



# California University of Pennsylvania

## **POLICY: Confidentiality of Records**

### **A. Purpose & Scope:**

To describe the institution's responsibility for the confidentiality of graduate and undergraduate student records

### **B. Definition(s):**

FERPA – The Family Education Rights and Privacy Act of 1974; the basis for university's policies on confidentiality and disclosure of student records.

Student Records: Information kept on file for each student; includes transcript, application, financial aid, and billing information.

Legitimate educational purposes: The demonstrated "need to know" by those officials of an institution who act in the student's educational interest, including faculty, administration, clerical and professional employees, and other persons, including student employees or agents, who manage student record information.

Student: Any person currently or previously matriculated on an official basis in any academic program of the University.

Public Information: Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed.

Academic Term: The time (term or semester) during which the university holds classes.

University Officials: The collective group of academic and student affairs administrative officers.

### **C. Policy:**

The university's policies on the confidentiality and disclosure of student records are based on the Family Education Rights and Privacy Act of 1974 (Public Law 93-380), as amended.

#### **I. Introduction**

Official student records are established and maintained in a number of administrative offices for a variety of legitimate educational purposes. In assuming responsibility for the reasonable protection of these student records, the university recognizes its obligation to comply with the Family Education Rights and Privacy Act of 1974. Important sections of this federal law are summarized below.

#### **II. Ownership of Records**

All records kept concerning students, including those records originating at other colleges or universities and required for admission, are the property of California University of Pennsylvania.

#### **III. Definition of a Student**

A student is defined as any person currently or previously matriculated on an official basis in any academic program of the University.

#### **IV. Public Information Regarding Students**

1. The following information is classified as public and may be released without the prior consent of a student:

- a student's name, address (both local and permanent)
  - telephone number
  - e-mail address
  - place and date of birth
  - academic curriculum
  - dates of attendance
  - date of graduation
  - degrees and awards received
  - most recent educational institution attended
  - participation in student activities (including athletics)
  - height and weight (for athletic teams)
  - Photograph
  - Grade level
2. The university reserves the right to classify other information as public and available for release without the prior consent of a student to comply with, or modify university procedures to reflect best practices in conjunction with, changes in state or federal laws, mandates, regulations, etc. Reasonable efforts will be made to notify students of any such changes.

#### **D. Procedure:**

1. Students may request that any or all of this information not be made public. Such requests must be submitted in writing to the Academic Records Office or (in the case of graduate students) to the Dean of the School of Graduate Studies and Research before the beginning of any academic term.
2. **Student Rebuttal to Record Entries**  
Students have the right to submit written or typed rebuttals to negative information contained in their files. This rebuttal must be submitted to the VP overseeing the office where the file is stored. A rebuttal statement shall become part of the file, and in cases where the negative information is reviewed by or transmitted to a third party, it must be accompanied by the student's statement of rebuttal.
3. **Student Challenge to Record Entries**  
Students may challenge the accuracy and/or appropriateness of material combined in their files. Once such a challenge has been made in writing, it will be the responsibility of the university official in charge of the file to determine the validity of the challenge, if possible. The university official shall make a written response to the challenge of the student, specifying the action taken. Should a factual error be found in any materials, the university official is authorized to make the appropriate correction.
4. **Disclosure of Student Records**
  - a. Upon proper identification, students may inspect their own official records in the presence of the administrator in charge of records.
  - b. After a request to inspect a record has been received, the request must be honored within a reasonable period of time: according to federal law, not to exceed 45 days.
  - c. **Limitations on the Right of Access by Students**  
The following are not subject to inspection by students:
    - Confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975.
    - Financial records of the parents of the student, or any information contained therein.
    - Medical, psychiatric or similar records that are used solely in connection with treatment. Such records can be reviewed by a physician or other appropriate professional of the student's choice.
4. **Disclosure of Information to Third Parties**  
In most circumstances students have the right to withhold their records from external third parties requesting to inspect these records. Exceptions to this general principle are as follows:

- a. Disclosure of student information will be made to a third party through the Parent Family Portal Proxy. This portal is now the exclusive method by which a University student may grant a third-party access to his or her records.. This consent may be withdrawn at any time through VIP.
  - b. Information concerning a student will be released if properly subpoenaed pursuant to a judicial proceeding.
  - c. All necessary academic and/or financial records of students may be disclosed to the appropriate persons or agencies without a student's prior consent in connection with a student's application for, or receipt of, financial aid.
  - d. Further limited disclosure of certain kinds of information may be required in special circumstances in compliance with the federal law previously cited.
5. Students may challenge the accuracy and/or appropriateness of material combined in their files. Once such a challenge has been made in writing, it will be the responsibility of the university official in charge of the file to determine the validity of the challenge, if possible. The university official shall make a written response to the challenge of the student, specifying the action taken. Should a factual error be found in any materials, the university official is authorized to make the appropriate corrections.
  6. If options 1 and 2 of this section are unsatisfactory, students may request a formal hearing to challenge inaccurate, misleading, or inappropriate information in their records. The University Record Hearing Committee shall conduct a hearing in accordance with the procedures outlined in Public Law 93-380, as amended.
  7. The substantive judgment of a faculty member or administrator about a student's work, as expressed in grades and/or written evaluations, is not within the purview of this policy statement. Such challenges by students may be made through the regular administrative channels already in existence for such purposes.

### **Responsibility of University Officials**

1. University officials in charge of student files are responsible for the reasonable care and protection of such files in accordance with University policy. This includes the responsibility for the release of confidential information only to authorized persons.
2. A log sheet, indicating the inspection or release of a student's file, must be kept in the student's file.
3. University officials may classify student materials and records under their supervision as active or inactive as circumstances warrant. At the discretion of the official in charge, inactive records may remain in the file but need not be circulated. Inactive records may be reviewed by a student upon request.
4. A University official may take the initiative in an attempt to purge unfavorable evaluations, or opinion records of a prejudicial nature, in a student's file. This may be done by returning the material to the person who submitted it or by requesting from the author that the material be destroyed.
5. California University does not make directory information generally available to the public. California University limits its release of directory information for official University purposes, e.g., (1) identifying athletic team members; (2) publishing names of scholarship recipients, graduation lists and Dean's Lists; (3) issuing academic awards; (4) verifying enrollment or degree status; and (5) providing such information to organizations that are officially affiliated with the University or with whom the University has a contractual relationship. *See* 34 C.F.R §99.37(d).

### **University Officials Responsible for Student Records**

The following university officials are responsible for maintaining student records within their respective administrative areas in accordance with the policies of this statement and the relevant state and federal laws.:

1. Provost and Vice-President for Academic Affairs
2. Vice-President for Student Development and Services
3. Vice-President for Administration and Finance
4. Vice-President for University Advancement

If further information is required, contact the Registrar, who is designated as the FERPA compliance officer.

- E.** **Effective date:** 2005-2006 Undergraduate Catalog  
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