

California State Polytechnic University, Pomona

Biennial Review

Of Information Management Principles

Concerning Student Privacy



California State Polytechnic University, Pomona

- A. FERPA – What is it?
 - B. Definitions
 - C. Annual Notification
 - D. Inspecting Educational Records
 - E. Disclosure of Educational Records
 - F. Directory Information
 - G. Correction of Educational Records
 - H. Federal/ State Regulations
- Scope of Review / Finding and Outcomes



***California State Polytechnic University, Pomona may be referred to as CPP throughout the remainder of this document**

A. FERPA – What is it?

The Family Educational and Privacy Act (FERPA), also known as the “Buckley Amendment”, was established to protect the privacy of students. The primary rights of a California State Polytechnic University, Pomona (CPP) student under FERPA begin at the time the student first enrolls in CPP classes. These FERPA rights include:

- The right to inspect and review educational records
- The right to seek and amend educational records
- The right to have some control over the disclosure of information from educational records

The purpose of the Student Records Procedures is to ensure that the campus community is aware of and complies with the Family Educational Rights and Privacy regulation (FERPA), Statute: 20 U.S.C. 1232g; Regulations: 34 C.F.R. Part 99.

B. Definitions

For the purpose of this procedure, California State Polytechnic University, Pomona (CPP) has used the following definitions of terms:

Access

A personal inspection and review of student record or a copy of a student record, or an oral or written description or communication of the contents of a student record.

Custodian of Record

The person who possesses and is responsible for the information contained in the educational record. The Registrar, or that officer’s designee, is the Custodian of Record.

Directory Information

Student information that is generally not considered to be harmful or an invasion of the student’s privacy if made public.

FERPA identifies the specific types of information that may be considered directory information. Higher Education Institutions may be more restrictive as to the type of information classified as directory information. Directory information as defined by CPP is found in Section F.

Disclosure

Permission for access or the release, transfer, or other communication of personally identifiable information contained in educational records to any part, by any means, including oral, written, or electronic means.

Educational Records

Any records (in handwriting, print, tapes, film, computer or other medium) maintained by CPP or its agent, which is directly related to a student. The types of educational records maintained in hard copy and/or electronically by CPP include:

- The application for admission for matriculated students, supporting documentation including transcripts from schools attended prior to and while in attendance at CPP
- Reports of test scores
- Residence questionnaires completed at the time of application for admission or subsequent request for residency reconsideration for tuition purposed pursuant to Education Code Section 68401
- Worksheets and/or documents completed for evaluating admission eligibility, acceptance of transfer credits, and degree progress

- Evaluation advisory documents that include advisory files maintained by an employee of the CPP, specifically, faculty, staff, administrator and other CPP agents
- Student's current class schedule, cumulative summary of academic course work (generally known as the transcript), bio-demographical information (gender, ethnicity, DOB, etc.), supporting grade or grade point average adjustment documents, academic standing documents, fee waiver/reimbursement documents, and petitions
- Disciplinary records
- Grades and enrollment information contained in CPP's online student advising systems

Exceptions to education records include, but are not limited to:

- A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person
- Records created and maintained by the CPP University Police for law enforcement purposes
- An employment record of an individual, whose employment is not contingent on the fact that the individual is a student, provided the record is used only in relation to the individual's employment
- Medical records made or maintained by Student Health and Counseling Services (made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional) if the records are used only for treatments of a student and made available only to those person providing the treatment
- Alumni records which contain information after the student is no longer in attendance at CPP and which do not relate to the person as a student

Employee

Any person employed by, or under contract with, CPP

Legitimate Educational Interest

The need to review an educational record by a university official in order to fulfill a professional responsibility.

CPP has determined that an official has a legitimate educational interest if the official is:

- Performing a task that is specified in the school official's position description or contract agreement
- Performing a task related to a student's education
- Performing a task related to the discipline of a student
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid
- Maintaining the safety and security of the campus

Personally Identifiable Information

Information that is directly linked to a student that could make the student's identity easily traceable, but is not identified as directory information.

It includes, but is not limited to:

- Name of the student's parent or other family members
- A personal identifier such as BroncoNumber or social security number
- A list of personal characteristics or other information that would make it easy to trace the student
- Student identification (I.D.) photos

Student

Any person who is enrolled or has previously attended CPP

This includes any person who has been enrolled in regular, extension, or special session regardless of the physical location of the program.

University Official

A person employed by CPP in an administrative, supervisory, academic, research, or support staff position, including health or medical staff.

Other persons whom CPP has determined to be school officials include, but are not limited to the following:

- A member of the Board of Trustees
- An employee of the CSU, Office of the Chancellor
- A person employed by or under contract to the University to perform a special task, including an attorney or auditor.
- A person who is employed by CPP University Police
- A student serving on an official committee, such as disciplinary or grievance committee, or who is assisting another University official in performing his or her tasks

C. Annual Notification

Students will be notified of their FERPA rights, at a minimum, by publication in the CPP Catalog and on the Registrar's Office Web Site

The Registrar, or that Officer's designee, will annually review the CPP Catalog and the related information on the campus website to ensure that the appropriate notification is present, complete, and correct.

D. Inspecting Educational Records

1. Procedures for Students to Inspect their Educational Record

Students who wish to inspect the contents of their education record must submit a written request to the Registrar's Office, and the Registrar's Office will coordinate with the relevant department to process the request. As provided by the Act, access to inspect educational records shall be granted to the student no later than forty-five (45) days following the date of request. The original records may not leave the office where the records are maintained, and CPP does not provide copies of the records. If the individual is unable to review records in person, reasonable accommodation will be made on a case-by-case basis.

2. Right of the University to Refuse Access

CPP reserves the right to limit inspection and review of records in the following circumstances:

- Records that are related to the student in the case where records contain confidential information pertaining to more than one student
- Financial records or any portion of the records including any information those records contain, pertaining to the student's parents
- Confidential records or any portion of the records, including any information those records contain, pertaining to the student's parents
- Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975
- Confidential letters and confidential statements of recommendation placed in the education records of the student after January 1, 1975, if the student has waived the right to inspect and review those letters and statements.
- Records connected with a student's admission application, if that application was denied

E. Disclosure of Educational Records

1. Typically, CPP will not permit third party access to non-directory, personally identifiable information contained in a student's education records without the written consent of the student. However, FERPA permits disclosure to specific individuals without prior written consent described as follows:
 - To school officials who have a legitimate education interest in the records (as defined under section B)
 - To school officials of another school, upon request, in which a student seeks, or intends to enroll
 - To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with audit or evaluation or certain state or federally supported education programs
 - In connection with a student's request for or receipt of financial aid to determine the eligibility, amount or condition of the financial aid, or to enforce the terms and condition of the aid
 - To state and local officials or authorities if specifically required by state law that was adopted before November 19, 1974
 - To organizations conducting certain studies for, or on behalf of, CPP
 - To accrediting organization to carry out their functions
 - To parents of an eligible student who is claimed as a dependent for income tax purposes
 - To comply with federal or California judicial order or lawfully issued subpoena
 - To appropriate parties in a health or safety emergency
 - To individuals requesting directory information so designated by CPP
 - To the discretionary release by CPP of the results of any disciplinary proceeding conducted by CPP against an alleged perpetrator of a crime of violence to the alleged victim of that crime
 - To U.S. Military recruiters pursuant to 32 CFR 216 (Solomon Amendment)
 - The discretionary release to a parent or legal guardian regarding a student's violation of any law or University rule of policy governing the use or possession of alcohol or a controlled substance if the student is under 21 years old and has committed a disciplinary violation (1998 HEA Amendments)
 - To comply with the USA Patriot Act of 2001, under ex-parte court order for relevant investigations and prosecutions of specified crimes or acts of terrorism
 - To comply with other federal legislation passed subsequent to FERPA, including but not limited to the Student Right to Know Act, the Taxpayer Relief Act, et al.

Note: Although CPP may disclose non-directory information according to FERPA guidelines, CPP will also adhere to pertinent regulations of California Law. Information regarding student code of conduct violations may not be released as described in FERPA.

2. CPP will maintain a record of all request for access to and each disclosure or personally identifiable information from a student's educational records. This record must be kept with the educational records of the student as long as the records are maintained. The record must include:
 - a) The name of the party making the request
 - b) The legitimate interest the party had in making or obtaining the information
 - c) Any additional party to whom the records may be re-disclosed and the legitimate interests which each of the additional parties had in requesting or obtaining this information

However, a record of request for disclosure is not required if the request was from, or the disclosure was to:

- The eligible student
- A school official

- A party with written consent from the eligible student
- A party seeking directory information
- A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena when the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed

F. Directory Information

Specifying information as directory allows CPP to disclose this information without prior written consent. It does not require that CPP release the information except under court direction. Any request for directory information will be directed to the Registrar's Office. Each request for release of directory information will be reviewed.

CPP designated the following items authorized by FERPA as Directory Information:

- Student's name
- Major field of student
- Dates of attendance
- Grade level
- Degrees and awards received
- Academic honors
- Campus email address
- Full or part time student status
- Participation in officially recognized student activities, sports/events
- Weight and height of athletic team members
- Most recent or previous educational agency or institution attended

CPP may disclose any of the items designated above without prior written consent, unless the student provides a request that information not be released (non-disclosure). Requests for non-disclosure may be made in writing by the student to the Registrar's Office. If the request is not removed at the point of graduation or at the time the student left CPP, this non-disclosure will normally remain indefinitely or until written notification is received asking that the restriction be removed.

G. Correction of Educational Records

Students have the right to ask to have educational records amended that they believe to be inaccurate, misleading, or in violation of their rights of privacy. Following are the procedures for the correction of records:

1. A student must make a written request to amend a record that the student feels is inaccurate, misleading, or in violation of their right of privacy. This request is to be filed with the Registrar's Office, and the Registrar's Office will coordinate with the relevant department to process the request. In so doing, the student should specifically identify the part(s) of the record being challenged, and the reason the student believes it is inaccurate, misleading or in violation of the student's rights or privacy.
2. If after consulting with the appropriate CPP officials, the Registrar, or his/her designee, determines that the entry is accurate, the challenge will be referred to the Associate Vice President for Student Success.

3. Upon referral, the Associate Vice President for Student Success will then arrange for the hearing as provided by the law. The student will be notified, reasonably in advance, of the date, and place of the hearing.
4. In the event of a challenge hearing, the student may request copies of pages contained within the educational record. With the exception of CPP academic transcripts, the fee for copies will be \$.20 per page or the current CSU approved fee as stated in the *CSU Records Access Manual*. Requests for copies of an official CPP academic transcript are not part of this record access process. Official copies of CPP academic transcripts are available through the normal transcript request process and for the regular transcript processing fees. Information is available from the Registrar's Office.
5. The Associate Vice President for Student Success will prepare a written recommendation based solely on the evidence presented at the hearing. The recommendation will include a summary of the evidence presented and the reason for the decision.
6. If CPP decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, CPP will notify the student in writing and amended the record within five working days of when a decision has been made, as stated in #5.
7. If CPP decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, CPP will notify the student that the student has the right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
8. The statement will be maintained as part of the student's educational record as long as the contested record is maintained. This statement will be disclosed whenever the Custodian of Records discloses the portion of the record to which the statement relates.

H. Federal/State Regulations

While every effort has been made to ensure that the information contained in this summary accurately reflects federal and state regulations, any discrepancy between the language of the summary, the actual law or interpretation of the Federal Regulation shall defer to the law and the Federal Regulation.

The campus periodically reviews these procedures minimally every two years to insure compliancy with regulations. Reviews may occur more frequently if there are changes in regulations.

California State Polytechnic University, Pomona

Biennial Review of Information Management Principles Concerning Student Privacy October 31, 2016

Executive Order 796 issued November 12, 2001, was issued to implement the Trustees policy for the administration of student records consistent with the federal Family Educational Right and Privacy Act of 1974 (FERPA; 20 U.S.C. 1232g) and the regulations adopted there under (34 C.F.R. 99). The Executive Order requires each campus to have a written policy statement establishing at least every two years. The results of the review shall be forwarded to the Chancellor by the President and shall include any changes deemed necessary.

Scope of Review:

A full review of CPP's FERPA compliance and policy document was conducted in accordance with Executive Order 796. The word "University" was replaced with "CPP", where applicable, to provide clarification to the reference to the campus and the name of two CPP departments mention in Section B was replaced with the current department name.

Reviewers:

Al Arboleda, Information Security Officer
Susan Ashe, Director of Judicial Affairs
Maria L. Martinez, Ph.D., Registrar

Findings and Outcomes

A survey of practices followed by other colleges and universities indicated that classification of student (I.D.) photos as Directory or Non-Directory Information varied among institutions. In addition, this committee asked what advantages and disadvantages classifying student photos as Directory Information would have. The committee unanimously felt that there are no significant advantages to classifying student ID photos as Directory Information. As a non-Directory Information item, instructors, would need this information most, would continue to have access to them by virtue of their legitimate educational interest.

It is therefore the recommendation of the Biennial Review Committee not to classify student identification (I.D.) photos *Directory Information*. However, the Committee has agreed to add identification (I.D.) photos to the list of Personally Identifiable Information.

The Biennial Review Committee has decided that the judicial officer who will preside over challenges made to a student's education record shall now be the Associate Vice President of Student Success, removing these duties from the purview of the Director of Student Conduct & Integrity.