply to students even after they have graduated, but ceases to apply upon the death of the student.

- The University will not release information, other than directory information, from a student’s educational record without the student’s prior written consent, except to authorized persons and organizations. Even parents are not permitted access to their child’s educational records unless the student has provided written authorization permitting access.

- Authorized persons and organizations are those who have a legitimate educational interest.

  1. A legitimate educational interest means that the person or organization is required to perform certain duties and these duties involve the use of student data.

- Authorized persons include employees of Missouri Southern State University (including but not limited to: staff, instructors, advisers, and campus police), third parties with a legitimate educational interest, the U.S. Department of Education and other education authorities carrying out official duties, as well as financial aid lenders. Also included are organizations which MSSU has contracted as agents of the University. An example is the National Student Clearinghouse.

- There are exceptions to the rule of non-disclosure, which involve health and safety. This means that to prevent sickness, injury or death, the University may disclose information usually held to be protected. Also, an agent of the court with a properly issued court order or subpoena may receive student data, though we will first attempt to notify the student before complying with the subpoena.

Directory Information
Directory Information at MSSU may be made available to the general public unless the student completes a Privacy Request form in the Office of the Registrar. In the case of a Privacy Request, the University will not release any information, even directory information. This restriction does not apply when providing information to those who have a legitimate educational interest.

The following is considered Directory Information:
Student’s name, student identification number, address, email address, telephone listing, date and place of birth, photograph, major field of study, year in school, grade level, dates of attendance, enrollment status (full-time or part-time), degrees, honors and awards received, participation in officially recognized activities and sports (includes height and weight of team members), most recent previous educational agency or institution attended and next of kin or spouse (emergency only).

STUDENTS HAVE CERTAIN RIGHTS UNDER FERPA, THESE INCLUDE:

- The right to inspect and review their educational records within 45 days of a request for access. Students should submit to the Registrar a written request that identifies the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. The institution may refuse to provide a copy of a student’s education record provided such refusal does not limit access.

- The right to request the amendment of education records that the student believes are inaccurate. The student should write the University Registrar, clearly identify the part of the record they want changed and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her 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.

- 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.

Limitations exist on students’ rights to inspect and review their education records. For example, the institution is not required to permit students to inspect and review the following:

- Records which do not contain educational information or do not fall into the category of educational records because of how they are maintained.

- Financial records of parents.

- Confidential records placed in education records prior to 1975 if they are used as intended.

- Confidential recommendations or receipts of honors if the student has waived the right of access to such information.

- Documents containing information on more than one student.

Please refer to the Academic Standards section on page 42 for academic policies.