



Policies Applying to Campus Activities, Organizations and Students (PACAOS)

130.00 POLICIES APPLYING TO THE DISCLOSURE OF INFORMATION FROM STUDENT RECORDS

Responsible Officer:	VP - Student Affairs
Responsible Office:	SA - Student Affairs
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Scope:	For all pertinent activities involving University students, employees, and properties, the <i>Policies Applying to Campus Activities, Organizations and Students</i> apply to the Division of Agriculture and Natural Resources and to the Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy.

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I. POLICY SUMMARY

The *Policies Applying to Campus Activities, Organizations and Students* are a compendium of University-wide policies relating to student life. Section 130.00 describes the University's policies applying to the disclosure of information from student records.

II. DEFINITIONS

Definitions for the *Policies Applying to Campus Activities, Organizations and Students*, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

III. POLICY TEXT

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130.10 INTRODUCTION

130.11

University of California campuses maintain various types of records pertaining to students. Some are maintained for academic purposes; others, such as medical records, are maintained for other specific purposes.

These policies apply only to records directly related to students as students, hereafter referred to as 'student records' in these policies (also see Section 130.233). The disclosure of information from student records is generally governed by the Federal Family Educational Rights and Privacy Act (FERPA).

These policies are not applicable to other records that are maintained for purposes unrelated to a student's status as a student. Specific categories of such records are identified in Section 130.234. The disclosure of information from such records is governed by the California Information Practices Act.

It is the purpose of these policies to provide reasonable interpretations of the Federal Family Educational Rights and Privacy Act and to protect the student's right of privacy as guaranteed by the Constitution of the State of California and the Information Practices Act. When the law is silent, the campuses shall be guided by two principles:

(1) the privacy of an individual is of great weight, and (2) the information in a student's file should be disclosed to the student on request.

130.12

These policies supersede the University of California Policies Applying to the Disclosure of Information from Student Records, *Policies Applying to Campus Activities, Organizations, and Students*, dated April 25, 2002. They incorporate the requirements set forth in the regulations implementing the Federal Family Educational Rights and Privacy Act and all amendments thereto through January 8, 2009.

130.13

Although not strictly required under federal law, as a matter of University policy, for the purposes of implementing the provisions of the Family Educational Rights and Privacy Act, the University generally views itself as thirteen separate institutions, rather than as a single entity. The thirteen institutions include the nine general campuses, the one health sciences campus, and the three Department of Energy Laboratories operated by the University. Therefore, personally identifiable information contained in student records maintained by one campus may not be disclosed to the other campuses without the written consent of the student, unless the disclosure is consistent with the provisions of Section 130.70 of these Policies. Such information may be disclosed by any campus to the Office of the President, as permitted by Section 130.721(a)(2) of these *Policies*.

130.20 DEFINITIONS

The following terms are defined for the purposes of these policies and campus implementing regulations made in accordance with them.

130.210 Student

130.211

A "student" is an individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status.

130.212

"Enrolled in or registered with" as specified in these policies is equivalent to the term "attendance" as used in the Family Educational Rights and Privacy Act. The University uses enrollment and registration rather than attendance as a measure of student status.

130.220 Record

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

130.230 Student Records

130.231

"Student records" are those records that contain information directly related to a student and that are maintained by a University of California campus, the University of California Office of the President, or by any organization authorized to act on behalf of the University.

130.232

Student records include, but are not limited to, academic evaluations, including student examination papers, transcripts, test scores and other academic records; general counseling and advising records; disciplinary records; and financial aid records, including student loan collection records.

130.233

The term "student records" as used in these policies is synonymous with the term "education records" in the Federal Family Educational Rights and Privacy Act.

130.234

The term "student records" does not include the following records, and therefore such records are not governed by these *Policies*, except as described below in subsection (d).

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons, which:
 1. Are kept in the sole possession of the maker of the record; and
 2. Are not accessible or revealed to any other individual, except to an individual who performs on a temporary basis the duties of the individual who made the record.
- b. Campus Police records which are created and maintained by campus police solely for law enforcement purposes.

- c. Employment records, when University employment did not result from and does not depend upon the fact that an individual is a student at the University, provided that the employment records:
 - 1. Relate exclusively to the individual in that individual's capacity as a University employee;
 - 2. Are made and maintained in the normal course of business; and
 - 3. Are not available for use for any other purpose.

All records relating to a student who is also an employee of the University are included in the definition of student records, if the student's employment is contingent upon the fact that he or she is a student. For example, work-study program records are student records.

- d. Health records which:
 - 1. Are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;
 - 2. Are created, maintained, or used only in connection with the provision of treatment to the student; and
 - 3. Are not disclosed to anyone other than individuals providing the treatment, except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice.

For the purpose of this definition, "treatment" does not include academic and career advising, tutoring, disability management counseling, or any activities which are part of the program of instruction offered by the campuses.

These are commonly referred to as "treatment records." Despite the fact that these "treatment records" fall outside the definition of student records, they may only be disclosed for treatment purposes, or under the conditions that apply to student records under Section 130.70 of this Policy. In addition, please note that "treatment records," like student records, are not subject to the HIPAA Privacy Rule's restrictions on use and disclosure.

- e. Applicant records of individuals who do not enroll in or register with an academic program of the University. If and when applicants become students, their applicant records become student records, which are then accorded the same privacy rights as any other student records governed by these policies. Insofar as applicant records are not student records, they are governed by the privacy

protections found in the California Information Practices Act (Civil Code §1798 et seq). See Section 130.210 for definition of "student."

- f. Records (i.e., alumni records) created or received by the University after an individual is no longer a student, and that are not directly related to the individual's attendance as a student.
- g. Grades on peer-graded papers before they are collected and recorded by a University representative (e.g. a faculty member or T.A.)

130.240 Personally Identifiable Information

130.241

The term "personally identifiable information" means any information that identifies or describes a student. It includes, but is not limited to:

- a student's name;
- the name of a student's parent or other family members;
- the address of a student or student's family;
- any personal identifier such as a student's social security number, student number or biometric record;
- other indirect identifiers such as the student's date of birth, place of birth, and mother's maiden name;
- other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the campus community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- information requested by a person who the University reasonably believes knows the identity of the student to whom the student record relates.

Information is considered "de-identified," and is no longer considered to be "personally identifiable information" once all personally identifiable information has been removed, and the University has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. Information containing "small cell sizes" must be carefully reviewed before disclosure in order to determine whether it has been sufficiently de-identified.

130.242

Personally identifiable information is divided into two categories:

1. directory information, which may be disclosed to any party without the prior written consent of the student to whom the information pertains, except as specified in Section 130.710, and
2. confidential information, which may not be disclosed to any party without the prior written consent of the student to whom the information pertains, except as specified in Section 130.720.

130.250 Directory Information

130.251

The term "directory information" means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Pursuant to Section 130.711, campuses are required to give public notice of the categories of personally identifiable information that have been designated by the campus as directory information. Campuses may designate some or all of the following types of information as "directory information": a student's name, address (local and/or permanent), e-mail address, telephone numbers, date and place of birth, field(s) of study (including major, minor, concentration, specialization, and similar designations), dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate, full time or part time), number of course units in which enrolled, degrees and honors received, the most recent previous educational institution attended, photo, participation in officially recognized activities, including intercollegiate athletics, and the name, weight, and height of participants on intercollegiate University athletic teams.

130.252

The above categories of information, as designated by each campus, may be considered "directory information" unless a student notifies the campus in writing or via electronic procedures established by the campus that any or all of the categories of information about that student may not be disclosed (see Section 130.710).

130.253 [Rescinded April 25, 2002]

130.260 Disclosure

The term "disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in a student record by any means, including, but not limited to, oral, written, or electronic means. Disclosure to the party identified as the party that provided or created the record does not constitute a "disclosure" for purposes of FERPA. For example, the University may disclose a student's high school transcript to the high school identified on the transcript in order to determine whether the transcript is legitimate. This is not considered a "disclosure"

because the high school has been identified as the party that provided and/or created the transcript.

130.265 Financial Aid

"Financial aid" means the provision of financial resources to students, based on the strength of their academic achievements, or on the strength of their financial need, or on a combination of the two.

130.270 Campus

"Campus" means a University of California campus. For the purposes of these *Policies*, the term "campus" also applies to Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department.

130.275 University

"University" means the University of California.

130.280 Campus Official or University Official

A "campus official" or "University official" is any individual designated by the University of California to perform an assigned function on behalf of the University.

A campus or University official may be:

- a. a person employed by the University in an administrative, supervisory, academic, research, or support staff position;
- b. a person serving on a University governing body;
- c. a contractor, consultant, volunteer or other party to whom the University has outsourced institutional services or functions provided that: (1) the outside party performs an institutional service or function for which the University would otherwise use employees; (2) the outside party is under the direct control of the University with respect to the use and maintenance of student records; and (3) the outside party may not disclose the information to any other party without the student's consent, and may not use the information for any purpose other than the purpose for which the disclosure was made; or

- d. a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks.

130.290 Legitimate Educational Interest

130.291

"Legitimate Educational Interest" means: (1) the information or record is relevant and necessary to the accomplishment of some task or determination; and (2) the task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer.

130.292

Chancellors shall specify in campus implementing regulations, criteria for determining what the campus considers to be a "legitimate educational interest."

Such criteria may specify, by way of example, the following:

A University official is determined to have legitimate educational interest in a particular record if the information requested is relevant and necessary for that official to:

- a. perform a task or determination that is an employment responsibility or is a properly assigned subject matter for the inquirer;
- b. perform a task that is related specifically to the official's participation in the student's education;
- c. perform a task that is related specifically to the discipline of the student; or
- d. provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.

130.293

Reasonable physical, technological or administrative methods must be used to ensure that campus or University officials obtain access to only those student records in which they have legitimate educational interests.

130.30 ANNUAL NOTIFICATION OF RIGHTS

130.310

Students enrolled in or registered with a University campus shall be informed annually of their rights under these policies, and under the Federal Family Educational Rights and Privacy Act and its implementing regulations, by such means and at such times as are reasonably likely to inform them of those rights.

130.311

Such notifications shall be published in the official campus newspapers or other official campus publications in a manner that will provide students with clear and specific information regarding their rights.

130.312

The notification shall include a statement that the student has a right to:

- a. Inspect and review the student's own records (see Section 130.40);
- b. Request correction of the student's own records (see Section 131.00);
- c. Grieve an alleged violation of privacy rights, as specified in these policies (see Section 132.00);
- d. Have personally identifiable information contained in student records not be disclosed without signed and dated written consent that specifically identifies: (1) the records to be disclosed, (2) the purpose of the disclosure, and (3) the party or class to whom disclosures are to be made. Consent is not required for those disclosures authorized by Sections 130.711 and 130.721 of this policy; and
- e. File with the United States Department of Education a complaint concerning alleged failures by the campus to comply with the requirements of the Federal Family Educational Rights and Privacy Act (see Section 133.00).

130.40 INSPECTION AND REVIEW OF STUDENT RECORDS BY STUDENTS

130.410

Campus implementing regulations shall include procedures students must follow to inspect and review student records. The procedures shall comply with all the provisions of Section 130.40.

130.411

With the exception of the records listed in Section 130.420, students shall be permitted to inspect and review their student records within a reasonable period of time, but in no case longer than 45 days after receipt of the student's request.

130.412

Students shall be entitled to a response to reasonable requests for explanations and interpretations of the records. The response need only inform students of what the record contains, and not why the records exist or why specific information is included in the records. If a student believes that a record is inaccurate or misleading, procedures for seeking the correction of the record can be found in Section 131.00.

130.413

Campuses shall comply with written requests from students for copies of their records when failure to provide copies would effectively prevent them from exercising the right to inspect and review their student records. For example, a campus shall provide copies of a student's record if the student does not live within commuting distance of the campus.

130.414

Fees for copies of student records shall be assessed in accordance with campus fee schedules unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's own records. No charge may be made to search for or to retrieve any student record. A schedule of fees to be charged for copies of student records shall be included in campus implementing regulations. Such fees shall be limited to the actual cost of providing the copies of the records requested.

130.415 [Rescinded April 25, 2002]

130.416

Student records shall not be destroyed if there is an outstanding request to inspect and review them (see also Section 130.840). If there is no request pending, the records may be destroyed pursuant to the campus-specific or University record disposition requirements.

130.420 Records Exempt from Inspection and Review by Students

130.421

Campus implementing regulations shall include a description of the limitations that exist on a student's right to inspect and review student records. Pursuant to the Federal Family Educational Rights and Privacy Act, the following student records are not subject to inspection and review by students:

- a. Financial records and statements of the student's parents or guardians or any information contained therein. Information from the Parents' Confidential Statement, or equivalent information, may be disclosed to the student on condition that the proper authorization has been signed by the parent(s) or guardian(s).
- b. Confidential letters and statements of recommendation which were placed in a student's records prior to January 1, 1975, provided that the letters and statements are used only for the purposes for which they were specifically intended.
- c. Confidential letters and statements of recommendation which were placed in a student's records after January 1, 1975, with regard to admission, application for employment, or the receipt of an honor, if the student has waived the right to inspect and review those recommendations (see also Section 130.60).
- d. Records containing personally identifiable information about other students. If student records contain information on more than one student, students may inspect and review or be informed of only the specific information which pertains to themselves, except as specified in Section 130.721(j).

130.50 INSPECTION AND REVIEW OF ADMISSIONS RECORDS BY APPLICANTS

130.510

Privacy of and access to admissions records of applicants who do not subsequently become students are not covered by these policies, but are subject to the policies and procedures found in campus guidelines and/or regulations, the *University of California Business and Finance Bulletin-Records Management Program Series*, and the California Information Practices Act. Information about those policies and procedures may be obtained from Campus Information Practices Coordinators.

130.60 WAIVERS OF ACCESS RIGHTS TO STUDENT RECORDS BY STUDENTS AND LIMITATIONS ON SUCH WAIVERS

130.610

Subject to the limitations in this Section, and in Section 130.420(c) of these *Policies*, students may waive, or may be requested to waive, their right of access to confidential recommendations or evaluations regarding admission, application for employment, or the receipt of an honor or award.

Such waivers must be voluntary, and may not be required as a condition for admission to the University or the receipt of any other service or benefit from the University. Any waiver must be in writing and signed by the student. Students may waive their rights to inspect and review either individual documents or classes of documents (e.g., part or all of an admission or career placement file).

130.611

Students shall be notified upon request of the names of all individuals providing confidential letters and statements of recommendation to which they have waived their right of access.

130.612

Such recommendations retain their confidentiality only if they are used for the purpose for which they were originally intended. If used for other purposes, the waivers are void and the documents may be inspected by students.

130.613 [Rescinded April 25, 2002]

130.614

No student may be required to sign a form saying that he or she has not waived access to any confidential recommendation.

130.615

Waivers may be revoked in writing with respect to records obtained or received subsequent to the revocation. Such revocations shall not affect a student's access to records obtained or received prior to such written notice of revocation.

130.70 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM STUDENT RECORDS

130.710 Disclosure of Directory Information

130.711

Each campus shall give public notice of the categories of personally identifiable information that have been designated by the campus as directory information. Such categories shall fall within the limitations of the definition of directory information in Section 130.250 and may be disclosed without prior student consent unless a student notifies the campus in writing or via an established electronic procedure that such information shall not be disclosed.

130.712

Students shall be informed at the time they enroll in, or register with, any academic program of the University, and at least annually thereafter, of their right to refuse to permit any or all of the categories of personally identifiable information to be designated as directory information with respect to themselves.

130.713

Students shall notify the campus in writing or via an established electronic procedure of the personally identifiable information related to themselves that is not to be designated as directory information. Within a reasonable time after receipt of notification, information so designated may not be disclosed without the written consent of the student, except as otherwise noted in Section 130.720.

130.714

Students shall be informed of the time period during each academic term in which they must notify the campus of the categories that are not to be designated as directory information with respect to themselves and the effective date of that request.

130.715

Students may not use the right to refuse disclosure of their directory information to prevent the University from disclosing information pursuant to the applicable provisions in Section 130.721. Further, students may not use the right to refuse disclosure of their directory information to prevent the University from disclosing or requiring a student to disclose the student's name, identifier, or University email address in a class in which the student is enrolled, including but not limited to online classes.

130.716

The University may not disclose or confirm directory information without the student's consent, if a student's social security number or other non-directory information is used, alone or combined with other data elements, to identify or help identify the student or the student's records.

130.717 Directory Information About Former Students

Information regarding former students that was designated directory (formerly known as "public") information by their campus at the time they were students may be disclosed without the former students' consent unless their last written notification received by the campus at the time they were students specified that the information with respect to themselves was not to be considered directory information. For students who attended before February 1, 1977, the directory information shall be limited to former students' registration, dates of attendance at the University, degrees granted, and dates on which degrees were conferred.

130.720 Disclosure of Personally Identifiable Information

130.721 Permissible Disclosures

Except for the disclosure of directory information under conditions specified in Section 130.711, and the disclosure of information to other educational institutions specified in Section 130.723, personally identifiable information from student records may not be disclosed without the prior written consent of the student, other than to the following parties and under the following circumstances:

- a. To campus and University officials who have been determined to have legitimate educational interest in the records (see Sections 130.280 and 130.290). Determinations as to whether the legitimate educational interest requirement is satisfied shall be made by the head administrator of the unit retaining the information, consistent with campus implementing regulations defining legitimate educational interest established by the Chancellor as specified in Section 130.292 of these *Policies*. Campus personnel receiving or utilizing the information shall be responsible for its subsequent disclosure pursuant to the provisions of these policies. This section applies to:
 1. Officials at a particular campus of the University.
 2. Officials in the Office of the President and the Office of the General Counsel and Vice President for Legal Affairs.

3. Officials at other campuses of the University, in connection with the administration of joint programs or activities.
 4. Officials at other campuses of the University or other institutions, if a student is concurrently enrolled in, or concurrently receives services from one campus of the University and from another institution, or from two campuses of the University. This provision includes institutions participating in Education Abroad Programs.
 5. Officials at other campuses of the University for the purposes of facilitating: a) the enrollment of a student seeking to attend a summer session program at another campus; b) the reporting of academic achievement in the summer coursework once completed; or c) other administrative needs related to summer session programs, such as, but not limited to, student disciplinary matters as specified in Section 104.30 of these *Policies*.
 6. The Chancellor, or the Chancellor's designees, of the campus at which the individual is a student, in connection with disclosures arising from disciplinary procedures of another University of California campus, as specified in Section 104.30 of these *Policies*.
- b. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or State and local educational authorities, in connection with the audit and evaluation of Federally and State supported education programs, or in connection with the enforcement of Federal or State laws which relate to such programs.
 - c. In connection with financial aid for which a student has applied or which a student has received, only as may be necessary:
 1. To determine the eligibility of the student for financial aid;
 2. To determine the amount of the financial aid,
 3. To determine the conditions which will be imposed regarding the financial aid; or
 4. To enforce the terms or conditions of the financial aid.
 - d. Such information shall be disclosed to donors only if the conditions of the gift or award expressly require that the information be disclosed.
 - e. Information concerning the juvenile justice system to State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.

- f. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction. The University must enter into a written agreement with the organization that: (1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and (4) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed. The term "organizations" includes, but is not limited to, Federal, State, and local agencies, and independent organizations. The University is not required to initiate the study or agree with or endorse the conclusions or results of the study.
- g. To accrediting organizations in order to carry out their accrediting functions.
- h. To comply with a judicial order or subpoena. A reasonable effort shall be made to notify the student in advance of the disclosure of the record unless responding to a grand jury or other subpoena issued for law enforcement purposes that specifies that the student not be informed of the subpoena, or unless responding to an ex parte court order obtained by the office of the United States Attorney General concerning an investigation or prosecution of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism specified in 18 U.S.C. 2331.
- i. To appropriate parties, including but not limited to parents, law enforcement agencies, campus or University officials, next-of-kin, emergency contacts, spouse/partner, or other institutions, when there is an articulable and significant threat to the health or safety of the student or any other person(s), and the disclosure of the information is necessary to protect the health or safety of the student or other persons. In making a determination about whether this exception applies, the University may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. Under this provision, the University may disclose personally identifiable information to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, including disclosure to persons who may be able to provide necessary information about the situation. The University must record the articulable and significant threat that formed the basis for disclosure, and the identities of the

persons to whom the information was disclosed, and must maintain that information with the student's records.

- j. To students requesting their own records. With the exception of information from records specified in Section 130.420, campuses must disclose student records or components thereof upon appropriate authentication of identity to students who request information from their own records.
- k. To the alleged victim of an alleged forcible or nonforcible sex offense, as defined in 34 CFR 668.46(c)(7). The scope of the information to be provided is: 1) the University's final determination with respect to the alleged sex offense, and 2) any sanction that is imposed against the alleged offender.
- l. To any person, information concerning sex offenders and other individuals, where the information was provided to the University under the Jacob Wetterling Act (federal sex offender registration and disclosure requirements).

130.722 Redislosure of Personally Identifiable Information

Any disclosure of personally identifiable information which is permitted under these policies must meet the following requirements:

- a. The recipient of the information must be informed that the information may not be further disclosed without written consent of the student. Any consent form obtained from the student must be maintained in the student's file.
- b. The recipient (including the officers, employees, and agents of the party of the recipient) may use the information only for the express purposes for which the disclosure was made.

These requirements do not apply to disclosures made pursuant to court orders or to lawfully issued subpoenas or to disclosures to a student under Section 130.40, Section 130.721(i), Section 130.721(j), or to disclosures of directory information under Section 130.711.

Notwithstanding the above, a party that receives a court order or lawfully issued subpoena for personally identifiable information in student records may redisclose that information in compliance with the court order or subpoena, but must provide the notification required under Section 130.721(g).

130.723 Requests to Forward Academic Records

University of California campuses may forward appropriate student records, including academic records, disciplinary records, and other student records, to other educational institutions in which a student seeks or intends to enroll, or is currently enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer. The

campus will provide annual notification of this disclosure policy, or else a reasonable attempt will be made to provide notification to individual students about whom information is disclosed.

When students request that their academic records be forwarded to other institutions, students may be required to pay all fees and charges due the University before the records are forwarded.

130.724 Authentication of Identity of Person to Whom Disclosure is Made

The University must use reasonable methods to authenticate the identity of any parties to whom disclosure of personally identifiable information is made, including but not limited to parents, campus or University officials, and students who are requesting their own records.

130.80 RECORD KEEPING REQUIREMENTS REGARDING REQUESTS FOR AND DISCLOSURE OF INFORMATION

130.810

The campuses shall maintain records, kept with the student records of an individual, which indicate:

- a. The parties who have requested or obtained personally identifiable information from student records;
- b. The legitimate interest these parties had in requesting or obtaining the information; and
- c. The date of the requests for the information and the dates of the disclosure of the records.

130.820

A record of disclosures is not required for:

- a. Disclosures to students of their own records;
- b. Disclosures pursuant to the written consent of a student, when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
- c. Disclosures to campus or University officials under Section 130.721(a);
- d. Disclosures of directory information; or

- e. Disclosure made pursuant to court order or subpoena, and the student has been notified in advance of compliance with the order or subpoena to the extent required by Section 130.721(g) of these *Policies*.

130.830

The record of disclosures may be inspected:

- a. By the student;
- b. By the campus official and his or her assistants who are responsible for the custody of the records; or
- c. For the purpose of auditing the record keeping procedures of the campus, by the parties authorized in, and under the conditions set forth in Sections 130.721(a) and (b).

130.840 Records Disposition

Student records are subject to mandatory disposition schedules contained in the [University Records Disposition Schedules Manual](#), with the following exceptions:

- a. Student records shall be retained if there is an outstanding request to inspect and review them (see also Section 130.416);
- b. Explanations placed in the student record of an individual seeking to correct the record shall be retained as long as the contested portion of the record is retained; and
- c. The record of access shall be retained as long as the student record to which it relates is maintained by the campus.

131.00 PROCEDURES FOR SEEKING THE CORRECTION OF STUDENT RECORDS

131.10 Requests for Correction of Records

Students shall be entitled to a response to reasonable requests for explanations and interpretations of the records as specified in Section 130.412 of these *Policies*. If they believe information contained in their student records is inaccurate or misleading, or otherwise in violation of their right of privacy as provided in these policies, they may request of the campus official responsible for maintaining the records that their records

be corrected. If their request is granted, the records shall be corrected within a reasonable period of time following receipt of the request. If their request is denied, they shall be informed of the refusal and advised of their right to a hearing.

131.11 Requests for Correction of Grades Given in a Course of Study

Grades given in a course of study, including written evaluations which reflect institutional judgments of the quality of a student's academic performance in a course of study, are not subject to challenge under Section 131.00 of these *Policies* (see Section 114.00).

131.20 Hearing Procedures

131.21

Each Chancellor shall establish or specify appropriate hearing procedures to be used when the request for the correction of student records is denied. Such procedures shall include at least the following elements:

- a. The hearing shall be held within a reasonable period of time after it has been requested, and the student shall be notified of the date, place, and time reasonably in advance of the hearing;
- b. The hearing shall be conducted by a hearing officer who has no direct interest in the outcome of the hearing and who may be a campus administrator;
- c. Students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under Section 131.10, and may be assisted or represented by individuals of their choice, at their own expense;
- d. The decision rendered shall be made in writing within a reasonable period of time after the conclusion of the hearing; and
- e. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

131.30 Hearing Outcomes

131.31

If, as a result of the hearing, campus officials decide that the information in question is inaccurate, or misleading, or otherwise in violation of the privacy rights of the student, the record shall be corrected accordingly and the student informed in writing of the action taken.

131.32

If, as a result of the hearing, campus officials decide that the information in question is not inaccurate or misleading, or otherwise in violation of the privacy rights of the student, the student shall be informed of his or her right to insert into the record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision to leave the record unchanged. This statement shall remain a permanent part of the record as long as the contested portion remains a part of the record, and it shall be revealed to any party to whom the contested portion is revealed.

131.40 Records Concerning Disciplinary Action

Whenever any information is included in any student record concerning any disciplinary action taken by campus personnel in connection with the student, the student shall be allowed to include in the record a written statement or response concerning the disciplinary action. A student may not request a change in the underlying disciplinary decision through this process.

132.00 GRIEVANCE PROCEDURES

Any alleged violation of privacy rights as provided by these policies, other than those rights specified in Section 131.00 relating to the content of student records, may be grieved pursuant to Section 111.10 of these *Policies*.

133.00 COMPLAINT PROCEDURE

Complaints regarding alleged violations of the rights accorded students by the Federal Family Educational Rights and Privacy Act may be filed with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20203.

134.00 CIVIL REMEDIES [Rescinded April 25, 2002]

IV. COMPLIANCE / RESPONSIBILITIES

Chancellors shall adopt campus implementing regulations consistent with these *Policies*. The University shall publish these *Policies* and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line

publication of these *Policies* and their respective campus implementing regulations. (See also Section 13.20 of these *Policies*.)

V. PROCEDURES

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these *Policies*. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these *Policies*. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these *Policies*.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these *Policies* that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these *Policies*.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these *Policies* and the law. (See also Section 13.40 of these *Policies*.)

VI. RELATED INFORMATION

See also *Policies Applying to Campus Activities, Organizations and Students* sections:

10.00	Preamble and General Provisions
11.00	Authority
12.00	Applicability
13.00	Development and Review of Universitywide Policies and Campus Implementing Regulations
14.00	Definitions

VII. FREQUENTLY ASKED QUESTIONS

Not applicable

VIII. REVISION HISTORY

Original issuance September 1, 1970

Revised October 29, 1973

Revised July 21, 1978

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Revised April 25, 2002

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