



CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS ADMINISTRATIVE POLICY MANUAL

Student Affairs

Approved By: Richard R. Rush
President

Policy Number: SA.16.003

Effective Date: 12/9/08

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Policy on Family Educational Rights and Privacy Act (FERPA)

PURPOSE:

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Solomon Amendment [32 CFR Part 16] published October 28, 1998, and interim rule [65 Fed Reg 2056] published January 13, 2000, gives branches of the military access to student directory information which would have been denied them under FERPA.

BACKGROUND:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99; § 513 of P.L. 93-380; P.L. 93-568; P.L. 96-46; P.L. 101-542; P.L. 102-325; P.L. 103-382; P.L. 105-244

CSU Executive Order 796: Privacy and Personal Information Management Student Records Administration

Collective Bargaining Agreement for Unit 11 (UAW – Academic Student Employees)

POLICY:

Accountability:

This policy designates the Vice President for Student Affairs, or designee, as the Compliance Officer for the University. This policy also clarifies secondary roles and responsibilities in University procedures for ensuring compliance. The Custodian of Education Records will vary, based on the type of record, as listed on the following page.



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Types, Locations and Custodians of Education Records

<u>Types of Record</u>	<u>Location</u>	<u>Custodian of Record</u>
Academic (e.g., transcript, transfer work, class schedule, degree requirements, probation, petitions, etc.)	Records and Registration Office Enrollment Center Sage Hall	University Registrar
Disciplinary/Student Life	Judicial Affairs Bell Tower	Dean of Students
Financial Aid	Financial Aid Office Enrollment Center Sage Hall	Director of Financial Aid
Student Housing, Tenant and Disciplinary	Housing and Residential Education Office, Santa Cruz Village	Director of Housing and Residential Education
Student Accounts	Student Financial Services University Hall	Vice President for Finance & Administration
Placement	Career Development Services Bell Tower,	Career Counselor
Student Payroll	Human Resources University Hall	Associate VP HR
Public Safety	Transportation and Parking Services Placer Hall	Chief of Police
Occasional (e.g., correspondence in office not listed above)	University staff who will direct the student to the location that maintains the records	University Registrar



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Applicability:

All students who are attending or have attended California State University Channel Islands.

Definition(s):

For the purposes of this policy:

Student – Any person who enrolls or has been enrolled California State University Channel Islands.

Third Parties – Non-university persons or entities.

University – Hereafter in this document a reference to California State University Channel Islands.

University Official – University employees who have a legitimate educational interest in the records.

Education Records – Any record (in handwriting, print, tapes, film or other medium) maintained by California State University Channel Islands, or an agent of the University, which is directly related to a student except:

1. A personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.
2. 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.
3. Records maintained by the University's Student Health Services, Personal Counseling Services, or Disability Resource Programs offices if the records are used only for treatment of a student and made available only to those persons providing treatment.
4. Alumni records which contain information about a student after he or she is no longer in attendance at the University and the records do not relate to the person as a student.



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Legitimate Educational Interest – a school official has a legitimate educational interest in the protected education records, a legal “right to know” if the official is:

1. Performing a task that is specified in his or her position description or contract agreement: related to a student’s education; or related to the discipline of a student.
2. Providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement or financial aid.
3. Maintaining the safety and security of the campus.

The custodian of record as designated in the “Accountability” section, above, will determine whether a legitimate educational interest exists, whether the school official has a legal right to know, on a case-by-case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains written consent from the student or the concurrence of a supervisor or other appropriate official that the record may be released.

Text:

California State University Channel Islands is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA), which protects the rights of students who are enrolled or who were previously enrolled the University.

Annual Notification

The University will notify currently enrolled students of their rights under FERPA by publishing a notice in the university catalog, and on the California State University Channel Islands website.

Disclosure of Education Records to Student

A. Procedure of Students to Inspect Their Education Records

To inspect or review an education record, a student must submit a written request to the University Registrar. If students wish to inspect their student conduct records, the written request must be submitted to the Dean of Students. The student must sign the request; describe the specific records to be reviewed; and must set forth the name under which the student attended the University, the student’s ID number, and the student’s last date of attendance. Proper picture identification must be presented before the documents may be reviewed. The custodian of record, or the custodian’s designee, may waive the requirement



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for a written request. For example, the custodian of record for the student account may waive the requirement for a written request when the student requests a copy of the current bill.

The custodian of record or an appropriate designee will make the needed arrangements for access as promptly as possible and advise the student when and where the records will be available for inspection. Access will be given within 45 days or less after receipt of the written request.

Some student records may be destroyed (per the records retention policy) and therefore, the file may not exist for the student to inspect.

B. *Right of University to Refuse Access*

The University reserves the right to refuse permission to the inspection and review of:

- Financial statements of the student's parents;
- Confidential letters and confidential statements of recommendation placed in the education record before January 1, 1975, if the student has waived his or her right to inspect and review those letters and statements, and the letters and statements relate to the student's admission to an educational institution, application for employment, or receipt of an honor or honorary recognition; or
- Confidential letters and confidential statements placed in the education record after January 1, 1975 for which the student has waived the right of access in writing for admission, employment, or receipt of an honor or honorary recognition, except when these documents have been used for any purpose other than that for which they were originally intended; and
- Documents excluded from the FERPA definition of education records (such as those listed in the "Definitions" section above.)



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C. Refusal to Provide Copies

The University reserves the right not to provide copies of transcripts it has received from other education institutions. It also reserves the right to deny copies of the University transcripts if the student has an unpaid financial obligation to the University.

D. Request for Copies

If health reasons or extreme distance from the University prevents the student from inspecting the education record, then copies of the specific education record requested will be mailed to the student. The student must pay all copying expenses in advance of the release of the record. The requirement of a written request will not be waived in these circumstances.

Disclosure of Education Records to Other Than the Student to Whom the Record Pertains

A. Disclosure of Education Records to University Officials

The University will disclose information from a student's education records to University officials who have a legitimate educational interest in the records.

A University official has a legitimate educational interest if the official is:

- Performing a task or service specified in the official's position description or contract;
- Performing an instructional task directly related to the student's education;
- Performing a task related to the discipline of a student;
- Performing as a faculty advisor, program director or dean; (this pertains exclusively to access to the student's academic records);
- Providing a service or benefit relating to the student, including, but not limited to, health care, counseling, job placement, financial aid, or health and safety emergency.



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B. Disclosure to Others

California State University Channel Islands may disclose information from a student's education records to other than University officials only with written consent of the student, *except*:

1. To officials of another school where the student seeks or intends to enroll;
2. To certain authorized government representatives;
3. In connection with the student's financial aid request or award and the information is necessary for certain purposes set forth in the regulations;
4. To organizations conducting studies for or on behalf of the University;
5. To accrediting organizations to carry out their accrediting function;
6. To comply with a judicial order or lawfully issued subpoena and the University has made reasonable effort to notify the student of the order or subpoena in advance of compliance;
7. To appropriate parties in a health or safety emergency;
8. To victims of crimes of violence or of a non-forcible sex offense who requests the final results of a disciplinary review process held by the institution against the perpetrator on account of the crime or offense.
9. In connection with the University's obligation to respond to a request from military recruiters made under the Solomon Amendment.

C. Records of Requests for Disclosure to Individuals Other Than the Student or University Officials

A record will be maintained of all requests for access to and disclosures of information from the education records of each student except as stated below. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed and



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the party's legitimate interest in requesting or obtaining the information. The record may be reviewed by the student. A record of disclosures does not need be kept if those disclosures were made to the student, a University official with legitimate educational interests, a party with written consent from the student, or a party seeking directory information.

D. Directory Information

The University designates the following items as directory information:

- Student's name
- University assigned e-mail address
- Major field of study
- Dates of attendance
- Full-time or part-time status
- Degrees, awards, and honors received
- Dates degrees conferred
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams

For Student Employees:

- Department where employed
- Employee Status (i.e. Graduate Assistant, Instructional Student Assistant, Teaching Associate)

Directory information may be released without prior written approval unless notified in writing by the student that all information is to be held in confidence by the University. Requests to withhold directory information should be sent in writing to the University Registrar. The student's records will be kept confidential until the student requests in writing that the confidentiality hold be removed.

E. Challenge and Correction of Education Records

Students have the right to ask to have education records corrected that they believe are inaccurate, misleading, or in violation of the privacy or other rights of the student. The following are the procedures for correcting the records.



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1. The student must request an informal discussion of the questionable item with the custodian of record, who will determine whether to comply.
2. If the student is not satisfied with the result and still wishes to have the record corrected, the student must submit a written request for a change in the education record. This written request must state why the education record is inaccurate, misleading or violates the privacy or other rights of the student. This request must be given to the Vice President for Student Affairs (VPSA). The VPSA will then forward the request to the appropriate division vice president for review.
3. Upon receipt of the request, the appropriate division vice president shall obtain a written statement from the records custodian that explains why the request for the change in the education record was denied at the informal stage.
4. After a review, the appropriate division vice president will notify the student whether or not the University will comply with the requested change. If not, the appropriate division vice president will notify the student of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights. A copy of this communication will be sent to the Vice President for Student Affairs.
5. Upon receiving a written request for a hearing the Vice President for Student Affairs shall arrange for a hearing within thirty (30) working days after receipt of the request. The student shall be notified at least fifteen (15) working days in advance of the date, time and place of the hearing. The right to a hearing does not include any right to challenge the appropriateness of a grade determined by an instructor. The Vice President for Student Affairs or the Dean of Students can apprise students of the appropriate process for challenging a grade.
6. The President shall appoint a hearing officer to conduct a hearing. The hearing officer shall be a disinterested party; however, the hearing officer may be an official of the University. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. In accordance with University policy, attorneys will not be permitted to attend the hearing.



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7. The hearing officer will submit a written decision to the Vice President for Student Affairs (VPSA) based on the evidence presented at the hearing. The VPSA will communicate the decision in writing to the student within fifteen (15) days after the hearing.
 8. If the University's decision is that the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the record will be amended accordingly and the student will be notified in writing by the Vice President for Student Affairs of the amendment.
 9. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the Vice President for Student Affairs will inform the student of the right to place a statement in the record commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as that record is maintained, and the statement will be disclosed whenever the University discloses the portion of the record to which the statement relates. The hearing officer's decision is final.
- F. Compliance with FERPA
A student has 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 name and address for the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202-4605



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G. Periodic Review of Campus Information Management Practices

Per California State University Executive Order No. 796, a periodic review of campus information management practices concerning student records will be conducted at least every two years or more often as the need arises.

1. The campus Compliance Officer will have the responsibility for ensuring that the periodic review is conducted and that appropriate reports resulting from these reviews be submitted to the President to be forwarded to the Chancellor's Office.
2. Any recommended changes to the policy and/or its procedures will be the responsibility of the Compliance Officer to complete in consultation with designated records custodians.