

## STUDENT RECORDS ADMINISTRATION POLICY

### A. Purpose

1. Executive Order No. 796, entitled, Student Records Administration, requires the issuance of policies and regulations by the campus to implement the mandate of subject laws. The policies and procedures adopted herein constitute the University's implementation statement required to administer the Family Educational Rights and Privacy Act (FERPA).

### B. Definitions

1. **Student:** "Student" means any person who is enrolled or has previously been enrolled at California State University, Fresno. (An applicant is not a student for purposes of the laws and regulations governing student records administration.) Non-matriculating students (extension, summer session, correspondence course) are students for purposes of student records management at California State University, Fresno.
2. **Student Record:** "Student Record" means any personally identifiable information maintained by the campus, in any form, which concerns a student. Generally excluded from right of review is the following information:
  - a. Information, provided by a parent, which relates to the student's application for financial aid or scholarships.
  - b. Confidential letters or recommendations filed on or before January 1, 1975.
  - c. Information, notes, etc., maintained by a faculty or staff member and not revealed to anyone except a substitute instructor.
  - d. Medical and clinical records established by physicians, psychiatrists, psychologists and other psychotherapists provided those records relate to a course of therapy. These records are reviewable by a surrogate only.
  - e. Records maintained by the University Police Department if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction. The University Police do not have access to educational records maintained by the University except in the performance of their sworn duties.
  - f. Employment records of students.
  - g. Alumni records which contain only information relating to a person after that person is no longer a student.
3. **Record Custodian:** The Associate Vice President for Enrollment Management and Registrar are the custodian of all student records maintained by the University. This responsibility may be delegated. Student Records are maintained throughout the academic and administrative units of the University.

4. **Directory Information:** Directory Information refers to the information in student records which **may be** released to anyone unless students advise the University in writing indicating that such information concerning them **may not** be released. At California State University, Fresno, Directory Information regarding a student includes:
  - a. Name
  - b. Photograph
  - c. Major field of study
  - d. Participation in officially recognized University sports and student activities.
  - e. Weight and height of members of athletic teams
  - f. Enrollment status (undergraduate or graduate, full-time or part-time)
  - g. Degrees, awards and honors (including dates) received at California State University, Fresno
  - h. The most recent educational institution attended
5. **Access:** "Access" means the right of students to personally inspect their records at the University and, in some instances, to have copies of their records.
6. **Former Students:** The University may release, without written consent, those items identified as Directory Information on any student not currently enrolled unless a restriction was in place when the student last attended.

### C. Student Rights

1. **The Family Educational Rights and Privacy Act of 1974**, Executive Order No.796 , , vest students with the following rights, privileges, and responsibilities:
  - a. To be advised when initially enrolling at the University, and on continuing basis thereafter, of their right of access, review, and challenge of the records maintained by the institution which are personally identifying.
  - b. To be apprised through continuous notices in University publications of the institutional official responsible for executing the mandates of FERPA, Executive Order No.796 , and the California Education Code; to be apprised of the types and location of records subject to review and of the identity and address of officials responsible for those records.
  - c. The right, substantially and procedurally, to challenge a record. Challenge of information in a record may be predicated on the belief it is inaccurate; misleading; an insubstantial personal conclusion or inference; a conclusion or inference outside the observer's area of competence; not based upon the personal observation of a named person with the time and place of the observation noted; or otherwise in violation of their privacy or other rights.
  - d. An expectation that University officials will prevent unauthorized access or release of personally identifying information in the records accumulated during a student's enrollment.

- e. A right, when exercised, which prevents the University from releasing "Directory Information."
- f. A right to know precisely what information the University defines as "Directory Information."

## **2. Student Rights and Procedures for Access to Their Records**

- a. A student's right of access, review and/or inspection of his/her records requires that a written request be made of the appropriate office. Review of the records will be authorized as soon as is practical, but in any instance no later than fifteen working days following the request.
- b. Arrangements for the place, date, and time for review will be made by the student and the responsible official.
- c. The right of students to have access to inspect and review their student records does not include the right to a copy of such records unless at least one of the following conditions exists:
  - (1) Failure to provide a copy would effectively prevent a student from exercising the right to inspect and review the student record. For example, a former student residing in another state cannot be physically present to review a student record. A copy of the record should be provided to such persons upon written request; or
  - (2) When a student provides:
    - (a) Written consent to disclose personally identifiable information to another college or university; and
    - (b) Payment of all fees and charges due the campus.

## **3. Release of Directory Information**

- a. Directory Information concerning any student may be released unless the student files a request with the Registrar's Office that this information be restricted. If such a request is filed, information will not be released, except in cases of dire emergency, which will be determined by the Vice President for Student Affairs and Enrollment Management and/or Dean of Students.

In each case where a request for Directory Information is received by the University and such information has not been restricted, the information may be released. Such information shall only be released by personnel in the Vice President for Student Affairs and Enrollment Management Office or the Registrar's Office. Personnel in the Student Activities Office may release information related to student club and organization membership. The Department of Athletics may disclose names of intercollegiate sports' participants and their weights and heights.

- b. Directory Information relating to former students may be released only if there were no restrictions in place when the student was last enrolled. Pertinent laws and regulations do not authorize a procedure whereby a former student may prevent the release of Directory Information if no restriction was in place when the student was last enrolled. However, the release of Directory Information will only be made in those instances where some benefit to the former student is evident or in those instances where it reasonably appears that a benefit would result if the requested information were provided.
- c. Statistical data in which students are not personally identified may be released to any public or private entity. Releases of this type, in all probability, will involve an expense to the University. If costs are involved in providing statistical data, those costs shall be assessed at \$.15 per page plus labor, except electronic data, the cost of which must be determined at the time of request.

#### **4. Student waivers for confidential letters or statements of recommendation**

- a. Students may waive their right to inspect and review confidential letters or statements of recommendation regarding:
  - (1) admission to the University or any other educational institution;
  - (2) an application for employment or career placement; or
  - (3) the receipt of an honor or honorary recognition.
- b. Waivers may apply to confidential letters and statements only if:
  - (1) the student or applicant is notified upon request of the names of all persons providing such letters or statements;
  - (2) the letters or statements are used for the purpose for which they were intended; or
  - (3) such waivers are not required or requested of students by the University.
- c. A waiver must be in writing and signed by the student. It may be revoked, in writing, at any time. The revocation will not affect the use of letters and statements secured prior to the revocation.

#### **5. Except as specifically authorized by law, the University will not release personally identifying information from a student record without the student's written consent, which must be signed and dated. This consent shall include:**

- a. a specific delineation of the records to be disclosed;
- b. the purpose(s) of the disclosure; and
- c. the person, class of persons, or organization to whom the disclosure may be made.

Every written consent provided by a student for the release of information shall become a permanent part of the student's record. When a unit of the University discloses personally identifiable information from a student record, as authorized by the student, it will advise the person, institution, agency, or organization to which it is disclosed that the information provided should be used only for the purposes for which the disclosure was made. Further release of the information to other parties without the written consent of the student is prohibited by law.

## 6. Access List

- a. Each unit of the University will maintain a record of requests for, and disclosures of, information in student records. (Such a record is hereinafter referred to as an Access List. An Access List must be maintained with the record requested or disclosed. Records of requests and disclosures will not be maintained for the following requests or disclosures:
  - (1) those requests made by students for their own use;
  - (2) those disclosures made in response to written requests from students; (A written request will become part of the records..)
  - (3) those made by school officials who have a legitimate educational interest in the records; or
  - (4) those seeking information specified as Directory Information.
- b. An Access List will not be required for any student record until receipt of the initial request is received and for which a record of the request must be maintained.
- c. Information relating to a request or disclosure which must be recorded on the Access List consists of:
  - (1) name and address of person(s) who requested the information; and
  - (2) delineation of the legitimate interest in the information.
- d. Access Lists, where activated, become a permanent part of the student's record and must be made available for review upon request or as a part of the review of the original record.
- e. Only rarely will it become necessary to activate an Access List because most requests or disclosures will fall within a category of information for which a record of access thereto need not be recorded. Exceptions to this rule are cases of individuals who may access students' records without their consent, but who must be indicated on an Access List:
  - (1) parents of a student who have established that student's status as a dependent as defined by the Internal Revenue Service;
  - (2) persons or organizations providing student financial aid;
  - (3) accrediting agencies carrying out their accreditation function;
  - (4) persons in compliance with a subpoena or court order, provided a reasonable effort has been made to notify the Student in advance), and
  - (5) to appropriate parties in a health or safety emergency.

## 7. Student Complaints Concerning Their Records

- a. Students may challenge information in their records considered to be incorrect, inaccurate, misleading, unsubstantiated, a personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, not based upon the personal observation noted, or otherwise in violation of their privacy or other rights.

The right of challenge cannot relate to the assignment of grades, academic probation or disqualification action resulting from grades or administrative academic probation or disqualification actions as authorized by Executive Order No. 1038. Academic dispositions on actions considered incorrect may be the subject of a petition to the Academic Petitions Committee, Academic Disenrollment Appeal committee or to the Record Adjustment Committee.

In order to challenge a record, the student must identify in writing the record being challenged and delineate specifically the desired change and reason(s) therefore.

The written challenge should be forwarded to the Registrar, who within fifteen working days after receipt of the student's challenge, shall determine whether to amend the records as requested. A written notification to the student of that decision will be provided. If the decision is to amend the record, as requested, the record will be corrected, removed, or destroyed and the student so notified. In the event the decision is negative from the student's standpoint, the student shall be advised in writing of:

- (1) the right to a hearing; and
  - (2) the right to submit a written statement of objections to the challenged record or material. Such a statement would be placed in the relevant file for review and would remain for as long as the challenged record or material remains a part of the student's records.
- b. A student requesting a copy of his/her record in order to use it in a hearing will be assessed the cost of producing such record at the rate of \$ .15 per page, plus labor.
- c. A student who believes that the adjudication of his/her challenge was unfair, or not in keeping with the provisions of law, may request, in writing, assistance from the Associate Vice President for Enrollment Management, or his/her designee.
- d. Students who believe that their rights have been abridged may file complaints with the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202-4605, concerning the alleged failure of California State University, Fresno, to comply with the requirements of FERPA.

## **8. Disciplinary Records**

- a. A student who has been formally disciplined for a violation of the Student Conduct Code, Section 41301, Title 5, of the California Code of Regulations pursuant to the Student Disciplinary Procedures for the California State University and Colleges Executive Orders No's. 148 or 628, subsequent to January 1, 1977, may submit a written statement or response concerning the disciplinary action imposed by the University, for inclusion with the record of discipline.
- b. Any statement submitted by the student, as authorized above, will become a permanent part of the disciplinary action file and made available to anyone who legitimately obtains access to the disciplinary action file.

## **D. Campus Responsibilities**

### **1. Notice to Students**

The University will ensure that students are informed of their rights as described in the foregoing by promulgating the following policies, procedures, notices and regulations:

- a. A student's rights under the subject laws and Executive Order No. 796 will be published continuously in the University Catalog. Full policy and forms will be located on the Registrar Office webpage.
- b. Annual notification will be sent to students via their official university email.
- c. The right of students to challenge information in their educational records is an integral right. Accommodation of that right is detailed in Section C, number 7, above.

### **2. Right to Hearing**

Students who believe that their educational records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may discuss their problems informally with the University Registrar. Records may be changed or amended if the student can establish a reason for the requested changes as listed in Paragraph C. 1c. above. If not, the student will be notified within a reasonable time (fifteen working days) that the records will not be changed or amended. Accompanying that notification will be information on the right to a hearing with respect to the denial of the requested change or amendment. Student requests for a formal hearing must be made in writing and submitted to the Associate Vice President of Enrollment Management.

The Associate Vice President of Enrollment Management, within a reasonable period of time after receiving the request (not to exceed fifteen working days), will inform the student of the date, time and place of the hearing. The student may present evidence relevant (to the issues raised and may be assisted in making that presentation by a representative, but the representative may not be an attorney. Decisions of the Hearing Officer, as approved or modified by the President or his designee, will be final. If the final decision is for correction or amendment, such changes will be made. If the final decision is not satisfactory from the student's standpoint, statements commenting on the information in the records may be submitted for inclusion with the records that were not changed or amended as requested. Any such statement will become a part of the student's educational record and will be released whenever the records in question are released or disclosed.

### 3. Limitation of Employee Access

No employee of California State University, Fresno, will have access to a student record unless that access is derived from an absolute need-to-know on the part of the employee, who must then be acting within the scope of official duties and in connection, directly or indirectly, with a legitimate educational interest of the student concerned. If a conflict arises regarding legitimate educational interest, the burden of proof will rest with the employee requesting access rather than with the custodian of the records in question.

### 4. Continuing Review of Information Management Principles

- a. The Associate Vice President of Enrollment Management and University Registrar shall be responsible for reviewing the campus information management practices concerning student records.
- b. This review shall include, but not be limited to, an analysis of
  - (1) appropriateness of campus policy statement on the privacy of student records;
  - (2) procedures for amending records, including hearing procedures;
  - (3) procedures for disclosing information to students and others with legitimate educational interest;
  - (4) procedures for access list record keeping;
  - (5) the policy for charging fees for copies of student records; and
  - (6) the overall effectiveness of the campus student records policy and Executive Order No. 796 to determine the need for revision of these policies.
- c. Such reviews shall be conducted biennially and the results shall be forwarded to the Chancellor by the President and shall include any recommended policy or procedural changes deemed necessary.

**Recommended by the Academic Senate**

March 14, 2018

**Approved by the President**

October 1977

March 26, 2018