

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
400 Golden Shore
Long Beach, California 90802
(213) 590-5512

Date: March 10, 1982

To: Presidents

From: Harry Harmon *Harry Harmon*
Executive Vice Chancellor

Subject: Student Records Administration – Executive Order No. 382

I am transmitting to you five (5) copies of Executive Order No. 382, relating to Privacy and Personal Information Management, Student Records Administration. In accordance with policy of The California State University, the campus President has the responsibility for implementing Executive Orders where applicable and for maintaining the campus repository and index for all Executive Orders.

The present Executive Order includes only technical changes to Executive Order No. 267. These include updated references to the reorganized California Education Code and removal of superfluous language.

Please note: The results of the biennial campus reviews of student records policy, pursuant to Section D.3 of this Executive Order will be solicited in spring 1982.

HH:lf

Attachments

Distribution. Vice President, Academic Affairs
Vice President, Administration
Business Managers
Deans of Students
Presidents, Associated Students
Chancellor's Office Staff
Legislative Analyst
Administration Information Center

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
400 Golden Shore
Long Beach, California 90802

Executive Order No.. **382**

Title. **Privacy and Personal Information Management
Student Records Administration**

Effective Date: **March 10, 1982**

Supersedes: **Executive Order No. 267**

The Board of Trustees recognizes that the right of privacy is an inalienable right protected by Section 1, Article 1 of the California State Constitution. Under the authority delegated to the Chancellor in Title 5, *California Administrative Code*, Section 42396.5, this Executive Order is 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 (45 C.F.R. 99), hereinafter referred to as FERPA, and Chapter 13 (Sections 67100-67147) of Division 5 of the California Education Code.

A. Definitions

1. "Student" means any person who is or has previously been enrolled and in attendance at a campus of The California State University. The term includes any person who is or has been enrolled in either the regular, extension, or summer session curriculum regardless of the physical location of the program. The term does not apply to applicants for admission to any component unit of the campus even though such applicants are enrolled and in attendance at another component unit of the campus (see Section 99.3, FERPA).

2. "Student record" means any personally identifiable information related to a person as a student which is maintained by a campus whether recorded by handwriting, print, tapes, film, microfilm or other material means. For the purposes of this Executive Order, certain information is generally excluded from this definition. These exclusions which are also contained in federal and state law include: (1) directory information; (2) information provided by parents related to applications for financial aid or scholarships; (3) confidential letters or statements of recommendation filed on or before January 1, 1975; (4) information maintained by instructional, supervisory, administrative, and related educational personnel which is not revealed to any other person except a substitute; (5) records of physicians, psychologists, and psychiatrists or other recognized professional or paraprofessional persons acting or assisting in their professional or paraprofessional capacity; (6) records of law enforcement officials; (7) employee records; and (8) 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 Education Code, Section 67110 and FERPA, Section 99.3(b).

3. "Directory information" may include the student's name, address, telephone number, date and place of birth, major field 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, and other similar information as designated by the campus and authorized in writing by the student.
4. "Disclosure" means permitting access or release of personally identifiable information from a student record.
5. "Access" means a 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.

B. Required Procedures

1. Each campus shall adopt a written policy statement establishing the various procedures by which the campus intends to comply with FERPA, Section 67121 of the Education Code, and this Executive Order:
 - a. The statement shall include:
 - (1) A list of the types of student records maintained, the titles and addresses of the officials responsible for maintaining them, and the location of the access list required by Section B.6 of this Executive Order;
 - (2) The criteria to be used by the campus in defining "officials and employees" and in determining "legitimate education interest;"
 - (3) The campus policy for reviewing and expunging student records;
 - (4) The rights of students to have access to student records;
 - (5) The procedures for challenging the content of student records;
 - (6) The cost, if any, which will be charged for reproducing copies of student records as permissible under Section C.1 of this Executive Order;
 - (7) The categories of directory information as designated by the campus; and
 - (8) The right to file complaints as specified in FERPA, Section 99.63 and Section 67121 of the Education Code.
 - b. Copies of this statement shall be made available to students upon request.
2. Each campus shall provide a written notice to students of their rights and the availability of the information specified in FERPA, Sections 99.5 and 99.6, and Section 67121 of the Education Code upon the date of their initial enrollment and at least annually thereafter.
 - a. Notification to new students shall be included in the general catalog and any other appropriate campus publication which is provided to all new students upon initial enrollment (e.g., class schedules, initial registration materials).

- b. Notification to continuing students shall be provided annually by any appropriate means such as registration materials, class schedules, student handbooks, campus newspapers, and bulletin board announcements.
 - c. Notification to former students is not required.
3. Each campus shall allow students to inspect and review all student records relating to them except those student 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.
- a. Access to inspect and review such records shall be granted to students no later than 15 working days following the receipt of the request. The campus shall:
 - (1) Inform the student of the location of the requested record if not centrally located; and
 - (2) Provide qualified personnel to interpret the record where appropriate.
 - b. The right of students to have access to inspect and review their student records does not include the right to a copy of such records unless at least one of the following conditions exists:
 - (1) Failure to provide a copy would effectively prevent a student from exercising the right to inspect and review the student record. For example, a former student residing in another state cannot be physically present to review a student record. A copy of the record should be provided to such persons upon written request; or
 - (2) When a student provides: (a) written consent to disclose personally identifiable information to another college or university; and (b) payment of all fees and charges due the campus (refer to Section B, Paragraph 5d); or
 - (3) Campus policy allows students to have a copy of their student records upon request and all fees and charges due the campus by the student have been paid.
 - c. A fee may be charged for copies of student records in accordance with Section C.1 of this Executive Order.
 - d. Students may waive their right to inspect and review confidential letters or statements of recommendation regarding:
 - (1) Admission to the campus or another educational institution;
 - (2) An application for employment or career placement; and
 - (3) The receipt of an honor or honorary recognition.
 - e. Waivers may apply to confidential letters and statements only if:
 - (1) The student or applicant is notified upon request, of the names of all persons providing such letters or statements;
 - (2) The letters or statements are used for the purpose for which they were intended; and
 - (3) Such waivers are not required of students by the campus for any purpose.

- f. Waivers shall be made in writing and signed by the student.
 - g. Waivers may be applied to either individual letters and statements or all letters and statements as specified by the student.
 - h. Waivers may be revoked in writing by the student at any time. Such revocations shall affect only those letters and statements written after the revocation.
4. Each campus shall establish procedures whereby a student may request, in writing, that a student record be amended which is alleged to be: (1) inaccurate; (2) misleading; (3) an unsubstantiated personal conclusion or inference; (4) a conclusion or inference outside of the observer's area of competence; (5) not based upon the personal observation of a named person with the time and place of the observation noted; or (6) otherwise in violation of their privacy or other rights.¹ This requirement shall not be interpreted so as to authorize students to contest, by means of this Executive Order, the assignment of grades, academic probation or disqualification actions resulting from the assignment of grades, or administrative academic probation or disqualification actions as authorized by Executive Order 186. However, campus procedures shall provide a means by which a student may request that an improperly recorded grade or any other inaccurately recorded information be corrected.
- a. Each campus shall decide within 45 days after the request has been received whether to amend a challenged record. Students shall be notified of the decision in writing.
 - b. If the campus decides to amend a challenged record, the information in the record shall be corrected or removed and destroyed.
 - c. If the campus decides not to amend the challenged record, the student shall be advised in writing of the decision and the right to a formal hearing in accordance with FERPA, Section 99.21.
 - d. If the student requests a hearing, it shall be conducted in accordance with FERPA, Section 99.22.
 - (1) Hearings shall be conducted within 45 days after the request for the hearing has been received.
 - (2) If, as a result of the hearing, the campus decides to amend the student record, the student shall be informed of the decision in writing.
 - (3) If, as a result of the hearing, the campus decides not to amend the student record, the student shall have the right to submit a statement commenting upon the information in the challenged record and/or setting forth any reasons for disagreeing with the decision. This statement shall be maintained as a permanent part of the student's record in accordance with FERPA, Section 99.21, Section 67132 of the Education Code.
5. Each campus shall obtain the written consent of the student before disclosing personally identifiable information from the student record, except as provided in FERPA, Sections 99.30 and 99.31 and Sections 67142 and 67143 of the Education Code.

¹This section does not preclude a campus from maintaining information which includes personal conclusions within the observer's area of competence. Statements of professional judgment should not be considered as inappropriate.

- a. The written consent required shall be signed and dated by the student and shall include:
 - (1) A specification of the records to be disclosed;
 - (2) The purpose or purposes of the disclosure; and
 - (3) The party or class of parties to whom the disclosure may be made.
 - b. The written consent shall be kept permanently with the student record.
 - c. When a campus discloses personally identifiable information from a student record, it shall inform the party to whom the disclosure is made that release of the information to a third party without the prior written consent of the student or use of the information for any purpose other than that specifically intended is prohibited.
 - d. When a student provides written consent to disclose personally identifiable information from a student record to another college or university, the campus shall notify the student of the right to receive a copy of the record and the right to challenge the content of the record, except that a campus may prevent transfer and withhold copies of such records from students for nonpayment of debts in accordance with Title 5, Section 42381 and Section 67124 of the Education Code.
6. Each campus shall maintain a log which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests these parties had in requesting or obtaining the information.
- a. Such listings need not include the student, parties to whom directory information is released, parties for whom written consent has been executed by the student, or officials or employees having a legitimate educational interest in the record.
 - b. The log shall be open only to the student, the official or the official's designee responsible for the maintenance of the student record, other campus officials with legitimate educational interest in the record, or as otherwise provided in Section 67122 of the Education Code.
7. Each campus shall allow a student to add a written response to the record of any disciplinary action taken against the student pursuant to Title 5, California Administrative Code Section 41301, when such information is included in any student record.
- C. Permissible Procedures
1. Each campus may charge a fee for copies of student records made for students.
 - a. Such fees shall be based only on the cost of reproduction and the labor involved in the reproduction. The fees may be set on a per unit basis (e.g., cost per page or computer card).
 - b. Fees for the reproduction of transcripts and placement files shall be charged at the rates authorized for the campus by the Chancellor and deposited according to current system policy.
 - c. No fees may be charged students to search for and retrieve student records.

- d. Fees collected for reproduction costs will be deposited and expended through the State College Trust Fund per Section 89721(g) of the Education Code.
2. Each campus may disclose, but is not compelled to disclose, personally identifiable information from a student record to any authorized outside party designated by this Executive Order, FERPA, Sections 99.31, 99.34, and 99.36, or Section 67143 of the Education Code, except that each campus is compelled to disclose such information in compliance with a court order or lawfully issued subpoena as provided in Sections 67144 and 67145 of the Education Code.
3. Each campus may destroy student records it determines are unneeded or improper, except for those records required to be maintained by systemwide policies. No student record may be destroyed if there is an outstanding request from a student to inspect and review the record.
4. Each campus may release directory information to anyone, provided that public notice is given to currently enrolled students of the following:²
 - a. The categories of personally identifiable information which the campus has designated as directory information;
 - b. The right of the student to refuse to permit the designation of any or all of the categories of personally identifiable information as directory information; and
 - c. The period of time within which the student shall inform the campus in writing that such personally identifiable information is not to be designated as directory information.
5. Each campus may adopt a more restrictive policy to limit or deny the release of specific categories of directory information based upon a determination of the best interests of students.
6. Each campus may disclose statistical data in which students are not identified 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.

D. Continuing Review of Information Management Principles

1. Each campus shall establish procedures for reviewing the campus information management practices concerning student records.
2. These reviews shall include, but not be limited to, an analysis of:
 - a. Appropriateness of campus policy statement on the privacy of student records;
 - b. Procedures for amending records including hearing procedures;
 - c. Procedures for disclosing information to students and others with legitimate educational interest;
 - d. Procedures for recordkeeping;
 - e. The policy for charging fees for copies of student records; and

²Public notification to former students is not required.

- f. The overall effectiveness of the campus student records policy and this Executive Order to determine the need for revision of these policies.
3. Such reviews shall be conducted biennially and the results shall be forwarded to the Chancellor by the President and shall include any recommended policy or procedural changes deemed necessary.
4. Each campus shall file a current copy of its student records policy with the Division of Student Affairs in the Office of the Chancellor.



Glenn S. Dumke, Chancellor

Date: March 10, 1982