



California State University, Monterey Bay

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The Family Educational Rights and Privacy Act (FERPA)

1.00 Purpose and Authority

In compliance with CSU Executive Order 796: Privacy and Personal Information, CSUMB's Family Educational Rights and Privacy Act (FERPA) follows. 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.

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.

2.00 Definitions

Compliance Officer: is the University Official designated to oversee and ensure compliance with the FERPA

Education Records/Official Records:

(a) The term means those records that are:

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

- (1) Records that 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.
- (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8
- (3)(i) Records relating to an individual who is employed by an educational agency or institution that:
 - (A) Are made and maintained in the normal course of business;
 - (B) Relate exclusively to the individual in that individual's capacity as an employee; and
 - (C) Are not available for use for any other purpose.

- (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.
- (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - (ii) Made, maintained, or used only in connection with treatment of the student; and
 - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
- (5) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- (6) Grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible Student: an individual who is or has been in attendance at CSUMB 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 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.

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 their professional responsibility that is specified in their position description or contract agreement that is related to a student's education.
- 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.

The record custodian, as designated in Section 4 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.

Parent: a parent of a student and includes a natural parent, a guardian, or an individual acting 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.

3.00 Annual Notification

The University shall notify enrolled students of their rights under FERPA by publishing a notice in the University catalog and on the University website. Students will be electronically provided a direct link to the FERPA policy.

4.00 Types, Locations, and Custodians of Educational Records

The following is a list of the major types and locations of Records the University maintains.

Record Type	Custodian	Campus Office
Academic	Registrar	Office of the Registrar
Academic Department/ Program Records	College Office/ Individual Departments	Dean, Department Office, or Designee
Admissions Materials	Director of Admissions	Office of Admissions
Advising	Director of Advising	Center for Advising, Career, and Student Success
Career Development	Director of Advising	Center for Advising, Career, and Student Success
Disciplinary/Student Life	Student Conduct Administrator	Office of Judicial Affairs
Discrimination, Harassment, and Retaliation	Title IX/DHR Administrator	Title IX Office
Financial Aid	Director of Financial Aid	Financial Aid Office
Housing	Director of Student Housing & Residential Life	Student Housing and Residential Life
Student Accounts	Cashiering & Student Accounting Services Manager	Administration & Finance
Student Disability Records	Manager of Student Disability Resources	Student Disability Resource Office
Student Payroll	Payroll Services Manager	Administration & Finance
Occasional Records	Vice President of Student Affairs & Enrollment	Student Affairs and Enrollment Services

Each custodian of educational records shall adopt procedures to insure that FERPA policies are followed.

5.00 Disclosure of Education Records to Student

Eligible students have the right to inspect and review their educational records using the following procedures.

5.10 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. 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.

5.20 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).

5.30 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.

5.40 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.

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

FERPA permits the disclosure of personally identifiable information from student's education records, without consent of the student, if the disclosure meets certain conditions.

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.

The University will not permit access to or release of any personally identifiable information without the written consent of the student except in the following circumstances:

6.10 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 2.0)

6.20 Disclosure to Others

The University may disclose information from a student's 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 by providing proof that the student is considered their dependent for federal tax purposes; 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.

6.30 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 a student's education record. 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. 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.

6.40 Directory Information

The University designates the following items as directory information:

- student's name
- dates of attendance
- enrollment status
- assigned university e-mail address
- major field of study, minor, and concentrations
- degrees, awards, and honors received
- date degree conferred
- 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 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 Registrar, Student Services Building. The student's records shall be kept confidential until the student requests in writing that the confidentiality hold be removed.

7.00 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 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.

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.

8.00 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

9.00 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 President and forwarded to the Chancellor's Office.

11.00 Continuous Renewal

This policy shall be reviewed ten 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: *Nov. 21, 2017*

Certification Process

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

Memorandum from Policy Facilitation Team

To: President Eduardo Ochoa
Subject: Policy for final Presidential approval
Policy: FERPA Policy
Date: October 24, 2017

The Policy Facilitation Team and I recommend this renewal policy for your final approval and implementation. Please sign and date in the designated space on the final page of this policy. Thank you.



Bonnie D. Irwin
Provost

11-14-17

Date