

# FERPA Family Educational Rights and Privacy Act

Leech Lake Tribal College complies with the Family Educational Rights and Privacy Act of 1974 as amended (FERPA), which is designed to protect the confidentiality of the records that educational institutions maintain on students and to give students access to their records to assure the accuracy of their contents. A student is any person who attends or who has attended the College. An education record is a record maintained by the College which is directly related to a student, with the following exceptions:

- Records made by College employees which are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Employment records unless the employment is contingent on the fact that the employee is a student;
- Records maintained by the Leech Lake Tribal College Security Department solely for law enforcement purposes;
- Alumni and development records containing information about individuals after they are no longer students at the College.

The Act affords students certain rights with respect to their education records. These rights include:

## 1. ACCESS TO EDUCATION RECORDS

Provided that they have not previously waived the right of access and after enrollment at the College, students have the right to inspect and review their education records within 45 days of the day the College receives a written request for access. Students should submit their written request, identifying as precisely as possible the record(s) they wish to review, to the Registrar. A minimum charge of \$.10 per page will be made for copies of records whether authorized by student consent or otherwise allowed by the Act.

## RECORDS NOT OPEN TO STUDENT REVIEW

In accordance with federal regulations, students do not have the right to review the following records:

- The financial records of the student's parents.
- Letters and statements of recommendation for which the student has waived his or her right of access.
- Records connected with an application to attend Leech Lake Tribal College if that application was denied or if the applicant did not enroll.
- Education records containing information about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.
- Those records which are excluded from the definition of education records.

## **RIGHT OF THE COLLEGE TO REFUSE TO PROVIDE COPIES**

Leech Lake Tribal College reserves the right to deny copies if the transcripts or other records are not required to be made available under FERPA, if the student has an overdue financial obligation to the College, or if there is an unresolved disciplinary action against the student.

## **2. REQUEST FOR AMENDMENT OF EDUCATION RECORDS**

Students have the right to request amendment of their education records if they believe the records are inaccurate or misleading. Students should write the College official responsible for the specific record clearly identifying the part of the record they want changed and specifying why it is inaccurate or misleading.

That College official will reach a decision and inform the student in a reasonable amount of time after receiving the request. If the request to amend the record is denied, the college official will advise the student of his or her right to a hearing on the requested amendment, and provide information on hearing procedures. The student may appeal to the Dean of Academics submitting a copy of the challenge and record to the President. The President must consult both with the student and the custodian of the record in any such appeal. Students will be afforded a full and fair opportunity to present evidence relevant to the issue raised. The President will determine the validity of the challenge and make it a part of the student record.

## **DESTRUCTION OF RECORDS**

Nothing in this policy requires the continued maintenance of any student record for any particular length of time. However, if under the terms of this policy a student has requested

access to his or her education record, the record will not be destroyed before the custodian has granted access to the student.

### **3. DISCLOSURE OF EDUCATION RECORDS**

Students have the right to consent to disclosures of personally identifiable information in their education records, except to the extent that FERPA or any superseding law authorizes disclosure without consent. Consent for the disclosure of a student's education records 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. Records of students classified as dependents of their parents by the IRS code can be revealed to parents of such dependents at the discretion of the College.

#### **DIRECTORY INFORMATION**

Leech Lake Tribal College designates the following categories of personally identifiable student information as public or "Directory Information." The College may disclose such information at its discretion. Currently enrolled students may withhold disclosure of directory information by submitting written notification on an annual basis (usually prior to the beginning of the fall semester) to the Registrar's Office. Directory information will then be withheld until the student releases the hold on disclosure. Students should understand that, by withholding directory information, some information considered important to students may not reach them.

- Student's full name
- Current enrollment status
- Permanent address and telephone number
- Dates of attendance
- Major and minor field(s) of study
- Awards and honors
- Degree(s) conferred (including dates of conferral)
- Full-time or part-time status

Examples of disclosures of personally identifiable information that do not require the consent of the student include the following:

- To College officials who have a legitimate educational interest in the records.

- To officials of schools, school systems, or institutions of higher education in which the student seeks or intends to enroll, or to officials of another institution of higher education in which the student has enrolled.
- To authorized officials of the following entities, in connection with federal- or state-supported education programs: the U.S. Department of Education; the U.S. Comptroller General; the U.S. Attorney General; or state and local educational authorities.
- In connection with a student's request for or receipt of financial aid, including determining the eligibility, amount or conditions of the financial aid or enforcing the terms and conditions of the aid.
- If required by a state law requiring disclosure that was adopted before November 19, 1974.
- To state and local authorities to whom such information is specifically allowed to be reported or disclosed under state law in connection with the juvenile justice system.
- To organizations conducting certain studies for educational purposes for or on behalf of the College.
- To accrediting organizations, including individuals on visiting committees, to carry out their functions.
- To parents who claim the student as a dependent for income tax purposes. Education record information will be released only with the student's consent or upon receipt of a federal income tax return indicating the student's dependency status, unless otherwise authorized by law.
- To comply with a judicial order or a lawfully issued subpoena, provided the College makes a reasonable attempt to notify the student in advance of compliance (except in certain cases involving grand jury subpoenas) or, when the College is involved in a legal action with a parent or student, where disclosure is to the court, without a court order or subpoena, and is relevant for the College to proceed as plaintiff or to defend itself.
- To any person, including a parent, whose knowledge of the situation is necessary to protect the health or safety of the student or any other individuals when, considering the totality of the circumstances, the College has determined that there is an articulable and significant threat to the health or safety of a student or any individual.
- To comply with a court order obtained under the USA PATRIOT Act of 2001 for education records considered relevant to a terrorism investigation or prosecution, without advance notice to the student.
- To disclose to a student's parent information regarding any violation of law or of College rule or policy as to alcohol or controlled substances use or possession, if the student is under age 21 at the time of the disclosure and the College determines that such alcohol/drug use or possession constitutes a disciplinary violation.
- To disclose information provided to the College under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under that section.
- To the U.S. Citizenship and Immigration Services (USCIS) / Department of Homeland Security (DHS) concerning an F, J, or M nonimmigrant alien, only to the extent necessary for the College to comply with Student and Exchange Visitor Program (SEVP) reporting requirements, as mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act of 2002, and the regulation at 8 CFR 214.1(h).

- Consent is not necessary for the College to disclose required information to USCIS or DHS in compliance with SEVP reporting obligations.

## 4. COMPLIANCE

**Students are encouraged to contact the Registrar if they have questions about this policy. The Registrar may be reached by calling (218) 335-4222, emailing [stacey.lundberg@lrtc.edu](mailto:stacey.lundberg@lrtc.edu), or writing to: 6945 Little Wolf Rd. NW, Cass Lake MN 56633**

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the Federal Relay Service.

Or you may contact us at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-852

[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/EComplaint%20form%20FERPAv2018\\_8-30-18\\_508.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/EComplaint%20form%20FERPAv2018_8-30-18_508.pdf)