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California State University San Marcos is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA), which protects the rights of students who are attending or have attended the University.

Section I Definitions

Student—any person who enrolls or has been enrolled California State University San Marcos.

Parent—parent of a California State University San Marcos student, including a natural parent, a guardian, legally authorized parent or an individual authorized to act as a parent in the absence of a parent or guardian.

Third Parties—non-university persons or entities.

University—hereafter in this document a reference to California State University San Marcos.

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 San Marcos, 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 Health Services, Counseling and Psychological Services, or Disabled Student Services 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.
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 record custodian as designated in Section III below, 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.

Section II
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 San Marcos website.

Section III
Types, Locations and Custodians of Education Records

Types of Record Location Record Custodian

Academic (e.g., transcript, transfer work, class schedule, degree requirements, probation, petitions, etc. Office of Registration & Records Craven Hall 5115 Director of Registration and Records

Disciplinary/Student Life Office of the Dean of Students Craven Hall 5306 Dean of Students

Financial Aid Financial Aid Office Craven Hall 4204 Director of Financial Aid

Student Accounts Student Financial Services Craven Hall 3107 University Controller

Placement Career and Assessment Center Craven Hall 4201 Director of Career and Assessment Center

Student Payroll Human Resources Management 570 Rancheros Suite 101 Director of HRM

Public Safety Public Safety Services University Services Bldg. Chief of Police

Occasional (e.g., correspondence in office not listed above) Director of Registration & Records will direct the student to location University staff who maintains records
Section IV
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 Director of Registration and Records. 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 social security number, and the student’s last date of attendance. Proper picture identification must be presented before the documents may be reviewed. The record custodian, or the custodian’s designee, may waive the requirement for a written request. For example, the record custodian for the student account may waive the requirement for a written request when the student requests a copy of the current bill.

The record custodian 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 Section I).

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.
Section V

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 or student’s family, including, but not limited to, health care, counseling, job placement, financial aid, or health and safety emergency.

B. Disclosure to Others

California State University San Marcos 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 the parent or guardian of a student provided the parent shows proof that the student is his/her dependent.
9. 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.
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 the party’s legitimate interest in requesting or obtaining the information. The record may be reviewed by the student or parent of a dependent student as stipulated above. A record of disclosure need not be kept of disclosures 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
- Assigned University E-Mail Address
- Major field of study
- Dates of attendance
- Full-time or part-time status
- Degrees, awards, and honors received
- Dates degrees conferred

For students represented by Unit 11 the additional items will be considered directory information:

1. Address
2. Enrollment status as an undergraduate or graduate student
3. Department employed
4. Telephone number
5. Student employee’s status as a student employee (classification as a Teaching Associate, Graduate Assistant or Instructional Student Assistant)

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 hold directory information in confidence should be sent in writing to the Office of the Vice-President for Student Affairs, Craven 5306. 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.

1. The student must request an informal discussion of the questionable item with the record custodian, 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 Vice President will notify the student whether or not the University will comply with the requested change. If not, the 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. (Sample letters attached.)

5. Upon receiving a written request for a hearing the Vice President for Student Affairs shall arrange for a hearing
within a reasonable amount of time after receipt of the request. The student shall be notified reasonably 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.

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 a reasonable period of time 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

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by CAL STATE SAN MARCOS 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

G. Periodic Review of Campus Information Management Practices

Per California State University Trustee 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. The first review under this executive order will take place in July 2002.

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. Attached to this policy is a copy of the periodic reporting form that will be used to collect information to complete this process.
3. 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.