SAN FRANCISCO CAMPUS POLICY GOVERNING DISCLOSURE OF INFORMATION FROM STUDENT RECORDS

INTRODUCTION

This policy implements and incorporates the University of California Policies Applying to the Disclosure of Information from Student Records, issued by the Office of the President on August 15, 1994. The University maintains various types of student records to further its educational purposes. This policy applies only to records pertaining to individuals in their capacity as students; it does not cover other records which are maintained for purposes unrelated to an individual's student status.

The disclosure of information from student records is governed by the Federal Family Educational Rights and Privacy Act (FERPA) and in part by the State of California Education Code. It is the purpose of these policies to provide reasonable interpretations of those laws and to protect the student's right of privacy as guaranteed by the Constitution of the State of California. When the law is silent, the campus shall be guided by two principles: (1) the privacy of a student is of great weight, and (2) the information in a student's file should be disclosed to the student on request.

For the purposes of implementing the provisions of FERPA, the University is viewed as nine separate institutions, rather than as a single entity. 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 these policies.

I. DEFINITIONS

A. Student

1. A "student" is an individual who has been enrolled in or registered with an academic program of the University or is between academic terms and has completed the immediately preceding term and is eligible for re-enrollment or is on approved educational leave or other approved leave status.

2. Because the University uses enrollment and registration rather than attendance as a measure of student status, the term "attendance" as used in FERPA is synonymous with the term "enrolled in or registered with" as specified in these policies.

B. Record

1. "Record" means any information or data recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, microfiche, and any electronic storage or retrieval media.

C. Student Records

1. Student records are those records directly related to a student and maintained by the University or by a party acting for the University. They 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.
2. The term "student records," as used in these policies, is synonymous with the term "education records" in FERPA.

3. The term "student records" does not include the following records, and therefore such records are not governed by these policies.

   a. Applicant records of individuals who do not return their Statement of Intent to Register or who do not enroll in an academic program of the University. Applicants become students, for the purposes of these policies, when they submit their Statement of Intent to Register form. At that time their applicant records become student records and are governed by these policies. Access to and disclosure of applicant records are governed by the California Information Practices Act (Civil Code section 1798 et seq.).

   b. Personal records of instructional, supervisory, and administrative personnel, and of 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.

   c. Campus police records which are created and maintained by campus police solely for law enforcement purposes.

   d. 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.

   e. 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 of the campus.

f. Alumni records or any records containing only information relating to a person after that person is no longer a student.

D. Personally Identifiable Information

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 the student's family, any personal identifier such as a student's social security number or student identification number, and any personal characteristics or other information that would make a student's identity easily traceable.

E. Public Information

The term "public 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 X. of these policies, units are required to give public notice of the categories that have been designated by the unit as public information. In designating "public information," units are not required to include all of the following, and may not include anything more than: a student's name, local or permanent mailing address, electronic-mail address, telephone numbers, date and place of birth, major field of study, dates of attendance, number of course units in which enrolled, degrees and honors received, the most recent/previous educational institution attended, participation in officially recognized activities, including intercollegiate athletics, and the name, weight, and height of participants on intercollegiate University athletic teams.

F. 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, to any party, by any means, including, but not limited to, oral, written, or electronic means.

G. 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.

H. Unit

The term "unit" refers to any campus department, school, college, office, program, activity, or entity which maintains records covered by this policy.

I. Campus Official

A "campus official" is any individual designated by the University of California to perform an assigned function on behalf of the University. Examples of "campus officials" include, but are not limited to, administrative and academic staff, contractors hired by the University (such as auditors or attorneys) and students performing official university duties.

II. Legitimate Educational Interest
A. "Legitimate Educational Interest" means a demonstrated need to know by those officials who act in a student's educational interest.

B. A campus official has a legitimate educational interest in a particular record if the official is performing a task that is:

1. specified in his or her job description or contract agreement;

2. related specifically to the campus official's participation in the student's education;

3. related specifically to the discipline of a student; or

4. is related specifically to providing a service or benefit relating to a student or student's family, such as health care, counseling, job placement, or financial aid.

III. NOTIFICATION OF RIGHTS

A. Notification Mechanism

Students shall be informed each semester of their rights under this policy and under FERPA and its implementing regulations.

1. Such notification shall include publication of a statement in The Daily Californian and other appropriate official campus publications that will indicate that the student has a right to:

a. inspect and review the student's own records (see Section IV.);

b. request correction of the student's own records (see Section IX.);

c. grieve an alleged violation of privacy rights, as specified in these policies (see Section XI.);

d. consent to disclosures of personally identifiable information contained in the student's own records, except to the extent disclosures without consent are authorized under FERPA (see Section VII., C.);

e. file with the United States Department of Education a complaint concerning alleged failures by the campus to comply with the requirements of FERPA (see Section XI.); and

f. be informed where student records policies are located and to obtain a copy of these policies.

B. Unit Policies

Such notification shall also include the notification requirement of campus units provided in Section X. of this policy.

C. Responsible Offices

The Office of the Registrar shall maintain for public inspection a listing of the types and locations of student records maintained on the San Francisco campus and of the titles and addresses of the officials responsible for the records.
IV. INSPECTION AND REVIEW OF STUDENT RECORDS BY STUDENTS

A. Procedures

Students shall be permitted to inspect and review their student records, excepting the records listed below (IV.B.), within a reasonable period of time but in no case longer than 20 working days after receipt of the student's request.

1. Student access to records shall be pursuant to procedures established for granting requests under this policy by the unit having primary custody of the requested records. Ordinarily the student should be granted access to specifically requested records at the time of request, but where this is not administratively feasible, as soon thereafter as possible.

2. Students are entitled to a response to reasonable requests for explanations and interpretations of their records. The terms "explanations and interpretations" do not mean justifications of the records' existence or their specific contents. An explanation or interpretation need inform students only of what the record contains. When students believe their records are inaccurate or misleading, they may seek correction under the procedures found in Section IX.

3. The campus shall comply with written requests from students for copies of their records when failure to provide copies would effectively prevent students from exercising the right to inspect and review their 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.

4. Units may charge reasonable fees for providing copies of student records 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.

5. Student records shall not be destroyed if there is an outstanding request to inspect and review them.

B. Records Exempt from Inspection and Review by Students

The following records shall not be subject, under this policy, to inspection by students.

1. 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 written authorization has been signed by the parent(s) or guardians(s).

2. Confidential letters and statements of recommendation which were placed in student records prior to January 1, 1975, provided that the letters and statements are used only for the purposes for which they were specifically intended.

3. 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.

4. Records containing personally identifiable information about other individuals. If student records contain information about more than one individual, students may inspect and review or
be informed of only the information which specifically pertains to themselves, except as provided in Section VII., C.9.

C. Parental and Spousal Requests for Information

1. The University assigns privacy rights to all enrolled students, regardless of age. Parents have no inherent rights to inspect a student's records. Records may be released to parents only with written authorization of the student.

2. In the absence of written authorization for release by the student, or a court order, student records may not be released to a spouse.

V. INSPECTION AND REVIEW OF ADMISSIONS RECORDS BY APPLICANTS

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 the University of California Business and Finance Bulletin, Records Management and Privacy Series.

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

A. Waivers

Subject to limitations in 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. 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. Waivers must be in writing and signed by the students, and may be made with respect to specified classes of student records or specified classes of persons or institutions.

1. 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.

2. Such recommendations retain their confidentiality only if they are used for the purpose for which they were originally intended.

B. Limitations

1. The fact that a waiver has or has not been executed pursuant to this section shall not be revealed to any person or persons other than those responsible for maintenance of student records or the person or persons making the confidential recommendation.

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

3. 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.
VII. DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM STUDENT RECORDS TO PERSONS OTHER THAN THE STUDENT TO WHOM THE INFORMATION PERTAINS

A. Disclosure of Public Information

Public information shall be released by campus units according to procedures established by each unit pursuant to Section X. of this policy. In addition, the following information is available for public inspection: the registration documents of sponsored and registered student organizations which contain the names and addresses of the officers and the statement of purpose of the organization. These documents are available in the Office of Student Life.

B. Public Information about Former Students

1. Information confirming the following facts about former students who attended the University prior to the initial issuance of these policies on February 1, 1977, may be disclosed without the former students' consent, unless the 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 public information: the former students' registration, dates of attendance at the University, majors, degrees granted, and dates on which degrees were conferred.

2. Information regarding former students who attended the University after February 1, 1977, which was designated public information by the 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 public information.

C. Permissible Disclosures of Personally Identifiable Information

Except for the disclosure of public information under conditions specified in Section VII., A. and B., personally identifiable information from student records may not be disclosed to third parties without the prior written consent of the student, other than:

1. To the following campus or University officials as specified below who have been determined to have legitimate educational interest in the records. Determination as to whether the legitimate educational interest requirement is satisfied shall be made by the head administrator of the unit retaining the information. Campus personnel receiving or utilizing the information shall be responsible for its subsequent disclosure pursuant to the provisions of these policies.

   a. Disclosures may be made to campus officials in accordance with legitimate educational interest criteria. (see Section II.)

   b. Intra-campus disclosures may be made to appropriate officials in the Office of the President and the Office of the General Counsel and Vice President for Legal Affairs, if those officials have legitimate educational interests in the records.

   c. Inter-campus disclosures may be made between campuses that administer or participate in joint programs or activities, in accordance with legitimate educational interest criteria.

   d. If a student is concurrently enrolled in one campus of the University and in another institution, or in two campuses of the University, or receives services from one campus of the University and
from another institution, or from two campuses of the University, information from that student's records may be disclosed by one University campus to the other, or by the University campus to the other institution, without obtaining the written consent of the student, in accordance with legitimate educational interest criteria. This provision includes institutions participating in Education Abroad Programs.

e. When a student enrolled at one campus has been found in violation of University policies on another University campus, limited disclosures of recommendations arising from disciplinary procedures may be made between campuses, as specified in Section 104.30, Administration of Student Discipline, of the University Policies Applying to Campus Activities, Organizations, and Students.

2. To authorized federal and state officials in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of federal law which relates to such programs.

3. In connection with financial aid for which a student has applied or which a student has received, only as may be necessary:
   a. to determine the eligibility of the student for financial aid;
   b. to determine the amount of the financial aid;
   c. to determine the conditions which will be imposed regarding the financial aid; or
   d. to enforce the terms or conditions of the financial aid.

Such information shall be disclosed to donors only if the conditions of the gift or award expressly require that the information be disclosed.

4. To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.

5. 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, and improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students and/or their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted.

The term "organizations" includes, but is not limited to, federal, state, and local agencies, and independent organizations.

Release pursuant to this subsection may be made only after approval by the Registrar, the appropriate Vice Chancellor, Provost, or Dean of the Graduate Division, after due consideration of the nature of the agency or institution, the importance of the proposed study, and the feasibility of obtaining prior student consent.

6. To accrediting organizations in order to carry out their accrediting functions.

7. 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, in the case of a federal grand jury
subpoena, or any other subpoena issued for a law enforcement purpose, it is specifically ordered in the subpoena not to give such notice.

The service of a subpoena, under the authority of any state court or agency, upon a University employee solely for the purpose of causing him or her to produce any student record may be complied with, in lieu of a personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of the record, accompanied by an affidavit certifying that the copy is a true copy of the original record on file in the University office. The copy of the record shall be in the form of a photostat, microfilm, micro card, or a photographic copy or reproduction, either enlarged or reduced.

8. To appropriate parties in connection with an emergency when the information is necessary to protect the health or safety of the student or other persons. For example, campus police may have access to student records under such conditions.

9. To the alleged victim of any crime of violence. The information disclosed shall be limited to notice of the results of any disciplinary action by the University and the results of any appeal. "Crime of violence" means an offense in which there is the use, attempted use, or threatened use of physical force against a person or the property of another, or any other offense that is a felony and that by its nature involves a substantial risk that physical force against a person or the property of another may be used in the course of committing the offense. "Results" means the decision whether or not misconduct occurred and the type of sanction that was imposed, if any.

In crimes involving sexual assault or physical abuse, state law requires disclosure of the results to the alleged victim within three working days following a disciplinary action or appeal. In these cases, disclosure shall be made within three working days of notification of the accused student. The alleged victim shall keep the results of any disciplinary action or appeal confidential, as described below.

D. Redisclosure of Personally Identifiable Information

1. When disclosure is permitted under these policies, personally identifiable information may be disclosed only on condition that the party to whom the information is disclosed is informed that the information may not be disclosed to any other party without the written consent of the student. Any consent form obtained from the student permitting a disclosure of records must be kept permanently with the record file.

2. When disclosure is permitted under these policies, personally identifiable information which is disclosed may be used by the officers, employees, and agents of the party to whom the information was disclosed, but only for the purposes for which the disclosure was made.

E. Requests to Forward Academic Records

The campus forwards appropriate academic records on request of the student to other educational institutions in which students seek or intend to enroll. When students request that their academic records be forwarded to other institutions, students may be required to pay all fees and charges due the campus before the records are transferred.

VIII. RECORD KEEPING REQUIREMENTS REGARDING REQUESTS FOR AND DISCLOSURE OF INFORMATION
A. Records Maintenance

1. The unit shall maintain with a student's records a record of disclosures which indicates:

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.

2. 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 made;

c. disclosure to campus officials under Section VII., C. 1.; or

d. disclosures of public information.

3. 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 Section VII., C. 1. and VII., C. 2.

B. Records Disposition

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

1. Student records shall be retained if there is an outstanding request to inspect and review them.

2. 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.

3. The record of access shall be retained as long as the student record to which it relates is maintained by the campus.

IX. PROCEDURES FOR SEEKING THE CORRECTION OF STUDENT RECORDS

A. Requests for Correction of Records
Students shall be entitled to an explanation of any information contained in official records, files, and data directly related to themselves as students. 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 unit principally involved 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.

B. Hearing Procedures

Any hearing regarding information in a student record shall be preceded by preliminary attempts to settle disputes through informal meetings and discussions with appropriate unit officials. Where such informal attempts are unsuccessful, a hearing shall be held, on the request of the student, pursuant to procedures established by each unit as provided in Section XI. Such procedures shall include at least the following elements:

1. The hearing shall be held within a reasonable period of time after it has been requested, and the student shall be notified, reasonably in advance, of the hearing's date, place, and time.

2. 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.

3. Students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under Section IX., A. of these policies, and may be assisted or represented by individuals of their choice, at their own expense.

4. The decision rendered shall be made in writing within a reasonable period of time after the conclusion of the hearing.

5. 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.

C. Hearing Outcomes

1. 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.

2. 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.

D. 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.

E. Grades
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 study, are not subject to challenge under Section IX. of these policies. Refer to Regulation 778 from article 3 of the San Francisco Division of the Academic Senate for grades in courses of instruction.

X. UNIT POLICIES AND NOTIFICATION REQUIREMENTS

A. Unit Policies

Each unit shall establish written procedures for the implementation of this policy.

B. Notification

Each unit shall provide students notice each quarter of the following:

1. the types of student’s records maintained;

2. the title of the official(s) responsible for the maintenance of each type of record, the class of persons who have access to those records, and the purposes for which they have access;

3. the procedures established by the unit for granting access;

4. the policies for reviewing and correcting those records;

5. the procedures (including those set forth in Section IX.) for challenging the content of those records;

6. the cost, if any, which will be charged for producing copies of records; and

7. the categories of information which the unit makes available as public information. Such categories shall fall within the limitations set forth in Section I.E. of this policy. Students shall be informed of their right to protect all categories of personally identifiable information except as provided in Section VII.

XI. GRIEVANCE AND COMPLAINT PROCEDURES

Complaints regarding alleged violations of the rights accorded in this policy should first be directed to the head of the unit maintaining the records in question. Subsequent formal complaints alleging violations of privacy rights, other than those relating to the content of student records, may be processed under the procedures contained in Section 110.00 of the University Policies Applying to Campus Activities, Organizations, and Students and the San Francisco Campus Student Grievance Procedure. Written complaints are to be filed with the Chancellor's Representative (500 Parnassus, MU 200W). Questions regarding the policy may be directed to the Office of the Registrar (500 Parnassus, MU 200W).

Complaints regarding alleged violations of the rights accorded students by FERPA may be filed with the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW, Washington, D.C. 20202-4605.