



## **OP 30.02 Education Records**

### **PURPOSE**

The purpose of this Operating Policy and Procedure (OP) is to clarify policies and procedures which relate to student education records at Mississippi State University. This policy is adopted pursuant to the Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. §1232g (“FERPA”), and is not intended to impose any restrictions or grant any rights not specifically required by this Act. This policy supplants and replaces Academic Operating Policy and Procedure 10.06 and 12.13.

### **REVIEW**

This OP will be reviewed every four years or whenever circumstances require an earlier review by the University Registrar with recommendations for revision presented to the Provost and Executive Vice President.

### **POLICY/PROCEDURE**

The University recognizes that the maintenance of student information and education records is necessary and vital to assist the student’s education and development and to provide opportunities for University research and policy formulation. The University recognizes its obligation to exercise discretion in recording and disseminating information about students to insure that their rights of privacy are maintained.

The University will furnish annual notification to students of their right to inspect and review their education records, to request amendment of education records considered by them to be inaccurate or misleading or that violate privacy or other rights, and to a hearing should the University decline to amend such records. The annual notice will be published in the University’s bulletin. The University utilizes The Guide for Retention and Disposal of Records as published by the American Association of Collegiate Registrars and Admissions Officers as the policy for disposal of student records.

The following guidelines have been developed to insure the privacy rights of students. For the purposes of the policy, a student is defined as an individual who has been admitted and has been in attendance in a component unit of the University (OP 31.01). Classification as a student in one component unit of the University (e.g., an undergraduate program) does not imply that the person has been accorded the rights outlined below in other component units (i.e. graduate studies, professional schools, and branch campus).

### **Student Access to Education Records:**

Students have the right to be provided a list of the type of education records maintained by the University which are directly related to the student; the right to inspect and review the contents of those records; the right to a response from the University to reasonable requests for explanation and interpretation of those records; the right to an opportunity for a hearing to challenge the content of those records; and if any material or document in the education record of a student includes information on more than one student, the right to inspect and review only the part of such material or document that is related to the student.

Students do not have access to: financial records of their parents; confidential letters and statements of recommendation which were placed in the student's education records prior to January 1, 1975, provided such letters or statements were solicited or designated as confidential and are not used for purposes other than those for which they were specifically intended; confidential recommendations, if the student signed a waiver of the right of access, respecting admission, application for employment, and the receipt of an honor or honorary recognition. See 20 U.S.C. §1232g.

Students do not have access to: instructional, supervisory, and administrative personnel records which are not accessible or revealed to any other individual except a substitute; Campus Security records which are maintained apart from education records, which are used solely for law enforcement purposes, and which are not disclosed to individuals other than law enforcement officials of the same jurisdiction; and employment records except when such employment requires that the person be a student.

Students are not entitled to access to physical health records created by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity (or assisting in his/her paraprofessional capacity) that are made, maintained or used only in connection with the treatment of the student and are disclosed only to individuals providing the treatment. However, unless disclosure is determined to be detrimental to the physical or mental health of the student and notation to that effect is made in the student's treatment records, a student has the right to access his/her mental health records. Both physical and mental health treatment records may be reviewed by a physician or appropriate professional of the student's choice. See 20 U.S.C. § 1232g; Miss. Code Ann. § 41-21-102.

### **Procedures for Student Access to Education Records:**

Students should contact the appropriate office to inspect and review their education records. An office may require that a University official be present when a student inspects and reviews his education records. Any questions concerning a student's access to records should be directed to the Registrar. If a student's request for access is denied, the student has the option to appeal to the Registrar for review and a final decision.

The University is not required to provide a written copy of a student's education records to the student unless it is impossible for the University to arrange for the student to inspect and review the records. In instances in which the University elects to provide copies of education records,

the University may charge a reasonable fee. The University allows students to obtain copies of transcripts through the University Registrar. However, the University reserves the right to deny copies of education records, including transcripts, not required to be made available if the student has an unpaid balance with the University.

### **Directory Information:**

For purposes of this policy, directory information includes the following information: name; addresses; telephone numbers; email address; NetID; photograph; classification or grade level (freshman, sophomore, graduate student, etc.); fields (programs) of study (includes majors, minors, certificates, degrees); dates of attendance; full- or part-time status; degrees, awards and honors, and dates awarded; and most recent previous institutions attended. Participation in recognized University organizations, activities and sports, weight and height of members of athletic teams, and other similar information is also considered directory information. See 20 U.S.C. §1232g.

### **Release of Directory Information:**

Directory information may be released by the University without the student's written consent. A student, however, may deny the release of directory information by requesting that the information not be released. A student may make a request in writing to the Registrar to restrict the release of his/her directory information. Upon such written request, the student's official electronic record will be "flagged" and no information from the student's education records, including the student's directory information, will be released by the University (unless otherwise authorized under FERPA) and the student's information will not be displayed on the University's directory. A student may remove this restriction by notifying the Registrar in writing. Any restriction of the release of directory information will be reflected in the University's on-line directory.

Any restriction by a student of the release of his or her directory information does not apply if the University otherwise has the right to release the student's education records, including without limitation, to university officials with a legitimate educational interest as described below.

### **Release of Education Records:**

The University may release a student's education record(s) upon the student's written request. The student must:

1. Specify the records to be disclosed.
2. Include the purpose or purposes of the disclosure.
3. State the party or parties and the address to whom the information is to be disclosed.

In addition to other authorized disclosures permitted under FERPA, the University may release a student's education records to the following without prior written consent:

1. University officials who have a legitimate educational interest in the records. For purposes of this policy, University officials include faculty, staff, trustees, administrators, support staff and other employees, agents, volunteers (including without limitation students serving on official University committees), contractors or consultants of the University who in the performance of their duties, service or function on behalf of the University require access to student education records. 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 responsibility. Any questions regarding whether an individual is a University official with a legitimate educational interest should be directed to the University Registrar.
2. Officials of another school in which the student seeks or intends to enroll upon request of the transfer school.
3. Government representatives of the Comptroller General of the United States, the Secretary of Education, the U.S. Commissioner of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, State educational authorities, and State officials to whom such information is specifically required to be reported or disclosed by State law adopted prior to November 19, 1974.
4. Appropriate authorities in connection with financial aid with the understanding that only the necessary records will be released.
5. Organizations conducting studies for, or on behalf of, the University or its agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction and student life provided that the studies will not permit the personal identification of students and their parents by individuals other than representatives of the organization and provided that the personally identifiable information furnished will be destroyed when no longer needed for the purposes for which the study was conducted.
6. Accrediting organizations to carry out their accrediting functions.
7. Parents of a dependent student as defined in section 152 of the Internal Revenue code of 1986. University officials may release education records to parents on the basis of written certification from the parent that the student is a dependent as defined under the Code.
8. To comply with a judicial order or lawfully issued subpoena with the understanding that the student will be notified in advance insofar as possible.
9. Appropriate parties to protect the health and safety of the student or other individuals in emergencies with the understanding that only information essential to the emergency situation will be released, that information will only be released to a party who would be in a position to deal with the emergency, and that the student will be

notified insofar as possible of the information released, the purpose for the release, and to whom the information was released.

No education records of a student will be released without a statement from the University to the party receiving the information that no third party is to have access to such information without the written consent of the student.

### **Disciplinary Suspension and Expulsion:**

The following information will be recorded on a student's education record:

1. Permanent Expulsion – a “W” grade will be recorded on the permanent record for each course on the student's schedule at the time of expulsion. “Permanent Expulsion” and the effective date will also be placed on the permanent record. This will remain on the permanent record indefinitely or until an appeal is held by the Dean of Students and the expulsion is approved for removal. In a case of appeal and approval by the Dean of Students to remove the expulsion, the words “Permanent Expulsion” will be replaced by the word “Withdrew.”
2. Disciplinary Notation– a “W” grade will be recorded on the permanent record for each course on the student's schedule at the time of suspension. “Disciplinary Suspension” and the effective date will also be recorded on the permanent record. A notation of “Disciplinary Action Pending” may also be placed on a students' record if they leave the university during the disciplinary proceedings. Students may petition the Dean of Students to have a disciplinary transcript notation removed from the permanent record. If the Dean of Students approves the request, the words notation will be replaced by the word “Withdrew.”
3. Credits earned at another institution while on disciplinary suspension or dismissal may never be transferred or posted to the Mississippi State University record.

### **REVIEW**

This OP will be reviewed every four (4) years or whenever circumstances require an earlier review by the University Registrar.

**REVIEWED BY:**

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02/18/2020

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02/22/2020

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**APPROVED:**

/s/ Mark Keenum  
President

03/06/2020