



California State
University **Chico**
Office of the President

Executive Memorandum 22-026

December 1, 2022

From: Gayle E. Hutchinson, President

A handwritten signature in black ink that reads 'Gayle E. Hutchinson'.

Subject: Student Privacy Rights and Student Records Administration Policies and Procedures Document; Supersedes EM 01-001, EM 06-034

Upon the recommendation of the Academic Senate and with the concurrence of the Provost, I approve the Student Privacy Rights and Student Records Administration Policies and Procedures Document.

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| Policy Title: | EM 22-026: Student Privacy Rights and Student Records Administration Policies and Procedures Document |
| Contact: | University Registrar |
| Supersedes: | EM 01-001, EM 06-034 |
| Revision: | |
| Enabling Legislation or Executive Order: | |

**STUDENT PRIVACY RIGHTS AND STUDENT RECORDS ADMINISTRATION
POLICIES AND PROCEDURES DOCUMENT**

The Board of Trustees of the California State University recognizes that the right of privacy is an inalienable right protected by Section 1, Article I of the California State Constitution. Executive Orders 382 and 796 were issued to implement Trustee policy and to establish minimum standards for the administration of student records consistent with the federal Family Education Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and the regulations adopted thereunder (34 C.F.R. 99), hereinafter referred to as FERPA.

The following policy and procedure statement is the official policy statement of California State University, Chico, issued in compliance with EO 382 and EO 796. It supersedes EM 01-001 and EM 06-034.

EO 382 specifies that California State University, Chico (i.e., the University, Chico State) must adopt a written policy statement establishing the various procedures by which the campus will comply with FERPA and additional procedures required by EO 382. This document reflects changes in FERPA and state laws regarding the privacy rights of students and includes policies and procedures for technologies for student record maintenance which are now covered by

FERPA. EO 796 requires a review of campus information management practices concerning student records at least every two years.

As required by EO 382, this statement establishes the language and procedure by which the campus guarantees student education record privacy rights and complies with FERPA, EO 382, and EO 796. This document is formatted according to the specifications provided in EO 382, and, as required in EO 382, this policy establishes the following:

- The rights of students for the privacy of their education records and to have access to them
- The criteria to be used by the campus in defining "officials and employees" and in determining "legitimate educational interest"
- The categories of directory information designated by the campus
- A list of the type of student records maintained, the titles and addresses of the officials responsible for maintaining them, and the location of the access list
- The cost which will be charged for reproducing copies of student records
- The campus policy for reviewing and expunging student records
- The procedures for challenging the contents of student records
- The right of students to file complaints as specified in FERPA, Section 99.63

Student Privacy Rights

In compliance with FERPA, EO 382, and EO 796, California State University, Chico accords current and former students the following rights regarding their student education records:

- The right to be informed about their education records;
- The right to inspect their education records;
- The right to request amendment to their education records;
- The right to have a formal hearing if the request for amendment is denied;
- The right to prevent unauthorized disclosure of any or all of the information in their education record, subject to specific exceptions identified in FERPA;
- The right to complain to the U.S. Department of Education about a violation of FERPA regarding their education record;
- The right to waive these rights in writing.

Required Definitions

In order to implement the rights listed above, California State University, Chico has established the following definition of terms, file identities and locations, and procedures.

Officials and Employees

"Officials and employees" means those persons who are employed by the University in administrative, supervisory, academic, research, or support staff positions, or who are officers or agents of the University, or who are members of University, college, or departmental committees.

Legitimate Educational Interest

"Legitimate educational interest" means an official need to review or access a student educational record by an official or employee of the University in order to fulfill a professional responsibility or to perform appropriate tasks that are specified in his or her position description or by a contractual agreement, to perform a task related to the student's education, to perform a task related to the discipline of a student, or to provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid. School officials who use student education record information to serve their own personal needs or for purposes which are not related to their job responsibilities do not have a legitimate educational interest in the information being used.

Student

"Student" means any person who is or has previously been enrolled and in attendance at California State University, Chico and for whom the University maintains educational records. The term includes any person who is or has been enrolled in regular state-support, summer session, or self-support extension curriculum regardless of the physical location of the program. The term does not apply to applicants for admission to the University even though such applicants are or have been enrolled in and have been in attendance at another component unit of the University. A person who has applied for admission to, but has never enrolled in a component unit of the University (such as the various degree programs, departments, or schools which comprise the University), is not considered to be a student with respect to another component unit to which an application for admission has been made.

Personally identifiable

"Personally identifiable" information in a student education record is information which enables another party to personally identify the student whose record is being reviewed. Personally identifiable information includes (a) the name of a student, the student's parent, or other family members, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make the student's identity easily traceable, or (e) other information which would make the student's identity easily traceable. All personally identifiable information not included as directory information (see Directory information below) may be disclosed by the University only with the written permission of the student or exceptionally as required by FERPA. Among the personally identifiable information contained in the student education record which the University does not identify as personally identifiable information and, therefore, considers confidential are the following:

- Race/ethnicity
 - Gender
 - Date of birth or age
 - Academic evaluations or grades
 - Counseling and advising records
 - Disciplinary records
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- Financial aid records
- Letters of recommendation
- Medical and psychological records
- Campus police records
- Transcripts and other academic records
- Scores on tests required for new students
- Billing and fee payment records
- Student's Class Schedule

Student record

"Student record" means any personally identifiable information directly related to a student which is maintained by California State University, Chico or by a party acting for the University, whether recorded by handwriting, computer media, e-mail, print, tapes, film, microfilm, microfiche, video or audio tape, or other material means. For the purposes of this policy and procedure statement, certain information is generally excluded from this definition. These exclusions, which are also contained in FERPA, state law, and Executive Order 382, include

- Directory information; information provided by parents related to applications for financial aid or scholarships;
- Confidential letters or statements of recommendation filed on or before January 1, 1975;
- Information maintained by instructional, supervisory, administrative, and related educational personnel which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute who performs on a temporary basis (as defined in the institutional personnel policy) the duties of the individual who made the records;
- Paraprofessional persons acting or assisting in their professional or paraprofessional capacity, which are used solely in connection with the provision of treatment to the student;
- Records of law enforcement officials of the law enforcement unit of the University that were created by that law enforcement unit for the purpose of law enforcement;
- Employee records made and maintained in the normal course of the business of the University relating exclusively to individuals in their capacity as employees and are not available for use for any other purpose; and
- Alumni records which contain only information relating to a person after that person is no longer a student.

For specific procedures and requirements pertaining to these exclusions, refer to FERPA, Section 99.3 (b).

Directory information

Directory information is information contained in an education record that is generally not considered either harmful or an invasion of privacy if disclosed. The University may disclose directory information without a student's written permission when it has given public notice to

students of the types of information the University has designated as "directory information" and has provided students with the opportunity to restrict the disclosure of all directory information. Under the terms of FERPA (Section 99.3) and EO 382, California State University, Chico has identified those student record variables which are to be considered directory information as follows:

- Student's legal name
- Permanent, billing, and local addresses
- Permanent, billing, and local telephone numbers
- Student e-mail address
- Major field(s) of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- The most recent previous educational institution attended by the student
- Graduation date and graduation year;
- Student class level (e.g., first-year, second-year, etc.)
- For graduate students employed as GAs, TAs, or ISAs: part-time/full-time enrollment and department employed
- Student photographs

The Associate Vice President for Enrollment Management Services, the Registrar, or the Registrar's designee may release personally identifiable information from student educational records, including student photographs and all other non-directory information, to University Police or to off-campus law enforcement agencies in the case of an emergency, where the normal process of a judicially authorized subpoena or written consent cannot be obtained in sufficient time given the emergency situation and the knowledge of the released information is necessary to protect the health and/or safety of students or to resolve an emergency situation. University Police may not disclose non-directory information to off-campus law enforcement agencies without written consent of the student, a judicial order, or a lawfully issued subpoena. The Associate Vice President for Enrollment Management Services, the Registrar, or the Registrar's designee may disclose the University-assigned student identification number without a student's written consent in order for the University to conduct the official business of the University. The University has chosen to consider all directory information to constitute a single category available for release to the general public unless the student places a full restriction through their campus portal account or requests in writing that the University withhold this information from release. All other information in the education record of a student at California State University, Chico is considered restricted information which will not be released to third parties without the prior written consent of the student or as required under FERPA.

Disclosure

"Disclosure" means the permitting of access to or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein to any party, orally, in writing, by electronic means, or by any other means.

Access Log

"Access log" means a record of requests for access to review and disclosures from the student education record, as required by FERPA and EO 382, maintained by California State University, Chico which lists all persons, agencies, or organizations which have requested and received information from the student record and the purpose for which these parties requested the information released. As required under FERPA, the access log is considered a part of the student's education record; therefore, it will be retained as long as the education records to which they refer are retained by the University. The access log shall not include accesses by the student, parties to whom directory information is released, parties for whom written consent for access has been executed by the student, or officials and employees having a legitimate educational interest in the record. Access to it will be made in compliance with requirements of FERPA for access to the student education record.

- The access log will be maintained by the Office of the Registrar
- As required by FERPA, the access log will include
 - The identities of the parties to whom records have been disclosed
 - The legitimate educational interests those parties had in obtaining the disclosed education record information

Types of Student Records, Locations, and Custodians

As required by FERPA and in compliance with CSU system policy, the University must provide a list of the education records maintained by the University; their locations, and their custodians:

Procedures for Providing Students Access to Review their Education Records

Procedures for current and former students of California State University, Chico to review their student education records and to implement the requirements of FERPA and EO 382 are based on those privacy rights and procedures afforded students in FERPA. The following section establishes procedures for the implementation of student privacy rights and is organized into several sections:

- Procedures for students to inspect and access their student education records
- Procedures for students to waive any and all of their rights to inspect and review confidential letters and statements of recommendation
- Procedures for disclosure of personally identifiable information
- Right of California State University, Chico to destroy student education records
- Right of California State University, Chico to charge fees for copying student education records
- Procedures for students to request correction of their education records
- Procedures for a hearing when a student's request for correction is denied

Procedures for students to inspect and access their student education records

California State University, Chico shall permit all current and former students to inspect all student education records relating to them with the exceptions and limitations specified in FERPA.

Access to inspect education records shall be granted to students no later than 30 working days following receipt of the request. California State University, Chico, shall

- Inform the student of the location of the requested record if not centrally located, and
- Provide qualified personnel to interpret the record where appropriate.

Limitations on students' rights to inspect and review their education records.

Pursuant to the definition of education record in FERPA and with reference to the definition of the student education record provided above, the following records which may be maintained by the University are not to be considered part of the student education record and, therefore, students do not have the right to access, inspect, and review:

- Education records which include information on more than one identifiable student, in which case only that information relating to the student requesting access shall be revealed;
- Confidential letters of recommendation placed in files prior to January 1, 1975;
- Letters of recommendation and statements placed in a student education record file after January 1, 1975 for which the student has signed a waiver relinquishing the student's right of access to the document. However, waivers can be signed only for those letters and statements related to the student's admission, application for employment or job placement, or receipt of honors;
- Financial information submitted by parents;
- Records of instructional, supervisory, or administrative personnel which are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Records separately maintained by the University Police that were created for the purpose of law enforcement;
- Records concerning an employee of the University who is not also a student;
- Records of a physician, psychiatrist, psychologist, or other recognized professional, or paraprofessional acting in a professional capacity, made in connection with the treatment of a student; and
- Alumni records which contain only information relating to a person after that person was no longer a student.

For specific procedures and requirements pertaining to these exclusions, refer to FERPA, Section 99.3 (b).

The University may disclose records subject to FERPA to third parties without a written consent under the following circumstances:

- To parents of a student who have established the student's status as a dependent according to Internal Revenue Code of 1986, Section 152.
- To other officials of the University who have legitimate educational interests in the record;
- To officials of another institution of higher education where the student intends to enroll, if the affected student has been notified and provided an opportunity to challenge the content of any records to be released;
- To authorized representatives of the Comptroller General of the United States, the Secretary of the Department of Education, or state educational authorities where the information is necessary to audit and evaluate federally supported education programs;
- In connection with a student's application for, or receipt of, financial aid;
- To organizations conducting studies for educational agencies in connection with predictive tests, student aid programs, or improvements of instruction;
- To accrediting organizations for accrediting functions;
- To appropriate parties if the knowledge of such information is necessary to protect the health or safety of the student or other persons;
- To comply with a judicial order or subpoena so long as an effort is first made to notify the student;
- To counsel or the court when the student whose records are being disclosed has sued the University, provided such a disclosure is relevant for the University to defend itself in the lawsuit;
- The final results of a disciplinary hearing conducted by the institution against the perpetrator of a crime of violence or of a non-forcible sex offense to a victim whether or not the charges are sustained;
- The final results of a student disciplinary hearing which upholds a charge against the student of a crime of violence or a non-forcible sex offense;
- To parents of a student under the age of 21 regarding a violation by their child of laws or university policy relating to alcohol use or drug use or possession.

Students with outstanding financial or other holds on their records maintain the right to review their education records, but not to obtain any copies of those records unless failure to do so would effectively deny the student the right to inspect and review their records.

The right of the students to have access to inspect their student records does not include the right to a copy of such records unless at least one of the following conditions exists:

- Failure to provide a copy would effectively prevent a student from exercising the right to inspect the student record. For example, a former student residing in another state who is not physically present to inspect a student record shall be provided a copy of the record upon written request and payment of the fee the University charges for copying records
- A student provide:

- Written consent to disclose personally identifiable information to another college or university
- Pays fees required for the production of copies and mailing.

Procedures for students to waive any and all of their rights to inspect and review confidential letters and statements of recommendation

Students may waive any and all of their rights to inspect either individual confidential recommendations or all confidential recommendations as specified by the student regarding

- Admission to the campus or another educational institution
- An application for employment or career placement

Waivers may apply to confidential recommendations only if the student is notified, upon request, of the names of all persons providing such letters or statements

- The letters or documents to which students have waived the right to access will be used only for the purposes for which they were collected. If used for other purposes, the waiver will be considered void and the documents may be inspected by students.
- Such waivers are not required of students by California State University, Chico, for any purpose.
- Pursuant to FERPA, California State University, Chico does not require students to waive their rights of inspection and review of their education records.
- No institutional services or benefits will be denied students who choose not to waive their rights of inspection and review of their education record;
- Students must request a waiver of their rights of inspection and review in writing. Their requests must either identify specific documents or categories of documents for which they are waiving their rights of inspection and must be dated and signed by the student.
- Students may revoke the waiver in writing but will not regain the right to review any documents collected while the waiver was in force.
- The fact that a waiver has or has not been executed shall not be revealed to any person other than the person or persons responsible for maintenance of student records or the person or persons making the confidential recommendation

Procedures for disclosure of personally identifiable information

Except as provided by FERPA Section 99.30 and 99.31, California State University, Chico shall obtain the written consent of a student before disclosing personally identifiable information (i.e., student education record information that the University has not designated as directory information) from the student record.

The written consent shall be signed and dated by the student and shall include

- A specification of the student records to be disclosed
- The purpose or purposes of the disclosure
- The party or class of parties to whom the disclosure was made

The written consent document shall be kept permanently with the record for which the student has given permission to disclose.

Consent is not required where the disclosure is made to the student personally. When a disclosure is made pursuant to 5(a), California State University, Chico shall, upon request and payment of the fee therefore, provide the student a copy of the record disclosed. The student may request an amendment of said record pursuant to Section 7. California State University, Chico shall maintain an access list of each request for and each disclosure of personally identifiable information where the student's written permission is required and has not been obtained. California State University, Chico may release directory information to anyone. A student has the right to refuse to permit the designation of personally identifiable information as directory information, by placing a restriction through their campus portal account or by informing the campus in writing within 14 calendar days of the day of the term when instruction begins. The University maintains only one category for the designation of directory information, and, therefore, the student must designate either all directory information may not be released or all directory information may be released. The University may disclose statistical data in which students are not identified individually to any public agency or entity or private nonprofit college, university, or educational research organization when such disclosures are in the best educational interests of students as determined by appropriate officials and employees of the University. The University may disclose student education records of deceased students' as is allowable under FERPA and as is determined by the University to be a legitimate request by a family member or other such person.

Right of California State University Chico to destroy student education records

California State University, Chico may destroy student records it determines are unneeded except for those student records required to be maintained by systemwide policies. No student record shall be destroyed if there is an outstanding request from a student to inspect and review the record.

Right of the University to charge fees for copies of education records

California State University, Chico shall allow students to have a copy of their student education records, including student education records transferred to another post-secondary institution, upon request and upon payment of the fee therefore. Such fees shall be based only on the cost of reproduction and the labor involved in the production. No fees shall be charged students to search for and retrieve student records. Fees for reproduction of transcripts and placement files shall be charged at the rate authorized for the campus by the Chancellor and deposited according to system policy. It has been determined that when copies of the student record are provided, costs are \$2.00 for the first copy of all documents in the record and \$1.00 for each full set of copies thereafter during a single access of the record. For purposes of this policy, a California State University, Chico student transcript is not a copy.

Procedures for students to request correction of their education records

Students may request amendment of the contents of their education records which they consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. A student may request amendment of his or her student record when the student believes any of the following statements is true:

- The education record is inaccurate;
- The education record is misleading;
- The education record contains an unsubstantiated personal conclusion or inference;
- The education record contains a conclusion or inference outside of the observer's area of competence;
- The education record contains a conclusion or inference not based on the personal observation of a named person with the time and place of the observation noted;
- The education record contains information otherwise in violation of their privacy or other rights.

Under this policy, student requests to correct grades previously posted to the student's record are restricted to only those circumstances in which the student believes that the contested grades are incorrectly recorded. Student challenges to posted grades for reasons other than the accuracy of the recording shall be processed under the campus Student Grievance Procedures.

To request amendment or deletion of information in the student education record, the student must do the following:

- Discuss the problem informally with the appropriate university officer responsible for the type of education record for which the student seeks amendment or deletion. (See Section III, Types of Student Records, Locations, and Custodians).
- If the decision of the officer responsible for the education record in which the information being reviewed is not satisfactory, the student may request a formal hearing.

In response to a student's written request for amendment of an education record, the University officer will

- Within 45 calendar days after receiving a request for amendment or deletion of information in a student education record, determine whether amendment based on the specifications and reasons submitted is warranted;
- Amend, delete, or destroy the information in the student record for which amendment is requested if that is the decision;
- Provide written notification to the requesting student of the decision;
- Inform the requesting student in writing, when the decision is not to amend the education record, of the student's right to a formal hearing through the Office of Student Judicial Affairs.

Procedures for a formal hearing

- A decision to deny amendment of a student education record can be appealed by the student affected to the Office of Student Conduct, Rights, and Responsibilities.
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- Hearings will be conducted according to procedures established under the campus Student Grievance Procedures (see EM 05-010).
- Students have the right to add a written statement to the student record commenting on the information in the record or a statement of reasons for disagreeing with the decision of the hearing.

Responsibility

It is the responsibility of all faculty and staff to adhere to all provisions of FERPA and maintain current training. It is the responsibility of the University Registrar to ensure the University remains compliant in relation to FERPA regulations. Nothing in this policy should be construed to mandate violations of federal, state, or Chancellor's Office policies regarding FERPA. Should a discrepancy occur between this policy and FERPA regulations, the University Registrar shall work directly with the Office of the President to make necessary changes on an emergency basis. These changes shall be communicated to the Executive Committee of the Academic Senate and, when necessary, to the faculty, staff, and administrators of the University. Any changes to this policy shall follow [Executive Memorandum 18-020 "Policy on Policies, Procedures and Guidelines"](#).

General Provisions

Complaints involving the policies and procedures established herein, or their implementation, may be filed with the federal office in charge of FERPA:

Family Policy Compliance Office U.S. Department of Education 600 Independence Avenue
S.W. Washington, DC 20202-4605 (202) 260-3887 FAX: (202) 260-9001

Copies of this policy statement shall be made available to students upon request at the Student Records and Registration Office.