

University Executive Directive #1 1-05	Issue Date:
Subject: FERPA Compliance Policy	Revision Date: November 9, 2020, October 10, 2018, September 27, 2016, September 9, 2014, April 1, 2012, March 23, 2012, October 20, 2011, May 19, 2010
Approved:  Leroy Morishita (Nov 16, 2020 22:34 PST) President	
Division: Student Affairs	
Contact: Office of the Registrar	

I. PURPOSE

The **Family Educational Rights and Privacy Act of 1974** (hereinafter known as 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 requires that students must be notified of this statement of policy and their rights under the legislation. In accordance with FERPA, students at California State University East Bay (hereinafter the University) have the following rights:

- 1) The right to inspect and review education records covered by FERPA.
- 2) The right to challenge or 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 Registrar, the University Information Security Officer and/or the U.S. Department of Education concerning alleged failures of the University to comply with the requirements of FERPA. 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.

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.

II. DEFINITION OF EDUCATION RECORDS

"Education Records" are records that:

- 1) Contain information that is directly related to a student and

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2) Are maintained by an educational agency or institution or by a party acting for the agency or institution.

Exceptions to "education records" include:

- Records kept in the sole possession of the maker and disclosable to a temporary substitute for the maker of the record.
- Law Enforcement Unit Records maintained for law enforcement purposes.
- Employment Records of employees 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.
- Health Records used only for the treatment of a student and made available only to those persons providing treatment.
- Alumni Records which contain information about a student after he or she is no longer in attendance at the university and which do not relate to the person as a student.

The University is not required and does not necessarily permit access to the following types of information:

- 1) Financial information submitted by parents.
- 2) Confidential letters of recommendation submitted prior to January 1, 1975.
- 3) Confidential letters and recommendations on which a student has waived the right of inspection.
- 4) Any part of a record pertaining to another student.
- 5) Records connected with an application to attend the University or required by any office of the University, if that application was denied.
- 6) Information specifically excluded under FERPA's definition of "education records". Such records include, but are not limited to:
 - 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. (A physician or other appropriate professional of the student's choosing may personally review these records.)

III. POLICY GOVERNING PROCEDURES FOR INSPECTION AND REVIEW

Students who wish to inspect and review their education records may do so by submitting a written request to the official responsible for the specific record desired. The responsible official

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must respond with 45 days of the request by 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 transcription or image of an original source document which exists elsewhere.

The University 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 that 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 FERPA. This information includes:

- Name
- Net ID
- Addresses
- Telephone Numbers
- E-Mail Address
- Photo
- Full Time or Part Time Status

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- 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
- Awards and Honors
- 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 to the Office of the Registrar. Requests from third parties for directory information, or access to non-directory information will be directed to Planning and Institutional Research.

- 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, and state and/or federal statutes.
 - 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. POLICY GOVERNING PROCEDURES FOR CHALLENGING THE CONTENTS OF AN EDUCATIONAL 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

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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.

Copies of this policy, along with a directory of where custodial offices are located, are available on the University Website at <http://www.csueastbay.edu/students/campus-policies/index.html>.

V. ANNUAL NOTIFICATION

Students will be notified of their FERPA rights annually by e-mail and this policy is published on the University website.

VI. FERPA TRAINING

All faculty and staff, as well as any other agents of the university who request access to student information in the student information system, must complete FERPA training. Access to student information system will be denied until this training has been completed. The training program is intended to insure that anyone accessing student education records understands the obligations under FERPA for proper use and protection of student records.

VII. POLICY REVIEW

The University Registrar shall review this policy every two years. The next scheduled review period is September 2022.

VIII. RELATED FORMS AND INFORMATION

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