



FERPA COMPLIANCE POLICY

Office of Student Affairs

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California State University, Stanislaus

Family Educational Rights and Privacy Act (FERPA) Compliance Policy

The Board of Trustees of the California State University recognizes that the right of privacy is an inalienable right protected by Article 1, Section 1 of the California State Constitution. Under the authority delegated to the Chancellor in Title 5, *California Code of Regulations*, Section 42396.5, Executive Order 796 (January, 2002), was issued for the implementation of the policy for the administration of student records consistent with the federal Family Education Rights and Privacy Act of 1974 (FERPA, 20 U.S.C. 1232g) and the regulations adopted there under (34 C.F.R.99).

Executive Order 796 (E.O. 796) states: "Each campus shall adopt a written policy statement establishing procedures by which the campus intends to comply with FERPA and this executive order. These procedures shall include a requirement to periodically review campus information management practices concerning student records at least every two years or more often as the need arises."

As required by E.O. 796, the Registrar is responsible for the biannual review of this document. The document establishes the language and procedures by which the campus guarantees student education record privacy rights and complies with FERPA, California state law and E.O. 796.

I. Purpose and Description

The **Family Educational Rights and Privacy Act of 1974** (FERPA) is a federal law which states that an educational institution must establish a written institutional policy concerning the confidentiality of student education records and the fact that students must be notified of this statement of policy and their rights under the legislation. In accordance with the Act, students at California State University, Stanislaus have the following rights:

1. The right to inspect and review education records covered by the Act.
2. The right to challenge (seek correction of) the contents of these records.
3. The right to a formal hearing, if necessary, for a fair consideration of such a challenge.
4. The right to place an explanatory note in the record in the event that a challenge of contents is unsuccessful.

5. The right to control, with certain exceptions, the disclosure of the contents of the records.
6. The right to be informed of the existence and availability of the institutional policy covering FERPA rights.
7. The right to report violations of FERPA legislation to the University Vice President of Student Affairs, the University Admissions Officer and/or the U.S. Department of Education concerning alleged failures of the University to comply with the requirements of the Act. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC, 20202-4605.

II. Definitions

For the purposes of these procedures, California State University, Stanislaus is using the following definitions of terms:

Student - any person who attends or has attended California State University, Stanislaus.

Education records - any records (in handwriting, print, tapes, film, computer, or other medium) maintained by California State University, Stanislaus or an agent of the university that is directly related to a student, **except:**

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the California State University, Stanislaus Department of Public Safety for law enforcement purposes.
3. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.
4. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records that contain information about a student after he or she is no longer in attendance at the university and that do not relate to the person as a student.

CSU Stanislaus maintains the following "education records" as defined by the Act.

| Record | Office | Custodian | Location |
|---------------------------------------------------|---------------------------------------------------|-------------------------------------------|--------------------------|
| Permanent Academic (transcript and academic file) | Admissions and Records | Admissions Director | MSR 120 |
| Advising Records | Academic Advising Center | Director | MSR 180 |
| Counseling and Psychological Services | Counseling Services | Director | MSR 210 |
| Disciplinary | Vice President of Student Affairs | Judicial Affairs Officer | MSR 340 |
| Educational Opportunity Program (EOP) Advising | Educational Opportunity Center | Director | MSR 180 |
| Extended Education | Extended Education Office | Director | MSR 240 |
| Financial Accounts | Cashier's Office | Student Financial Services Director | MSR 100 |
| Financial Aid | Financial Aid and Scholarships | Financial Aid and Scholarships Director | MSR 100 |
| Graduate | Graduate School | Associate Director of the Graduate School | MSR 165 |
| Health Records | Student Health Center | Director | Health Center |
| Housing | Housing and Residential Life | Director of Housing | Residential Life Village |
| Photographs/ID Cards | Business and Finance | Business and Finance | MSR 290 |
| Placement Records | Career Services | Director | MSR 245 |
| Police | University Police Services/Public Safety | Director | Public Safety |
| Progress or Academic Assistance Records | Department Faculty Offices Academic Support or | Department Chair Instructor | |

| | | | |
|-------------------------------------------------------------------------|--------------------|-----------------------|--|
| | Assistance Offices | Director | |
| Occasional Records (Student education records not included above) | Appropriate Office | Appropriate Office | |

California State University, Stanislaus is not required and does not necessarily permit access to the following types of information:

1. Financial information submitted by parents.
2. Confidential letters and recommendations on which a student has waived the right of inspection.
3. Any part of a record pertaining to another student.
4. Records connected with an application to attend the University or a component of the University if that application was denied.
5. Information specifically excluded under the Act's definition of "education records".

a. Records of an instructional, supervisory, administrative, and educational nature, maintained by University officials for their personal use only.

b. General health data, information which is used by the University in making a decision regarding the student's status, is subject to review by the student under this policy. Written medical, psychiatric, and psychological case notes which form the basis for diagnosis or for recommendation of treatment plans remain privileged information not accessible to the student. Such case notes are not considered to be part of the University's official education records. (These records may be personally reviewed by a physician or other appropriate professional of the student's choosing.)

III. Procedures for Inspection and Review

Students who wish to inspect and review their education records may do so by submitting the completed and signed Student Request to Review Records form to the official responsible for the specific record desired. The responsible official must respond within 45 days of the request by sending the student a copy of the requested record or arranging an appointment for the student to review the requested data.

Copies of education records or record entries, with certain exceptions, may be obtained by the student at the established rate. Copies of a student's permanent academic record (transcript) will be provided at the established charge. The University reserves the right to deny a copy of an education record for which a financial registration, disciplinary or other university "hold" exists, or of an exam or set of standardized test questions, or of a transcript of an original source document which exists elsewhere.

California State University, Stanislaus will not permit access to or release of any personally identifiable information without the written consent of the student except in the following circumstances:

1. A student's education records may be released without consent to officials within the University with "legitimate educational interest" in such information.

"School officials" are University employees with general or specific responsibility for promoting the educational objectives of the University. Employees whose responsibilities place them within this category may include: faculty advisors, admissions counselors, academic advisors, counselors, placement personnel, deans, department heads, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities, and clerical personnel employed to assist University officials in discharging professional responsibilities. "School officials" include persons employed by or under contract to the University to perform a specific task, such as an attorney or auditor. A student who is serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks is also a "School Official". Access by these officials is restricted where practical only to students for whom they have professional responsibility and only to that portion of the student record necessary for the discharge of assigned duties.

"Legitimate educational interests" are defined as those interests which are essential to the general process of higher education prescribed by the body of policy adopted by the Board of Trustees. Legitimate educational interests would include teaching, research, public service, and such directly supportive activities as academic advising, career counseling, discipline, financial assistance and advisement, medical services, and academic assistance activities.

2. At its discretion the University may provide "directory information" concerning an individual student in accordance with the provisions of the Act. This information includes: name, NetID , addresses, telephone numbers, email address, photo, department employed, student employee's status (i.e., TA, GA, ISA), full time or part time status, graduate or undergraduate status, date and place of birth; height and weight of members of athletic teams; major, participation in athletics and student activities; dates of attendance; degrees, awards and honors; and the most recent institution attended.

Directory information may be released upon request unless a student specifically requests in writing that this information not be released. This request must be submitted in writing to the Director of Admissions within five days of the first day of classes of each school year.

3. The University may also release personally identifiable information contained in a student's record to:
 - a. Officials of other institutions in which a student seeks to enroll.
 - b. To government officials in connection with the audit and evaluation of federal and state-supported education programs.

- c. To persons or organizations conducting research for the development of tests, administration of financial aid, or the improvement of instruction.
- d. To accrediting agencies.
- e. To persons in an emergency in order to protect the health and safety of the student or of others.
- f. To persons in compliance with a judicial order or subpoena.
- g. As required for the university to defend itself where a student has brought a lawsuit against the university.

The University offices maintaining education records shall keep a record of all parties requesting or obtaining access to the contents of student records (except in case of requests by school officials; or by parties requesting directory information). This record of request must identify the legitimate interest the person(s) had in seeking or obtaining information contained in a record and may be available for inspection by the student identified by the record.

IV. Procedures for Challenging the Contents of an Education Record

A student may challenge the contents of an education record which they consider to be inaccurate, misleading, or otherwise in violation of their privacy rights. Students may initiate a challenge by submitting a written request to the custodian of the particular record in question who shall attempt to resolve the problem through informal discussions. If a challenge to a record is not satisfactorily resolved by this procedure, the student will be informed of their right to a formal hearing, the procedures to be followed concerning such a hearing, and its composition. A student requesting a hearing will be notified in writing of the date, place, and time of their hearing.

The hearing board will consist of individuals who are disinterested parties but who may be university officials. The decisions of the hearing board will be communicated to the student. Decisions of the hearing panel are final. If decisions of the hearing board are unsatisfactory to the student, the student may place in the education record a statement commenting on the information contained in the record and setting forth any reason for disagreeing with the decision of the hearing panel. If the university discloses the contested portion of the record, it must also disclose the student's statement.

Students may waive any of their FERPA rights, including the release of their education records, by providing written consent. Such consent must be signed and dated by the student and specify the exact purpose of the waiver or release.

Please visit the Office of Admissions and Records and/or the Office of Financial Aid and Scholarships for the necessary form that will allow you to provide access to a third party.

Office of Admissions and Records
California State University, Stanislaus
801 West Monte Vista Avenue
Mary Stuart Rogers Building, Suite 120
Turlock, CA 95382
209-667-3264
<http://www.csustan.edu/admissions/>

Office of Financial Aid and Scholarships
California State University, Stanislaus
801 West Monte Vista Avenue
Mary Stuart Rogers Building, Suite 100
Turlock, CA 95382
209-667-3336
<http://www.csustan.edu/admissions/finaid.asp>

V. Disclosure of Education Records

California State University, Stanislaus will not permit third party access to information contained in a student's education records without the written consent of the student, except under the circumstances described below.

California State University, Stanislaus may permit access by third parties under the following conditions.

1. To school officials who have a legitimate educational interest in the records.

Examples of persons whom CSU Stanislaus has determined to be university officials include the following:

- a person employed by the university in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
- a person elected to the Board of Trustees.
- a person employed by or under contract to the university to perform a special task, such as the attorney or auditor.
- a person who is employed by California State University, Stanislaus Department of Public Safety.
- a student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.
- an emeritus faculty member serving as an ombudsperson.

Examples of situations in which CSU Stanislaus has found there to be a legitimate educational interest in student records include the following:

- performing a task that is specified in his or her position description or contract agreement.
 - performing a task related to a student's education.
 - performing a task related to the discipline of a student.
 - providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
 - maintaining the safety and security of the campus.
2. To officials of another school, upon request, in which a student seeks or intends to enroll.
 3. To certain officials of the U.S. Department of Education, the Comptroller General, and State and local educational authorities, in connection with audit or evaluation of certain State or federally supported education programs.
 4. In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
 5. To State and local officials or authorities if specifically required by a State law that was adopted before November 19, 1974.
 6. To organizations conducting certain studies for or on behalf of the university.
 7. To accrediting organizations to carry out their functions.
 8. To parents of an eligible student who is claimed as a dependent for income tax purposes.
 9. To comply with a federal or California judicial order or lawfully issued subpoena.
 10. To appropriate parties in a health or safety emergency.
 11. To individuals requesting directory information so designated by the university (see directory information below).
 12. The results of any disciplinary proceeding conducted by the university against an alleged perpetrator of a crime of violence to the alleged victim of that crime.
 13. To U.S. Military recruiters pursuant to 32 CFR 216 (Solomon Amendment).
 14. To comply with other federal legislation passed subsequent to FERPA, including but not limited to the Student Right To Know Act, the Taxpayer Relief Act, et al.

VI. Record of Requests for Disclosure

Each Unit Custodian will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information (with

the exception of disclosures to a school official). The record may be reviewed by the eligible student.

VII. Directory Information

California State University, Stanislaus designates the following items as Directory Information:

- student name
- major field of study
- dates of attendance
- degrees, honors and awards received

CSU Stanislaus designates the following items as Directory Information for Academic Student Employees only:

- Name
- Address
- Enrollment Status
- Department Employed
- Telephone Number
- E-mail Address
- Status as student employee (i.e., TA, GA, ISA)

The university may disclose any of those items without prior written consent, unless the student requests "Confidential Directory Information" through completing the appropriate form available in the Office of Admissions and the Office of Financial Aid and Scholarships.

Requests for Directory Information, or access to non-directory information, from academic or administrative offices of the university, or offices allied to the university, such as the Alumni Association, who have a legitimate educational interest in utilizing the information, will be directed to the Office of Admissions for consideration.

VIII. Annual Notification

Students will be notified of their FERPA rights annually by publication in the university catalog and class schedules (both in hard print and online), in numerous university publications, on the university website, and may view the annual notice, the law, and other information in person at the Office of the Vice President for Student Affairs and in the University Library.

IX. Policy Review

This policy shall be reviewed by the following offices every two years:

- Information Security Office
- Office of Student Affairs
- Office of Admissions

X. Related Forms and Information

Executive Order 796 Privacy and Personal Information Management for Student Records Administration (<http://www.calstate.edu/EO/EO-796.pdf>).