



## **Student Privacy Rights Policy and Procedures at San Francisco State University November 2016 Registrar's Office**

The Board of Trustees of the California State University recognizes that the right of privacy is an inalienable right protected by Article 1, Section 1 of the California State Constitution. Under the authority delegated to the Chancellor in Title 5, *California Code of Regulations*, Section 42396.5, Executive Order 796 (January, 2002), was issued for the implementation of the policy for the administration of student records consistent with the federal Family Education Rights and Privacy Act of 1974 (FERPA, 20 U.S.C. 1232g) and the regulations adopted there under (34 C.F.R.99).

Executive Order 796 states: "Each campus shall adopt a written policy statement establishing procedures by which the campus intends to comply with FERPA and this executive order. These procedures shall include a requirement to periodically review campus information management practices concerning student records at least every two years or more often as the need arises."

As required by EO 796, the Registrar is responsible for the biannual review of this document. The document establishes the language and procedures by which the campus guarantees student education record privacy rights and complies with FERPA, California state law and EO 796. This document establishes the following:

- 1. Student Privacy Rights and Annual Notification**
- 2. Required Definitions**
- 3. Directory Information Designated by San Francisco State University**
- 4. Types of Student Education Records, Officials Responsible and Location**
- 5. Fees for Reproducing Copies of Student Education Records**
- 6. Required Procedures for Review, Expunging and Challenging of Student Education Records**
- 7. Release of Student Education Records Information**
- 8. Rights of Students to File Complaints**
- 9. California State University Records Access Manual**

### **1. Student Privacy Rights**

In compliance with FERPA and EO 796, San Francisco State University current and former students have the following rights regarding their student education records:

- The right to be informed about their education records;
- The right to inspect their education records;
- The right to request amendment to their education records;

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- The right to have a formal hearing if the request for amendment is denied;
- The right to prevent unauthorized disclosure of any or all of the information in their education record, subject to specific exceptions identified in FERPA;
- The right to complain to the U.S. Department of Education about a violation of FERPA regarding their education record;
- The right to waive these rights in writing.

## Annual Notification to Students

Consistent with its obligations under FERPA, San Francisco State will notify students of their rights once per academic year through email, by publication in the SF State Bulletin and on the Registrar's Office web site.

## 2. Required Definitions

In order to implement the rights listed above, San Francisco State University has established the following definition of terms.

### Access

"Access" means a personal inspection and review of a student record or a copy of a student record, by oral, written or electronic means of the contents of a student record.

### Disclosure

"Disclosure" means the permitting of access to or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein to any party, orally, in writing, by electronic means, or by any other means.

### Education Record

"Education record" means any information directly related to a student which is maintained by San Francisco State University or by a party acting for the University, whether recorded by handwriting, computer media, e-mail, print, tapes, film, microfilm, microfiche, video or audio tape, or other material means. For the purposes of this document, certain information in an education record is excluded from this definition. These exclusions, which are also contained in FERPA, include:

- Records 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
- Records of law enforcement officials of the University
- Employee records made and maintained in the normal course of the business of the University relating exclusively to individuals in their capacity as employees and are not available for use for any other purpose
- Records maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting or assisting in their professional capacity, which are used solely in connection with the provision of treatment to the student

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- Information provided by parents related to applications for financial aid or scholarships
- Confidential letters or statements of recommendation filed on or before January 1, 1975
- Alumni records which contain only information relating to a person after that person is no longer a student

### **Legitimate Education Interest**

"Legitimate education interest" means an official need to review or access a student education record by an official or employee of the University in order to fulfill a professional responsibility; to perform appropriate tasks that are specified in his or her position description or by a contractual agreement; to perform a task related to the student's education; to perform a task related to the discipline of a student; or to provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

- School officials who use student education record information to serve their own personal needs or for purposes which are not related to their job responsibilities do not have a legitimate education interest in the information being used.

### **Officials and Employees**

"Officials and employees" means those persons who are employed by the University in administrative, supervisory, academic, research, or support staff positions, or who are officers or agents of the University.

### **Personally Identifiable Information**

"Personally identifiable" information in a student education record is information which enables another party to personally identify the student whose record is being reviewed. Personally identifiable information includes, but is not limited to:

- The student's name
- The name of the student's parent, or other family member
- The address of the student or student's family
- A personal identifier, such as the student's social security number or student number, PAC (Personal Access Code) number or handwritten signature
- A list of personal characteristics that would make the student's identity easily traceable
- Other information which would make the student's identity easily traceable.

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All personally identifiable information not included as directory information is confidential and shall be disclosed by the University only with the written permission of the student or exceptionally as required by FERPA.

### **Student**

"Student" means any individual who is or has been in attendance at San Francisco State University and for whom the University maintains education records. In addition to matriculated students who are admitted to the University to pursue a degree objective, the term includes any person who is or has been enrolled in a non-matriculated status in either the state-supported summer semester or self-support courses through the College of Extended Learning, regardless of the physical location of the program.

The term does not apply to applicants for admission to any component unit of the University (such as the various degree programs, departments, or schools which comprise the University) even though such applicants are enrolled and in attendance at another component unit of the University. However, as a matter of policy, San Francisco State University does not release personally identifiable information about applicants to the University.

### **3. Directory Information Designated by San Francisco State University**

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The University may disclose directory information without a student's written permission when it has given public notice to students of the types of information the University has designated "directory information" and has provided students with the opportunity to restrict the disclosure of directory information. Under the terms of FERPA, San Francisco State University has identified as "directory information" the following from a student's education record:

- Student Name
- Email address
- Major field(s) of study
- Dates of attendance
- Class or Student Level
- Enrollment status (e.g. undergraduate or graduate, full-time or part-time)
- Degrees awarded
- Honors and awards received
- SFSU ID\*

\* Unauthorized users cannot access non-directory information solely with the SFSU ID number.

Note: Effective September 2005, "directory information" for student employees in CSU Collective Bargaining Unit 11 consists of the information noted above as well as: mailing address; telephone number, department employed; and student employee's status as a

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student employee (i.e., TA, GA, ISA).

San Francisco State University has chosen to consider the "directory information" noted above to constitute a single category available for release to the general public unless the student requests in writing that the University withhold this information from release. All other information in the education record of a student at San Francisco State University is considered restricted information that will not be released to third parties without the prior written consent of the student or as required under FERPA.

A student has the right to refuse to permit the release of directory information, by informing the University Registrar in writing. The University maintains only one category for the designation of directory information, and, therefore, the student must designate either all directory information may not be released or all directory information may be released.

#### 4. Types of Student Education Records, Location and Responsible Official

The Responsible Official is the person who possesses the records or is in charge of the office that possesses the records and is responsible to ensure proper access control and disposal of the records as designated by Executive Order 1031, <http://www.calstate.edu/eo/EO-1031.html>. The following is a list of the major types and locations of records that San Francisco State University maintains, including the responsible official for the respective type of record.

<b>Type of Student Records</b>	<b>Responsible Official</b>	<b>Location</b>
Advising Center Advising Records	Director, Undergraduate Advising Center	ADM 210A
Academic Department Records	Associate Dean of each college	College Office/Individual Department Offices
Academic Records	University Registrar	SSB 303
Alumni Records	Vice President, University Advancement	ADM 151
Campus Solutions – Student Information System	Associate Vice President & Chief Information Officer	ADM 101
Counseling & Psychological Services	Director, Counseling & Psychological Services	SSB 208
Student Disciplinary Records	Assistant Dean & Director of Student Conduct	SSB 403
Educational Opportunity Program Records	Director, Education Opportunity Program	SSB 201
Extended Learning Records	Director, Enrollment Services College of Extended Learning	Downtown Center
Financial Aid Records	Director, Student Financial Aid	SSB 302
Student Financial Accounts	Director, Fiscal Operations	ADM 350
Graduate Academic Records	Dean of Graduate Studies	ADM 254
Housing Records	Executive Director, University Property Management	Mary Ward Hall

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Library Records	University Librarian	LIB 340
One Card Records	Director, Fiscal Operations	ADM 350
Student Programs & Campus Organization Records	Dean of Students	SSB 403
Student Counseling Records	Director, Counseling & Psychological Services	SSB 208
Student Disability Records	Director, Disability Programs & Resource Center	SSB 110
Student Health Records	Director, Student Health Services	Student Health Center
Student Information Management Database (SIMS) – legacy system	Associate Vice President & Chief Information Officer	ADM 101
Teacher Credential Records	Associate Dean, College of Education	BH 505
Testing Records	Testing Officer	SSB 101
University Police & Public Safety Records	Chief of Police	Corp Yard
Veterans Records	University Registrar	SSB 303

### 5. Fees for Reproducing Copies of Student Education Records

Each campus official responsible for student records under his/her authority may charge a fee for copies of student records made for students. Fees shall be based only on the cost of reproduction and the labor involved in reproduction. The fees may be set on a per unit basis, e.g., cost per page. No fees may be charged to students to search for and retrieve student records. Fees for reproduction of official transcripts shall be charged at the rates authorized for the campus by the Chancellor's Office.

### 6. Required Procedures for Review, Expunging and Challenging of Student Education Records

Procedures for current and former students of San Francisco State University to review their student education records and to implement the requirements of FERPA and EO 796 are based on those privacy rights and procedures afforded students in FERPA. The following section establishes procedures for the implementation of student privacy rights and includes the following procedures:

- Rights of students to inspect and review their education records
- Rights of students to waive their rights to inspect and review confidential letters or statements of recommendation
- Rights of students to request amendment of their education records
- University's rights to expunge student records
- Release of student records information

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- Log to be maintained by responsible campus officials
- Right of San Francisco State University to destroy student education records

### **Rights of Students to Inspect and Review their Education Records**

San Francisco State University shall permit all current and former students to inspect all student education records relating to them with the exception and limitations specified in FERPA.

Access to inspect education records shall be granted to students no later than 15 working days following receipt of the request. San Francisco State University shall inform the student of the location of the requested record if not centrally located, and provide qualified personnel to interpret the record where appropriate.

Rights of students to have access to inspect and review their student records generally includes the right to a copy of such records provided fees for reproduction are paid.

### **Rights of Student to Waive their Rights to Inspect and Review their Education Records**

Students may waive their rights to inspect and review confidential letters or recommendations regarding:

- Admission to the campus or another education institution
- An application for employment or career placement
- The receipt of an honor or honorary recognition

Waivers may apply to confidential letters and recommendations only if:

- The student is notified, upon request, of the names of all persons providing such letters or statements.
- The letters or documents are used only for the purposes for which they were collected. If used for other purposes, the waiver will be considered void and the documents may be inspected by students.
- Such waivers are not required of students by San Francisco State University, for any purpose.
- Pursuant to FERPA, San Francisco State University does not require students to waive their rights of inspection and review of their education records.
- No institutional services or benefits will be denied students who choose not to waive their rights of inspection and review of their education record.
- Students must request a waiver of their rights of inspection and review in writing. Their requests must either identify specific documents or categories of documents for which they are waiving their rights of inspection and must be dated and signed by the student.

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- Students may revoke the waiver in writing but will not regain the right to review any documents collected while the waiver was in force.
- The fact that a waiver has or has not been executed shall not be revealed to any person other than the person or persons responsible for maintenance of student records or the person or persons making the confidential recommendation.

For specific procedures and requirements pertaining to these exclusions, refer to FERPA.

### **Rights of Students to Request Amendment of their Education Records**

San Francisco State University provides students with the opportunity to amend the contents of their education records which the students consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. The University has established the following procedures for students to request in writing that their education records be amended. A request to amend an education record must be submitted in writing and must be based on one or more of the following allegations regarding the record:

- The education record is inaccurate;
- The education record is misleading;
- The education record contains an unsubstantiated personal conclusion or inference;
- The education record contains a conclusion or inference outside of the observer's area of competence;
- The education record contains a conclusion or inference not based on the personal observation of a named person with the time and place of the observation noted;
- The education record contains information otherwise in violation of privacy or other rights.

This procedure for students to amend their San Francisco State University education records does not include student appeals to contest the assignment of grades, academic probation, disqualification actions resulting from the assignment of grades, or administrative academic probation.

### **Request by Student to Amend or Delete Education Records**

To request amendment or deletion of information in the student education record, the student must do the following:

- Discuss their problem with the appropriate university officer responsible for the type of education record for which the student seeks amendment or deletion. (See Types of Student Records Maintained and the Responsible Official).
- If the decision of the officer responsible for the education record in which the information being reviewed is not satisfactory, the student may request a formal hearing.
- When a student decides to request amendment of information in his or her student education record, the student must submit a request for a hearing in writing to the University Registrar. This request must contain at least the following items:

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- The name of the student record being challenged for amendment;
- The specifications and reasons for the requested changes;
- The written request for amendment must be delivered to the University Registrar.

### **Review and Decision by the University Registrar**

In response to the submission of a written request for amendment of an education record, the University Registrar shall:

- Within 45 calendar days after receiving a request for amendment or deletion of information in a student education record, determine whether amendment based on the specifications and reasons submitted is warranted;
- Amend, delete, or destroy the information in the student record for which amendment is requested if that is the decision;
- Provide written notification to the requesting student of the decision;
- Inform the requesting student in writing, when the decision is not to amend the education record, of the student's right to a formal hearing.

### **Procedures for a Formal Hearing**

A decision to deny amendment of student education record can be appealed by the student affected to the Vice President of Student Affairs. The procedure is as follows:

- A hearing requested by a student shall be held within 45 calendar days of receipt of the student's written request for the hearing.
- The hearing shall be conducted by the Board of Appeals and Review. Hearings shall be closed to all persons except members of the Board of Appeals and Review.
- If, as a result of the hearing, the Board decides to amend the student record, the student will be informed in writing.
- If, as a result of the hearing, the Board decides not to amend or delete the student education record, the student may submit a statement commenting upon the information in the challenged record and setting forth any reasons for disagreeing with the decision. The student's statement shall be maintained as a permanent part of the student's education record.
- The student, in the case of the record of any disciplinary action taken against the student pursuant to Title 5 of the California Administrative Code, Section 41301, shall be allowed to add a written response to said disciplinary record when said disciplinary record is included in any student education record.

### **Rights of San Francisco State University to Expunge Student Education Records**

San Francisco State University may destroy student records it determines are unneeded except for those student records required to be maintained by system wide policies. No student record shall be destroyed if there is an outstanding request from a student to inspect and review the record.

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## 7. Release of Student Education Records Information Without Consent

The University may disclose records subject to FERPA to third parties without a written consent from the student under the following circumstances:

- Disclosure to other officials of the University who have legitimate education interests in the record
- Disclosure to officials of another school or institution of post-secondary education where the student seeks or intends to enroll
- To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, state and local education authorities where the information is necessary to audit and evaluate federally supported education programs
- In connection with a student's application for, or receipt of, financial aid
- To organizations conducting studies for education agencies in connection with predictive tests, student aid programs, or improvements of instruction
- To accrediting organizations for accrediting functions
- To appropriate parties if the knowledge of such information is necessary to protect the health or safety of the student or other persons
- To comply with a judicial order or subpoena so long as an effort is first made to notify the student
- To counsel or the court when the student whose records are being disclosed has sued the University, provided such a disclosure is relevant for the University to defend itself in the lawsuit
- The final results of a disciplinary hearing conducted by the institution against the perpetrator of a crime of violence or of a non-forcible sex offense to a victim whether or not the charges are sustained
- The final results of a student disciplinary hearing which upholds a charge against the student of a crime of violence or a non-forcible sex offense
- To parents of a student under the age of 21 regarding a violation by their child of laws or university policy relating to alcohol use or drug use or possession
- To U.S. Military recruiters pursuant to 32 CFR 216 (Solomon Amendment). *Updated July 2004.*
- To comply with the Patriot Act of 2001, under ex parte courts orders for relevant investigations and prosecutions of specified crimes or acts of terrorism. *Updated July 2004.*

## Release of Student Education Records Information With Consent

Except as provided by FERPA, San Francisco State University shall obtain the electronic signature or written consent of a student before disclosing personally identifiable information that the University has not designated as directory information. Even parents are not permitted access to their son or daughter's education records unless the student has provided written authorization permitting the parents' access. Electronic signatures are acceptable according to FERPA as of May 2004.

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The written consent shall be signed and dated by the student and shall include:

- A specification of the student records to be disclosed at the time requested
- The purpose or purposes of the disclosure
- The party or class of parties to whom the disclosure is made.

The electronic or written consent document shall be maintained permanently on file as reference that the student has given permission to disclose non-directory information. Consent is not required where the disclosure is made to the student personally.

### **Log to be Maintained by Responsible Campus Officials**

“Access Log” means a record of requests for access to review and disclosures from the student education record, as required by FERPA and EO 796, maintained by San Francisco State University. This Access Log must list all persons, agencies, or organizations which have requested and received information from the student record and the purpose for which these parties requested the information released. As required under FERPA, the access log is considered a part of the student’s education record; therefore, it will be retained for the same period as the education records to which they refer are retained by the University.

The access log shall not include data accessed by the student, parties to whom directory information is released, parties for whom written consent for access has been executed by the student, or officials and employees having a legitimate education interest in the record. Access will be made in compliance with requirements of FERPA for access to the student record.

- The access log will be maintained by the Registrar’s Office.
- As required by FERPA, the access log will include:
  - The identities of the parties to whom records have been disclosed;
  - The legitimate education interests those parties had in obtaining the disclosed student record.

### **8. Right of Students to File Complaints**

Complaints involving the policies and procedures established herein or their implementation, may be filed with the federal office in charge of FERPA:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605  
(202) 260-3887 (voice)      FAX:(202) 260-9001  
Individuals who use TDD may call the

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Federal Information Relay Service at 1-800-877-8339.

<http://www.ed.gov/offices/OM/ferpa.html>

### **9. California State University Records Access Policy**

For an overview of the major statutes governing access to records in the possession of San Francisco State University, please refer to the California State University Records Access policy at [http://www.calstate.edu/gc/access\\_csu\\_records.shtml](http://www.calstate.edu/gc/access_csu_records.shtml).