

# North Dakota State University

## Policy Manual

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### SECTION 600 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

SOURCE: NDSU President

#### 1. Annual Notice

The University policy on FERPA is the [annual notice](#) as published in the semester class schedules and available at numerous web sites. The annual notice is also available at the Office of the Vice Provost for Student Affairs and Enrollment Management.

#### 2. Amendment of Education Records

2.1 Any student attending the University who believes that information contained in the student's education records is inaccurate or misleading or violates the student's privacy or other rights may file a written request with the custodian that the University amend the records.

2.2 The University shall decide whether to amend the education records as requested by the student within a reasonable period of time of receipt of the request. If the University decides to refuse to amend the education records of the student as requested, it shall so inform the student.

2.3 In the event of such a refusal, the University shall also inform the student of the student's right to a hearing in order to challenge the content of the education records to insure that information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student.

2.4 If the student requests a hearing, it shall be conducted according to procedures, which shall include at least the following elements:

a) The hearing shall be held within a reasonable period of time after the University has received the request and the student shall be given notice of the date, place, and time reasonable in advance of the hearing.

b) The hearing shall be conducted, and the decision rendered, by a University official who does not have a direct interest in the outcome of the hearing.

c) The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in section 2.1 above, and may be assisted or represented by individuals of the student's choice at the student's own expense, including an attorney;

d) The hearing officer shall make a decision in writing within a reasonable period of time after the conclusion of the hearing; and

e) The decision of the hearing officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

- 2.5 If, as a result of the hearing, the University decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the student in writing;
- 2.6 If, as a result of the hearing, the University decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the student's education records a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the University.
- 2.7 Any explanation placed in the education records of the student under paragraph 2.6 of this section shall be maintained by the University as part of the education records of the student as long as the record or contested portion thereof is maintained by the University. If the education records of the student or the contested portion thereof is disclosed by the University to any party, the explanation shall also be disclosed to that party.

### 3. Protected Information

Student records protected under FERPA shall not be accessed by employees (staff or faculty) after the date of the employee's termination.

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#### HISTORY:

New	December 11, 2001
Amended	December 2005
Amended	June 12, 2009
Amended	August 25, 2017
Housekeeping	June 15, 2018
Housekeeping	January 8, 2019