

## Student Records

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### 1. Policy Statement

- 1.1. Oregon State University shall generate and maintain only such education records as are demonstrably and substantially relevant to the education and related purposes of the university, its colleges, schools, divisions, or departments. The university has a responsibility to preserve the confidentiality of such records and to protect the individual student's privacy. Public access to personal education records shall be restricted according to provisions of the federal **Family Educational Rights and Privacy Act**, and applicable state laws.
- 1.2. This university policy is a detailed statement of the implementation of this philosophy and of applicable federal and state law. All employees or third-party contractors accessing or viewing students' records are to follow the following general rules:
  - 1.2.1. Only such education records as are demonstrably and substantially relevant to the education and related purposes of the University, its colleges, schools, divisions, or departments shall be generated and maintained. Records shall be retained as needed and as directed by the University Records Retention Policy: [https://policy.oregonstate.edu/UPSM/04-010\\_records\\_retention](https://policy.oregonstate.edu/UPSM/04-010_records_retention) and Disposition Schedule: <http://scarc.library.oregonstate.edu/general-schedule.pdf>.
  - 1.2.2. Institutional officials generating or maintaining duplicate copies of education records (whether permanent or temporary) shall retain them in the same manner as designated in Section 5 of this university policy.
  - 1.2.3. A student shall not be required to give, although the student may voluntarily provide, information as to the student's protected statuses except as required by state or federal statute, rule, regulation, or order.
  - 1.2.4. All university employees must maintain the confidentiality of any education records they come into contact with in the course of employment. A statement of policy regarding education records is published annually in the university catalog under the authority of the student data designee.

- 1.2.5. The duplication of permanent education records and the generation of temporary education records shall be kept to a minimum and shall be maintained only for the minimum time required to serve the basic official function of the office which generates or maintains them.
- 1.2.6. The permanent retention of education records shall be limited to those designated in the University Records Retention Policy and Disposition Schedule.

## 2. Reason for Policy

- 2.1. The purpose of this university policy is to provide further guidance on how to protect and maintain student education records, in compliance with university standards and policies, and applicable state and federal law.

## 3. Scope & Audience

- 3.1. This university policy applies to all university employees, affiliates, institutional officials, and students.

## 4. Definitions

- 4.1. **Student (for purposes of this policy):** A person who is or has been enrolled at Oregon State University.
- 4.2. **Education Record:** Records directly related to a student which are maintained by Oregon State University or by a person/agent/agency acting for the university.
- 4.3. **Directory Information:** Student's name, current mailing address and telephone number, university e-mail address, campus office address, student's home city, county, state, country; class standing, college and major field of study, student level (grad, undergrad, etc.), full-time or part-time enrollment status, status as a graduate teaching assistant or graduate research assistant and hours of service, participation in officially recognized activities and sports, dates of attendance, anticipated graduation date, degrees, honors, or awards received, date(s) of degree(s), and most recent previous educational institution attended by student.
- 4.4. **Institutional Official:** A person who must access education records to perform their duties including: a person employed by the university in an administrative, supervisory, academic, research or support staff position (including health staff and in some cases, student employees); a person, company or entity with whom the university has contracted (such as an attorney, auditor, collection agent, or service provider); a person serving on the board of trustees; or a student serving on an official

committee such as a disciplinary or grievance committee or assisting another institutional official in performing their tasks.

## 5. Responsibilities & Procedures

### 5.1. Availability of Records

5.1.1. Except as noted below, all education records are available to the student who is the subject of the records and said records shall not be released to other persons or organizations without the student's prior written approval. A student may see and review with the record's data steward or in their absence a staff member of the office or department that maintains the record, all education records that pertain to the student, except as noted below. Access by the student to the record shall be provided as soon as possible, but not later than 45 days following the student's request. In accordance with this university policy, a written request from a student for a copy, at the student's expense, of any information in that record shall be honored by the record's data steward except as noted below. Copies shall be provided at the earliest possible date, but not later than 45 days following the student's request.

a. **Records Not Available.** The following are not categorized as "education records" or are not available to students:

- i. Records that are 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 as a temporary substitute for the maker of the record;
- ii. Records made or maintained by a physician, psychiatrist, psychologist, or other professional or paraprofessional acting in a professional capacity related to treating a student. However, such records may be reviewed by a physician or other appropriate professional at the student's written request;
- iii. Records relating to students employed in positions at the university not available to non-students;
- iv. Financial records of the student's parents, unless they have given written consent to the student seeking said records;
- v. Confidential evaluations/recommendations placed in the education records prior to January 1, 1975, if the evaluations/recommendations continue to be used only for their original purpose; and,
- vi. Confidential evaluations/recommendations received after January 1, 1975 for which the student has signed a waiver of the right of access, and which

are limited to admission to an educational institution, an application for employment, for a recommendation for an honor, or other form of recognition.

**b. Release of Records without Student Permission.** Education records can be released without permission to:

- i. Institutional officials who have a legitimate educational interest. An institutional official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility to the university;
- ii. Officials of schools to which the student seeks or intends to enroll;
- iii. Authorized representatives of the U.S. Comptroller General, the Secretary of Education, or the Attorney General of the United States;
- iv. An agency from which the student has applied for, or is receiving, financial aid;
- v. In response to a valid subpoena or court order issued within Oregon or by a federal court;
- vi. State and local authorities for whom information was specifically required to be disclosed by state statute prior to November 19, 1974;
- vii. Organizations conducting legitimate educational research, testing, accreditation, granting financial aid, or improving instruction by using data internally only; if such data does not permit identification of the student or parents to others, and if the information is destroyed when no longer needed to carry out its specified purpose(s);
- viii. The court, if the university initiates legal action against a student or if a student initiates legal action against the university;
- ix. Directory Information, which is available to the public upon request without the student's permission unless the student has requested in writing that the information be kept confidential. A student may request in writing that all Directory Information about them be kept confidential. This option may be exercised by completing an authorization form at the Office of the Registrar. This option remains in effect until revoked by the student; and,
- x. The alleged victim of a crime of violence or other crimes by a student as provided by applicable federal law. The final outcome of a disciplinary action

taken against a student accused of a crime of violence or as provided above may be disclosed to the alleged victim.

- c. **Release of Records with Student Permission.** Except as otherwise noted in this policy, all education records may be released only with the student's prior written permission. The written permission shall be filed with the record that is released or in the central Consent to Release documentation housed with the Office of the Registrar.

## 5.2. Student Right to Waive Access

- 5.2.1. As noted in Section 5, a student may *voluntarily* waive their right of access to an education record. Under no conditions can a student be compelled to waive their right of access. Additionally, a student who waives their right *must* be informed of the names of persons making confidential evaluations/recommendations and that such evaluations/recommendations are being used only for the purpose originally intended.

## 5.3. Student Right to Request Amendment

- 5.3.1. The student has the right to request amendment to the content of an education record if they believe there is an error or inaccuracy in the record.
- 5.3.2. The student can make their request to the Office of the Registrar in writing. The Office will respond to the request within 30 days in writing. If denied, the Office of the Registrar will notify the student of their rights in 5.4. If approved, amendment will be made within 30 days.

## 5.4. Challenge to Content of Records and Administrative Hearing Process

- 5.4.1. The student has the right to challenge the content of education records on the grounds that they are misleading or are otherwise in violation of the student's privacy rights. Additionally, the student has the right to request the correction or deletion of such material in the student's own education records.
  - a. If a student challenges the content of a record, the university shall consider the challenge within a reasonable time after it is received. If the student's request for modification of said record is denied, the university shall inform the student of its decision and of the student's right to a hearing. If a hearing is requested, the following procedure will apply:
    - i. The university shall hold the hearing within a reasonable time after it receives the request.

- ii. The university shall give the student reasonable advance notice of the date, time, and place of the hearing.
  - iii. The hearing may be conducted by any person, including an institutional official, who does not have a direct interest in the outcome of the hearing.
  - iv. The university shall give the student a full and fair opportunity to present evidence relevant to the education records at issue. The student may, at their own expense, be assisted or represented by one or more persons of their choice, including an attorney.
  - v. The University shall make its decision in writing within a reasonable time after the hearing.
  - vi. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence presented along with reasons for the decision.
- b. Following the hearing, if the hearing officer determines that information in the education record is inaccurate, misleading, or otherwise in violation of the student's privacy rights, the hearing officer shall:
- i. Amend the record accordingly; and,
  - ii. Inform the student in writing of the change.
- c. Following the hearing, if the hearing officer determines that information in the education record is not inaccurate, misleading, or otherwise in violation of the student's privacy rights, the hearing officer shall inform the student of their right to place a statement in the record commenting on the contested information or stating why the student disagrees with the university's decision.
- d. If a student chooses to place a statement in their education record, the University shall:
- i. Maintain the statement with the record for as long as the record is maintained; and,
  - ii. Disclose the statement whenever it discloses the portion of the record to which the statement relates.

### 5.5. Record of Requests and Disclosures of Education Records

- 5.5.1. A written notation shall be made in a student's education record of each occasion that a person outside the university requests or is given access to it. The notation

should indicate the person's name, organization represented, the date and the reason for granting access. The notation shall be maintained for as long as the records are maintained. However, such notation is *not* required where:

- a. The disclosure is made to the student as allowed in this university policy;
- b. The disclosure is made pursuant to the student's written consent. The written consent shall be kept as a permanent part of the student's record;
- c. The disclosure is made to institutional officials with a designated need to know as part of their official duties;
- d. The disclosure consists only of directory information not otherwise restricted by the student; or,
- e. The disclosure is made to other officials as noted in Section 5.

#### **5.6. Permanence, Duplication, and Disposal of Education Records**

- 5.6.1. The individual student's record shall be maintained for the minimum period of time required to serve the functions of the office which generates and maintains it and in compliance with the university's Records Retention Standard. When disposed it should be done in a manner such as to protect the record's confidentiality.
- 5.6.2. Duplication of permanent education records shall be kept to a minimum. Such duplicate permanent records as are made shall be destroyed in the same manner as temporary records as set forth in this policy.

#### **5.7. Period for Granting Access**

- 5.7.1. A maximum time period of 45 days is authorized in granting access to a student who has requested their education records.

#### **5.8. Subpoenas and Court Orders**

- 5.8.1. If a valid court order or subpoena is issued which compels the university to produce a student's education record, the university shall immediately take steps to notify the student of this fact prior to release of the record, unless, in the case of a federal grand jury subpoena or other subpoena issued for a law enforcement purpose, the court or issuing agency has ordered the university not to disclose the existence or contents of the subpoena to the student.

#### **5.9. Health or Safety Emergencies**

5.9.1. The university may release information from a student's education records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. However, such information may be released only when determined by those university employees with authority to authorize such a disclosure.

#### 5.10. Access to Records on Several Students

5.10.1. If a student requests access to an institutional record containing data on several students, including said student, the student shall be given access only to that data relating to said student. The privacy of the other student's data shall not be violated.

#### 5.11. Annual Publication of Institutional Rule

5.11.1. The University shall publish annually by sending via university email this university policy. A copy shall be posted on the Office of the Registrar website. Notice shall include the following:

- a. The student's right of access to inspect and review education records;
- b. The student's right to seek amendment of education records;
- c. The procedures for challenging the content of education records and for inserting a denial or correction of disputed data;
- d. The right of consent to disclosure of personally identifiable information contained in the education record, except to the extent disclosure is permitted without consent;
- e. The categories of information designated as directory information and the student's right to prevent disclosure of directory information; and,
- f. The student's right to file with the U.S. Department of Education a complaint concerning alleged failures by the university to comply with the requirements of this policy and the **Family Educational Rights and Privacy Act of 1974**, as amended.

## 6. Forms & Tools

6.1. None.

## 7. Frequently Asked Questions

7.1. None.



## 8. Related Information

8.1. None.

## 9. History

- 9.1. Adopted: Oregon State University adopted University Policy 576-020 *Student Records* from Oregon Administrative Rule 576-020 *Student Records* on July 1, 2014.
- 9.2. Revised: University Policy 576-020 *Student Records* was revised, renumbered, and implemented on an interim basis as University Policy 01-120 *Student Records* on September 31, 2021.
- 9.3. Revised: University Policy 01-120 *Student Records* was adopted as university policy on April 12, 2023.
- 9.4. Next scheduled review date: April 2026.

## 10. Website

- 10.1 University Policy 01-120 *Student Records*: [http://policy.oregonstate.edu/UPSM/01-120\\_student\\_records](http://policy.oregonstate.edu/UPSM/01-120_student_records)

## 11. Contacts

Department	Phone Number	Website
Office of the Registrar	541-737-4331	<a href="https://registrar.oregonstate.edu/">https://registrar.oregonstate.edu/</a>