

## Student Records Administration

**Policy No.: 650-30**

Effective: 9/21/05

### **BACKGROUND:**

This policy is issued in compliance with [CSU Executive Order No. 796](#), Privacy and Personal Information Management -- Student Records Administration, and supercedes previous campus policy on this topic.

This policy constitutes the University's implementation of the [Family Educational Rights and Privacy Act](#) (20 U.S.C. 1232g, hereinafter referred to as FERPA), and its implementing regulations, 34 C.F.R. 99.

This policy incorporates amendments to and interpretations of FERPA as contained in the [PATRIOT Act](#) and the [Solomon Amendment](#). Further, this policy articulates the University's expectations concerning the security of student records and electronic student data, and provides direction concerning the processing of subpoenas for student records.

The purpose of FERPA is to insure the privacy of certain student educational records, hereinafter referred to as "student records" or "records."

FERPA seeks to ensure:

- that students have access to their records
- that students have an opportunity to challenge the content of their records
- that the University will obtain consent prior to the disclosure of certain student records to third parties
- that students will be informed of their FERPA rights.

While FERPA does not bestow a private right of legal action to students who believe that their rights have been violated, the Act does subject universities to enforcement activities by the U.S. Department of Education, including the withdrawal of federal funds.

Individuals responsible for student records administration should also be aware of three other relevant laws. As discussed in the [CSU Records Access Manual](#) (Revised April 2004), the [California Information Practices Act](#) (California Civil Code, 1798) grants individuals, including students, a right of privacy concerning any personal information contained in a state agency record. The CSUN policy on Student Records Administration incorporates the privacy protections provided in both the California Information Practice Act and FERPA. While these two laws protect individual privacy rights, the

disclosure of public agency records is required, under certain circumstances, by both the [California Public Records Act](#) (California Government Code, 6250) and the federal [Freedom of Information Act](#) (5 United States Code, 552). Requests for records disclosures submitted pursuant to either of these laws should be immediately directed to the Director of Public Relations and Strategic Communications, who will determine the appropriate response following consultation with the campus administrator who possesses the requested record.

## **DEFINITIONS:**

### **Access:**

The personal inspection and review of a student record, or a copy of a student record, or an oral or written description or communication of the contents of a student record.

### **Directory Information:**

Information contained in a student record that may be disclosed unless restricted by the student pursuant to the procedures set forth in this policy. At CSUN, directory information includes the student's name, address, telephone number, e-mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g. undergraduate or graduate, full-time or part-time), participation in official university activities and sports, weight and height of athletic team members, degrees, honors and awards received, and most recent educational institution attended. For student employees, directory information shall also include the department where employed and employee status (i.e., Graduate Assistant, Instructional Student Assistant, Teaching Associate).

### **Disclosure:**

Permitting access to or the release, transfer, or other communication of personally identifiable information contained in a student record to any party by any means, including oral, written, or electronic means.

### **Personally Identifiable Information:**

Includes, but is not limited to, a student's name, the name of a student's parents or other family members, the address of a student or student's family, a personal identifier such as a student's social security number or student file number, or a list of personal characteristics or other information that would make the student's identity easily traceable.

### **Records Custodian:**

The administrator or designee within a department or unit who is responsible for establishing and administering procedures to ensure the appropriate access, disclosure and security of student records and data in accordance with this policy. The University's chief records custodian is the Vice President for Student Affairs.

**Student:**

Any person who is or has previously been enrolled at California State University, Northridge (CSUN) regarding whom student records are maintained. The term includes any person who is or has been enrolled in regular, extension, or summer session courses regardless of physical location.

**Student Data:**

As used in this policy, student data refers to electronic student records containing personally identifiable information that is either stored on a University-owned computer or printed, copied, or otherwise reproduced from a University-owned computer.

**Student Record:**

Any record containing personally identifiable information that is directly related to a student and maintained by CSUN or its agents, in anyway including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. The term "student record" does not include the following:

- Personal records (e.g. notes) maintained by faculty or staff that are kept in their sole possession as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute.
- Law enforcement records created and maintained by the CSUN Department of Public Safety for law enforcement purposes as delineated in 34 C.F.R. 99.3.
- Employment records made and maintained in the normal course of business that are related exclusively to a student's employment capacity, except when such employment is contingent upon being a student.
- Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in his or her professional capacity, which are used only for treatment purposes.
- Records that contain information relating to an individual after no longer a student at CSUN.

**Subpoena:**

A legal document that commands a person or entity to attend at a particular time and place to testify as a witness (at a deposition, trial, or other hearing), and/or to produce documents or other tangible objects in a legal proceeding.

**POLICIES/PROCEDURES:**

FERPA vests parents with certain rights concerning student records. These rights transfer to students upon reaching the age of 18 or upon enrolling at a post-secondary institution. Students have a right to:

- Be advised when initially enrolling, and on a continuing basis, of their rights established by FERPA.

- Inspect and timely review their student records maintained by CSUN.
- Challenge and seek correction of a record that is inaccurate, misleading or otherwise in violation of FERPA.
- Require the University to seek consent prior to disclosing information from their records, except as provided by FERPA.
- Prevent CSUN from releasing directory information.
- Receive a copy of the CSUN Student Records Administration Policy.
- File a complaint with the U.S. Department of Education regarding a failure by CSUN to comply with FERPA.

### **Student Inspection of Records:**

Students may inspect and review all records relating to them except:

- Those records that include information on more than one identifiable student. In such cases, only that information related to the student requesting access shall be disclosed.
- Information provided by parents related to student's application for financial aid or scholarships.
- Confidential letters or statements of recommendation filed on or before January 1, 1975.

A student may review his/her record by submitting a written, signed request to the appropriate records custodian or the Vice President for Student Affairs. Said request shall include the student's name, mailing address, phone number and student ID number, and shall specify the record to be reviewed and inspected. The Student Consent/Request for Records Access form (Appendix A) may be used for such requests.

Following receipt of a written request, the appropriate records custodian will notify the student whether the request will be granted. If the request is granted, the student will be informed of the date, time, and location where the record may be inspected. The records custodian will be available to interpret any record to which access is granted.

Review of the records will be authorized within 30 school days if the request is made for active records, or within 45 days if the request is for records that are inactive and/or in storage.

Specific department/unit procedures for granting access to student records shall apply as long as they conform to the timeframes specified above. Academic transcript requests are processed on a separate form by request to the Office of Admissions & Records, accompanied by the appropriate fee.

### **Copies of Student Records:**

A student's right to inspect and review his/her records does not include the right to copies of such records unless at least one of the following conditions exists:

- Failure to provide a copy would effectively prevent the student from exercising the right to inspect and review the record (for example, a former student residing in another state). A copy of the record will be provided to such persons upon written request.
- When a student provides written consent to disclose personally identifiable information to another college or university.
- Upon request, a student shall be provided with a copy of any record for which he/she has given written consent for disclosure. However, the records custodian may prevent transfer and withhold copies of such records from students for nonpayment of debt in accordance with Section 42381, Title 5, of the California Code of Regulations.

Except as provided above, the records custodian shall determine whether copies will be provided and whether a fee will be charged for copies requested by students. When copies of records are provided, fees may be assessed at the rate of \$.10 per page. Transcripts are provided at a cost as authorized by CSU Executive Order. No fee will be charged for the search and retrieval of student records. Fees collected for reproduction costs are deposited and expended through the State Trust Fund.

Copies of records and services associated with records will be denied to students or former students whose records are encumbered by reason of indebtedness to the University (California Code of Regulations, Title 5, Section 42381). However, personal visual inspection of records must be granted in all cases in which a student or former student is otherwise entitled to review a requested record.

#### **Release of Directory Information:**

CSUN may release directory information concerning any student who does not prevent such access when it appears that the release of the requested information will be of benefit to the student concerned.

Students who chose to prevent the release of directory information may do so by completing the Request for Confidentiality Hold on Student Records form at the Office of Admission and Records. Upon so informing Admission and Records, the student's directory information will be designated "confidential" and will remain as such until re-designated by the student.

The Office of Admissions and Records routinely responds to requests for directory information from outside sources such as prospective employers and financial institutions. Additionally, CSUN employees who have legitimate educational access to student records may also respond to such requests. Upon receipt of a request for directory information, the employee must check the Admissions and Records on-line student information database (i.e., SOLAR) to determine whether the student has placed a confidential hold on his/her student record. If so, no directory information may be released. If not, the employee may release directory information when it appears that such release will be of benefit to the student concerned.

Requests for the disclosure of directory information in accordance with the purposes contained in the Solomon Amendment shall be directed to the Vice President for Student Affairs, who is the campus

official designated to respond to such requests. The Vice President shall consult with the appropriate records custodian in responding to such requests.

Officials and offices who receive requests for directory information but are unable to determine the existence of the required "benefit" to the student should refer such requests to the Office of the Vice President for Student Affairs.

In most cases, directory information relating to former students may be released without the student's consent. However, a former student may prevent (or authorize, if confidentiality was previously requested) the release of directory information by completing the Request for Confidentiality Hold on Student Records form in the Office of Admissions and Records, or by sending a letter stating the current request.

Statistical data in which students are not personally identified may be released to any private or public 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 ten cents (\$.10) per page plus labor, except computer printouts, which cost fifty cents (\$.50) per page plus labor.

#### **Waiver of Letters of Recommendation:**

Students may waive their right to inspect and review confidential letters or statements of recommendation regarding:

- admission to CSUN or any other educational institution;
- an application for employment; and/or
- the receipt of an honor or honorary recognition.

Waivers may apply to confidential letters and statements only if the student, upon request, is notified of the names of all persons providing such letters or statements, and the letters or statements are used solely for the purpose for which they were intended.

Waivers may not be required as a condition of admission, receipt of financial aid, or receipt of any other service or benefit from CSUN.

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.

#### **Disclosure of Student Records to Third Parties:**

Except as specifically authorized by FERPA and discussed below, personally identifiable information will not be released from a student record, including from electronic student data, without the student's written consent. Consent to disclose a record must be in writing, signed, dated, and shall include:

- a specific delineation of the record to be disclosed,

- the purpose of the disclosure, and the person, class of persons, or organization to whom the disclosure may be made.

Note that under certain circumstances, as described in the [CSU Records Access Manual](#), FERPA permits consent to disclose to a third party to be submitted in electronic form.

Appendix A, [Student Consent/Request for Records Access](#), may be used by students to provide written consent to release a student record.

The written consent shall be kept with the disclosed student record as long as the record is maintained.

When personally identifiable information from a student record is disclosed to a third party, the party to whom the disclosure is made must be informed that the further disclosure of the information without the prior written consent of the student, or the use of the information for any purpose other than that specifically intended, is prohibited by law. This prohibition also applies to electronic student data.

#### **Disclosures for Which Student Consent is not Required:**

The records custodian will not disclose a student record without the student's consent, except as authorized by FERPA or other federal law that authorizes the disclosure of student records. Exceptions include disclosures made to:

- CSUN employees or employees of the Office of the Chancellor, who require access to a student record while acting within the scope of official duties and in connection, directly or indirectly, with a legitimate educational interest in the record. An employee has a legitimate educational interest if he/she must review the student record in order to fulfill his/her assigned duties and responsibilities. If a conflict arises regarding the legitimate educational interest, the burden of proof will rest with the employee requesting access rather than with the records custodian who possesses the record in question. If necessary, a final determination shall be made by the Vice President for Student Affairs.
- Officials of other educational institutions where the student seeks or intends to enroll.
- The authorized representative of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, or any other state or local educational officials in connection with the audit or evaluation of federal or state supported educational programs or to enforce legal requirements that relate to such programs.
- The Immigration and Naturalization Service for the purpose of tracking, monitoring and reporting information through the Student and Exchange Visitor Information System (SEVIS).
- Comply with a court order to produce education records sought by the U.S. Attorney General (or designated federal officer or employee in a position not lower than Assistant Attorney General) in conjunction with the investigation or prosecution of terrorist acts.

- Persons determining financial aid eligibility, amount of aid, conditions for the aid, and the enforcement of terms and conditions of aid.
- Organizations conducting studies on behalf of CSUN.
- Accrediting organizations carrying out their accrediting functions.
- Parents of a dependent student, as define in Sec. 152 of the Internal Revenue Code of 1986. **Ordinarily, CSUN will not disclose records to parents of dependent student who have reached 18 years old.**
- Comply with a judicial order or lawfully issued subpoena. The University will provide students with advance notice of its intent to comply, except when a subpoena prohibits disclosure of its contents.
- Appropriate parties in connection with an emergency if knowledge of the student record is necessary to protect the health and safety of students or other individuals.
- Respond to requests for information that CSUN has designated as directory information, unless confidentiality has been requested by the student. Such requests include those that may be made by military recruiters pursuant to the Solomon Amendment.

#### **Documentation of Student Records Disclosures:**

Except as provided below, documentation shall be maintained on all persons, agencies or organizations requesting or receiving information from a student record, and the legitimate interests these parties had in requesting or obtaining the information. The documentation shall include the date of the request and reply, and shall indicate whether the requested records were disclosed. Said documentation shall be maintained by the records custodian who responds to the request, and shall be kept as long as the requested record is retained. Appendix A, Student Consent/Request for Records Access, may be used to document record disclosures.

#### **The following requests and disclosures do not have to be documented:**

- Requests made by students for their own use.
- Disclosures for which the student has given written consent.
- Requests by CSUN employees having a legitimate educational interest in the record.
- Disclosures of directory information.
- Disclosures of records pursuant to a federal grand jury or law enforcement subpoena that directs that the existence of the subpoena not be disclosed.

## **Department Records Procedures and Security Practices:**

CSUN employees may access student records when so required in the performance of assigned duties and responsibilities. When accessing or creating student records or student data, employees must take steps to insure that personally identifiable information is handled in a manner that promotes privacy. Unauthorized access can occur unintentionally and, therefore, requires thoughtful consideration of all actions involving the use of student records. Examples of day-to-day behaviors that might facilitate unauthorized records access include leaving paper documents in open work areas that may be subject to public view, storing documents in locations lacking proper security, or failing to properly dispose of documents; leaving data on computer screens or hard drives where it can be viewed by individuals who do not have approved access; and discussing information from student records in a manner that can be overheard by individuals who should not have access to such information. Each records custodian is responsible for developing and documenting appropriate procedures to insure the confidentiality of student records and data. Department records procedures shall include the following:

- A description of the records maintained by the department (e.g., advisement, financial, academic progress, student health, conduct, etc).
- The location where records are stored (e.g., central file room, desk drawer).
- Title of all positions in which the incumbent has access to student records and student data as required to perform assigned job duties.
- Description of procedures used to inform and train new and continuing employees as to their responsibilities pursuant to this policy and secure employee signatures on a [Confidentiality of Student Records Form](#), the University's confidentiality of access to records form.
- Procedures for granting student access to their records, including whether copies of records will be made available and, if so, the amount of any fee that will be charged.
- Procedures for documenting student records disclosures, if required pursuant to this policy.
- Procedures for releasing directory information (note that departments may elect to refer all such requests to the Office of the Vice President for Student Affairs).

Department policy concerning how long student records will be retained and the procedures for records destruction.

## **Student Complaints:**

Students may challenge information in their records considered to be inaccurate, misleading, or in violation of the student's right of privacy. Students should begin by discussing their concerns with the appropriate records custodian. Ordinarily, records will be changed or amended if the student can establish a legitimate basis for the requested change. The right to challenge a student record shall not be interpreted so as to authorize students to contest the assignment of grades, academic probation, or

disqualification actions. Academic dispositions may be challenged through the complaint procedures of the Academic Grievance and Grade Appeals Board.

In order to formally challenge a record or portion thereof, a student must identify in writing the record being challenged and delineate specifically the desired change and reason(s) for the change. The written challenge must be submitted to the Vice President for Student Affairs, who will issue a written response to the student within 30 school days after receipt of the student's challenge. If the decision is to amend the record as requested, the record will be corrected, removed, or destroyed, and the student will be so notified. If the decision is not to amend, the student shall be advised of:

- the right to a hearing, and/or
- the right to submit a statement commenting upon the information in the challenged record and/or setting forth any reason(s) for disagreeing with the decision. This statement shall be maintained as a permanent part of the student's record.

A student's request for a hearing must be made in writing to the Vice President for Student Affairs. Within 15 school days after receiving the request, the Vice President for Student Affairs will inform the student of the date, time, and place of the hearing, which shall be conducted within 45 days of the requested hearing. The student may present evidence relevant to the issues raised and may be assisted in making that presentation by a representative of his/her choice, including an attorney. The hearing will be conducted in accordance with Student Records Hearing Officer Guidelines as maintained by the Vice President for Student Affairs. The decisions of the hearing officer, as approved or modified by the President or his/her designee, are final.

If the final decision is for correction or amendment, such changes will be effected by the appropriate records custodian. If the final decision is unsatisfactory 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 record and released whenever the record in question are released or disclosed.

Students who believe their rights have been abridged may file complaints with the Family Policy and Compliance Office, U.S. Department of Education, Washington, D.C., 20202-4605. Complaints must be submitted within 180 days of the date of the alleged violation or the date that the complainant knew or reasonably should have known of the alleged violation.

### **Disciplinary Actions:**

A student who has been formally sanctioned 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 (Executive Order 628), may submit a written statement of response concerning the disciplinary action imposed by the University, for inclusion with the record of sanction. Any statement submitted by the student, as authorized above, will become a permanent part of the disciplinary action file and made available to any person who gains authorized access to the disciplinary file.

## **Records Retention:**

Each records custodian is responsible for knowing the records retention requirements that relate to records maintained by their department or unit and shall determine how long to retain student records for which they have direct responsibility. Records that are unneeded or improper may be destroyed unless they are required to be maintained by federal, state, CSU, or campus policies. However, no student record may be destroyed if it is relevant to a pending complaint filed pursuant to a University procedure or administrative or legal matter to which the University is a party.

## **Processing a Subpoena for Student Records:**

Subpoenas for student records (sometimes referred to as “subpoena duces tecum), which are addressed to “the custodian of records,” shall be answered by the Office of the Vice President for Student Affairs. The Vice President’s staff will process and respond to the subpoena, including the collection of records from unit records custodians. Although a student’s permission to disclose subpoenaed records is not required, consistent with FERPA, a reasonable effort shall be made of notify the student in advance of compliance so that the student can seek protective action to quash the subpoena. However, the existence of a subpoena shall not be disclosed if so ordered by a grand jury, court, or for other law enforcement purposes.

## **RESPONSIBILITIES:**

### **Administration:**

The Vice President for Student Affairs is the President's designee for student records administration and serves as the chief custodian of all student records. The Vice President for Student Affairs (or designee) is responsible for:

- Drafting, revising, and overseeing the implementation and interpretation of these policies as approved by the President
- Insuring that students are notified of their FERPA rights through class schedules, catalogues and other appropriate means.
- Making a copy of these policies available to students upon request.
- Conducting biennial reviews of this policy pursuant to Executive Order 796. This review will normally be completed by the end of every even-numbered year.
- Responding to student records subpoenas and court orders.
- Responding to requests from military personnel for recruitment information submitted pursuant to the Solomon Amendment.
- Providing guidance and training to unit records custodians.

Deans, assistant/associate vice presidents, department chairs, directors and heads of specific units (or their designees) that maintain student records are “records custodians.” As such, they are responsible

for the administration of this policy in their unit, and shall establish procedures to ensure the confidentiality or access to students records as outlined in this policy and in compliance with FERPA.

The **Director of Human Resources** is the custodian of employment records for State employees. Inquiries concerning all employment records should be directed to the Director of Human Resources.

The **Director of Police Services** is the custodian of all law enforcement records. Inquiries concerning law enforcement records should be directed to the Director of Public Safety.

*The Chief Information Officer of the University's provides guidance and direction on matters pertaining to the security of electronic student data.*

The [Director of Public Relations and Strategic Communications](#) receives all requests for student records sought pursuant to the California Public Records Act and the Freedom of Information Act, and insures an appropriate response in coordination with the records custodian for the unit possessing the requested information.

**REFERENCES:**

[CSU Executive Order No. 796](#), Privacy and Personal Information Management – Student Records Administration

[CSU Records Access Manual](#)

[Family Education Rights and Privacy Act of 1974 \(FERPA\)](#), as amended

[Family Educational Rights and Privacy Act \(FERPA\) Regulations](#) (34 C.F.R. Part 99)

**FORMS:**

[Student Consent/Request for Records Access Form](#)

**FURTHER INFORMATION:**

Office of the Vice President for Student Affairs      (818) 677-2391

**APPROVED BY THE PRESIDENT**