



California State University, Monterey Bay

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The Family Educational Rights and Privacy Act (FERPA)

1.00 Purpose

The purpose of this policy is to set out the criteria and protocol for the compliance and implementation of the Federal law that protects the privacy of student education records.

This policy is intended to reflect the University's commitment to the principles, goals, and ideals described in the CSUMB Vision Statement and its core values.

2.00 Definition

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are considered "eligible students."

This policy designates the Vice President for Student Affairs and Enrollment Services as the Compliance Officer for the University. This policy also clarifies secondary roles and responsibilities in University procedures for ensuring compliance.

Definitions:

Student - any person who enrolls or has been enrolled at California State University, Monterey Bay both matriculated and non-matriculated (extended education).

Dependent Student - any person who is under the age of 24, and is claimed on the parent's federal income tax return.

Parent - parent of a California State University, Monterey Bay student or extended education 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.

Record Custodian - A university official who is responsible for the security and confidentiality of student education records.

Third Parties - non-university persons or entities.

University - hereafter in this document a reference to California State University, Monterey Bay.

University Official - a university employee who has a legitimate educational interest in the records.

Education Records/Official Records - any record (in handwriting, print, tapes, film or other medium) maintained by California State University, Monterey Bay, or an agent of the university, which is directly related to a student, except:

- 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.
- 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.
- Records maintained by the university's Campus Health Center, Personal Growth and Counseling Center, or Student Disability Resources if the records are used only for treatment of a student and made available only to those persons providing treatment.
- Alumni records that 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 and a legal "right to know" if the official is:

- Performing a task in order to fulfill his/her professional responsibility that is specified in his/her position description or contract agreement that is related to a student's education or that is related to the discipline of a student.
- 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.
- Maintaining the safety and security of the campus.
- 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).

The record custodian, as designated in Section 6 below, shall determine whether a legitimate educational interest exists and 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.

3.00 Authority

This policy is based upon the Family Educational Rights and Privacy Act (FERPA) and on the CSU Executive Order 796: Privacy and Personal Information.

4.00 Scope

The policy applies to students who are attending or have attended the University. California State University, Monterey Bay is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA), which protect the rights of students who are attending or have attended the University.

5.00 Annual Notification

The University shall notify currently enrolled students of their rights under FERPA by publishing a notice in the university catalog and on the California State University, Monterey Bay website.

6.00 Types, Locations, and Custodians of Education Records

1. Academic (e.g., transcript, transfer work, registration, class schedule, degree requirements, probation, petitions, etc.) - Location: Office of the Registrar. Record Custodian: Registrar
2. Disciplinary/Student Life - Location: Judicial Affairs and Community Standards. Record Custodian: Student Conduct Administrator
3. Financial Aid - Location: Financial Aid Office. Record Custodian: Director of Financial Aid
4. Student Accounts - Location: Administration & Finance. Record Custodian: Cashiering & Student Accounting Services Manager
5. Career Development Office - Location: Career Development Office. Record Custodian: Director of Advising
6. Student Payroll - Location: Administration and Finance. Record Custodian: Payroll Services Supervisor

7. Public Safety - Location: Police Department. Record Custodian: Chief of Police
8. Housing - Location: Student Center. Record Custodian: Director of Student Housing and Residential Life.
9. Occasional Records (e.g., correspondence in office not listed above) - Location: Staff in Office of the Registrar, will direct the student to location. Record Custodian: the director of the office maintaining the record.

7.00 Disclosure of Education Records to Student

7.10 Procedure of Students to Inspect Their Education Records

To inspect or review an education record, a student must submit a written request to the appropriate custodian of that record. The student must sign the request; describe the specific record to be reviewed; and must set forth the name under which the student attended the University, the student's I.D. 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, shall 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 shall be given within 45 days after receipt of the written request.

Some student records may be destroyed (per office records retention policies) and therefore, the file may not exist for the student to inspect.

7.20 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 2.00).

7.30 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.

7.40 Request for Copies

If health reasons or extreme distance from the University prevent the student from inspecting the education record, copies of the specific education record requested shall 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 shall not be waived in these circumstances.

8.00 Authorization to Disclose Education Records to Others without Student Consent (FERPA, C.F.R. 99.31)

The University shall consider all requests for a student's information with a priority of maintaining student privacy while recognizing legitimate uses of this information. The Record Custodian shall apply the policy constraints described in this section of the policy and exercise diligence in the review of all information requests.

8.10 Disclosure of Education Records to University Officials

The University may disclose information from a student's education records to University officials who have a legitimate educational interest in the records (see section 2.00).

8.20 Disclosure to Others

The University may disclose information from a student's education records to other than University officials only with written consent of the student. Written consent is not required when disclosing education records to the following:

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 when 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; or
9. To victims of crimes of violence or of a non-forcible sex offense who request the final results of a disciplinary review process held by the University against the perpetrator on account of the crime or offense.

8.30 Records of Requests for Disclosure to Parties Other than the Student or University Officials

A record shall 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 shall 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.

8.40 Directory Information

The University designates the following items as directory information:

- student's name
- assigned university e-mail address
- major field of study
- degrees, awards, and honors received
- participation in officially recognized activities and sports
- height and weight statistics of NCAA student athletes

The University designates the following items, in addition to those listed above, as Directory Information for Academic Student Employees only:

- department employed
- status as student employee (i.e., Instructional Student Assistant, Teaching Assistant, Graduate 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 and Enrollment Services, Student Services Building. The student's records shall be kept confidential until the student requests in writing that the confidentiality hold be removed.

8.50 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. Requests to change a course grade are addressed in the Grade Appeal Policy. That policy guides review of course grades and provides informal and formal steps for review of a course grade. If it becomes clear that a student has a grade dispute, the student will be directed to the Grade Appeal Policy. The following are the procedures for correcting education records.

The student must request an informal discussion of the questionable item with the appropriate record custodian, who will determine whether or not to grant the request.

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 and Enrollment Services. If the request falls outside of the Student Affairs and Enrollment Services division's purview, the Vice President for Student Affairs and Enrollment Services shall forward the request to the appropriate division vice president for review.

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.

After a review, the vice president of the division shall notify the student whether or not the University will comply with the requested change. If not, the vice president shall 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 shall be sent to the Vice President for Student Affairs and Enrollment Services. (Sample letters attached.)

Upon receiving a written request for a hearing the Vice President for Student Affairs and Enrollment Services 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 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 shall 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. Attorneys shall not be permitted to attend the hearing.

The hearing officer shall submit a written decision to the Vice President for Student Affairs and Enrollment Services based on the evidence presented at the hearing. The

Vice President for Student Affairs and Enrollment Services shall communicate the decision in writing to the student within a reasonable period of time after the hearing.

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 shall be amended accordingly and the student shall be notified in writing by the Vice President for Student Affairs and Enrollment Services of the amendment.

If the University decides the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy or other rights, the Vice President for Student Affairs and Enrollment Services shall 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 shall be maintained as part of the education record as long as that record is maintained, and the statement shall be disclosed whenever the University discloses the portion of the record to which the statement relates. The hearing officer's decision is final.

9.00 Compliance

A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by California State University, Monterey Bay 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

10.00 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 shall be conducted at least every two years, or more often as the need arises.

The campus Compliance Officer shall have the responsibility for ensuring that the periodic review is conducted and that appropriate reports resulting from these reviews be submitted to the Vice President for Student Affairs and Enrollment Services to be forwarded to the Chancellor's Office.

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

Any recommended changes to the policy and/or its procedures shall be the responsibility of the Compliance Officer to complete in consultation with designated records custodians.

11.00 Continuous Renewal

This policy shall be reviewed two years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time as necessary to reflect substantial organizational, physical, or academic changes at CSUMB or any change required by law.



President Eduardo M. Ochoa

Effective Date: 3/14/13

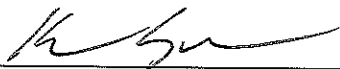
Certification Process

Reviewed by: Matriculation Committee, Policy Facilitation Team, Academic Affairs Council, Enrollment Services/Student Affairs Leadership Team, Academic Senate, Educational Policy and Planning Committee, Associated Students, and the Provost.

Memorandum from Policy Facilitation Team

To: President Eduardo M. Ochoa
Date: March 12, 2013
Subject: Policy Recommendation
From: Provost Kathryn Cruz-Uribe
Policy: The Family Educational Rights and Privacy Act (FERPA) Policy

The Provost, along with the Policy Facilitation Team, recommends that the *Family Educational Rights and Privacy Act Policy* be approved.



Kathryn Cruz-Uribe
Provost



Date