

Northern Michigan University FERPA policy

The Family Educational Rights and Privacy Act (“FERPA”) is intended to protect the confidentiality of student records and to give students access to their records to assure the accuracy of their contents. The act affords a student the following rights with respect to his/her education records:

1. The right to inspect and review his/her education records within 45 days of the day Northern Michigan University receives a request for access to the record.

A request is to be made in writing to the appropriate school official (see below for definition of school official). The school 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 school 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 an amendment of an education record that is believed to be inaccurate or misleading.

The student must submit a request in writing to the school official responsible for the record. The request should clearly identify the part of the record he/she believes to be inaccurate or misleading and what, specifically, is not accurate and should be changed. The school official will either make the requested change or notify the student that the request was denied, why it was denied, and advise the student of his/her right to a hearing regarding the request for amendment.

3. The right to consent of disclosure of personally identifiable information contained in one’s education record, except to the extent that FERPA or any other applicable law authorizes disclosure without consent.

There are several exceptions under which the University is permitted to disclose information regarding a student’s record without consent. The primary exception is disclosure to school officials with a legitimate educational interest. The school official has a legitimate educational interest if the Official needs to review an education record in order to fulfill his/her professional responsibility. See “Exceptions to Student Consent for Release of Education Records” section for additional exceptions.

4. 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. The contact information for the office that administers FERPA is:

The Family Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605
(202) 260-3887

Definitions

Directory information: The following items of student information have been designated by Northern Michigan University as public or “directory” information:

- name
- local address, local telephone number, permanent address, permanent telephone number
- NMU e-mail address
- dates of attendance at the University, enrollment status, degrees earned, honors, awards, participation in officially recognized University activities and sports (includes height and weight of student athletes), current term candidacy for degrees and/or teaching certification
- program level, class standing, major/minor
- photographs

Such information may be disclosed by the University at its discretion.

Student: Any person who attends or has attended Northern Michigan University. Student status begins as of the first day of class attendance.

Education Records: Any record (in handwriting, print, electronic form, tapes, film, or other medium) maintained by Northern Michigan University or an agent of the University which is directly related to a student, except:

1. Records kept in the sole possession of the maker which are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent upon the fact that he or she is a student, provided the record is used only in relation to the individual’s employment.
3. Records maintained by Northern Michigan University if the record is maintained solely for law enforcement purposes, and is revealed only to law enforcement agencies of the same jurisdiction. Such records do not include those created by a law enforcement unit which are maintained by a component of the educational institution other than the law enforcement unit, or records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational institution.
4. Medical and health records maintained by Counseling and Consultation Services or the Health Center, if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Post-attendance records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.

School official: A school official is a member of the institution who acts with a legitimate educational interest within the limitations of their need to know. Northern Michigan University recognizes the following as school officials:

- Faculty
- Administration
- Technical and office professionals

- A person or company with whom the University has contracted, such as an attorney, auditor, or collection agent
- Members of the Board of Trustees
- The Alumni Association and Foundation
- Student employees
- Students serving on an official committee, such as a disciplinary or grievance committee or one assisting another school official or performing his or her duty

Consent for Disclosure

Consent for the disclosure of a student's education record must be in writing, signed, and dated by the student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed. Consent for such disclosures can only be granted for specific records or circumstances and for a limited amount of time. If a time period is not specified, the consent will be considered to be in effect until the end of the semester during which it was given. Northern Michigan University does not accept general waivers permitting the release of records to other individuals for an extended period of time.

Record of Disclosure

Except where not required under FERPA regulations (e.g., disclosures of directory information), the University will inform all third parties to whom personal information from a student's education record is released that no further release of such information is authorized without written consent of the student. Northern Michigan University will maintain a record of third parties who have requested or obtained access to Educational Records and/or disclosure of such information from a student's education records, excluding those disclosures permitted under FERPA (outlined below in "Exceptions to Student Consent for Release of Education Records"). The office which received the request and provided the disclosure is responsible for maintaining this record.

Exceptions to Student Consent for Release of Education Records

FERPA allows for several exceptions for which information may be released without the student's consent. Northern Michigan University has identified the following as situations in which information may be released without consent to:

1. University Officials with a legitimate educational interest who have a "need to know."
2. Other schools at which the student intends to enroll or is currently enrolled.
3. Other institutions where the student formerly attended, for the purpose of verifying information regarding the student's educational record at that institution.
4. State/local education authorities.
5. Comply with a judicial order or a lawfully issued subpoena.

6. U.S. Attorney General or a designee in compliance with the USA Patriot Act.
7. Accrediting organizations.
8. Employment or degree verification agencies such as the National Student Loan Clearinghouse and Credentials, Inc.
9. Appropriate parties if a health or safety emergency exists and the information will assist in resolving the emergency.
10. An alleged victim of any crime of violence or the results of any institutional disciplinary proceeding regarding the alleged perpetrator of that crime with respect to that crime.
11. Anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense (Foley Amendment).
12. Parents of a student who has been found responsible for any serious first violation, second violation, and subsequent violations of law or of University policy involving use or possession of alcohol or controlled substances if the student is under age 21 at the time of the disclosure (Warner Amendment).

Request for Non-Disclosure of Directory Information

Directory information may be released freely unless the student files the appropriate form requesting that their information be restricted. Students can make this request at the Registrar's Office (2202 Hedgcock) during University business hours. In order for directory information to be excluded in the University directory, requests for non-disclosure must be received by the Friday of the second week of classes during the Fall Semester of each year. Once a request for non-disclosure is made by a student, it remains in effect until the student notifies us otherwise. Students are cautioned about the implications of restricting this information, as it also means the student cannot be listed in any University listing or publication, to include the Dean's list, graduation programs, and other such listings.

Annual Notification

Students will be notified of their FERPA rights annually by publication in the "Registrar's Update" electronic newsletter, sent to all currently enrolled students in August and by publication in the University Bulletin.