

## **Standard No. 576-020**

### **STUDENT RECORDS**

#### **576-020-0005**

##### **Basic Philosophy**

Oregon State University shall generate and maintain only such student records as are demonstrably and substantially relevant to the educational and related purposes of the University, its colleges, schools, or divisions or departments. The University has responsibility to preserve the confidentiality of such records and to protect the individual student's privacy. Public access to personal student records shall be restricted according to provisions of the federal **Family Educational Rights and Privacy Act**, ORS 351.065, and Division 13 of the Oregon State Board of Higher Education Administrative Rules.

This rule is a detailed statement of the implementation of this philosophy and of federal and state law. The following general rules shall be observed by all persons dealing with students' records:

- (1) Only such student records as are demonstrably and substantially relevant to the educational 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 and Disposition Schedule.
- (2) Institutional officials generating or maintaining duplicate copies of student records (whether permanent or temporary) shall retain them in the same manner as designated in section (1) of this rule.
- (3) A student shall not be required to give, although the student may voluntarily provide, information as to the student's race, religion, political affiliation or preference, or personal values except as required by state or federal statute, rule, regulation, or order.
- (4) Student records shall be kept in locations central to the University, its colleges, school, divisions, or departments in which they are maintained, with the custody thereof assigned to designated personnel specifically charged with maintaining the confidentiality of the records. A statement of policy regarding student records is published annually in the OSU Barometer. Copies shall be available in the Student Involvement office.
- (5) The duplication of permanent student records and the generation of temporary student 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 and/or maintains them.
- (6) The permanent retention of student records shall be limited to those designated in the University Records Retention and Disposition Schedule.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

## **576-020-0010**

### **Definition of Terms**

- (1) "Student" — A person who is or has been enrolled at Oregon State University.
- (2) "Educational Record" — Records directly related to a student which are maintained by Oregon State University or by a person acting for the University.
- (3) "Directory Information" — Student's name, current mailing address and telephone number, OSU e-mail address, campus office address, 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) "Institutional Official" — 6-19-03 A person employed by the University in an administrative, supervisory, academic, research or support staff position (including health staff); a person, company or entity with whom the University has contracted (such as an attorney, auditor or collection agent); 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 school official in performing his or her tasks.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01; OSU 5-2002, f. & cert. ef. 5-8-02; OSU 2-2003, f. & cert. ef. 6-19-03; OSU 3-2004, f. 11-16-04, cert. ef. 1-1-05; OSU 5-2014(Temp), f. 4-15-14, cert. ef. 4-16-14 thru 6-30-14

## **576-020-0015**

### **Availability of Records**

Except as noted below, all educational records are available to students 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 custodian or in his/her absence a staff member of the office or department that maintains the record, all educational records that pertain to the student, except as noted below. Access of the student to the record shall be provided as early as possible, but not later than 45 days following the student's request. In accordance with this 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 custodian except as noted below. Copies shall be provided at the earliest possible date, but not later than 45 days.

(1) Records Not Available: The following are not categorized as "educational records" and/or are not available to students:

(a) 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 a temporary substitute for the maker of the record.

(b) 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;

(c) Financial records of the student's parents, unless they have given written consent to the student seeking said records;

(d) Confidential evaluations/recommendations placed in the educational records prior to January 1, 1975, if the evaluations/recommendations continue to be used only for their original purpose;

(e) 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, and application for employment, for a recommendation for an honor, or other form of recognition.

(2) Release of Records Without Student Permission. Educational records can be released without permission to:

(a) Institutional officials who have a legitimate educational interest. An institution official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility;

(b) Officials of schools to which the student seeks or intends to enroll. In such cases, the student shall be notified of the transfer of records, and, if the student desires, shall receive a copy of the record sent and have the opportunity for a hearing to challenge the record's contents;

(c) Authorized representatives of the U.S. Comptroller General, the Secretary of HEW, the Attorney General of the United States, and the Chancellor of the Oregon University System;

(d) An agency from which the student has applied for, or is receiving, financial aid;

(e) State and local authorities for whom information was specifically required to be disclosed by state statute prior to November 19, 1974;

(f) Organizations conducting legitimate educational research, testing, accreditation, granting financial aid, or improving instruction; 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);

(g) The court, if the University initiates legal action against a student or if a student initiates legal action against the University.

(h) Directory Information is available to the public upon request without the student's permission unless the student has requested in writing that the material be kept confidential. A student may request in writing that all directory information 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;

(i) The outcome of a disciplinary action taken against a student accused of sexual assault shall be disclosed to the alleged victim and the accused student;

(3) Release of Records with Student Permission. Except as otherwise noted in this division, all educational records may be released only with the student's prior written permission. The written notice of permission shall be filed with the record thereby released.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

## **576-020-0020**

### **Student Right to Waive Access**

As noted in 576-020-0015, a student may *voluntarily* waive the right of access to an educational record. Under no conditions can a student be compelled to waive the right of access. Additionally, a student who waives the 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.

Hist.: OSU 3, f. & ef. 6-20-77

## **576-020-0025**

### **Challenge to Content of Records and Administrative Hearing Process**

The student has the right to challenge the content of educational records in order to insure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. Additionally, the student has the right to request the correction or deletion of such material in the student's own educational records.

(1) 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 his or her right to a hearing. If a hearing is requested, the following procedure will apply:

(a) The University shall hold the hearing within a reasonable time after it receives the request.

(b) The University shall give the student reasonable advance notice of the date, time, and place of the hearing.

(c) 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.

(d) The University shall give the student a full and fair opportunity to present evidence relevant to the educational records at issue. The student may, at his or her own expense, be assisted or represented by one or more persons of his or her choice, including an attorney.

(e) The University shall make its decision in writing within a reasonable time after the hearing.

(f) 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.

(2) Following the hearing, if the hearing officer determines that information in the educational record is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the hearing officer shall:

(a) Amend the record accordingly; and

(b) Inform the student in writing of the change.

(3) Following the hearing, if the hearing officer determines that information in the educational record is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the hearing officer shall inform the student of his or her right to place a statement in the record commenting on the contested information and/or stating why he or she disagrees with the University's decision.

(4) If a student chooses to place a statement in his or her educational record, the University shall:

(a) Maintain the statement with the record for as long as the record is maintained; and

(b) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

**576-020-0030**

### **Non-Release to Third Parties**

All copies of educational records will bear this statement to the effect that: "Under the provisions of the federal Family Educational Rights and Privacy Act, the information contained in this

document is not to be released to others without the written consent of the student named herein."

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

### **576-020-0035**

#### **Record of Access to Student Records**

A written notation shall be made in a student's educational record of each occasion that a person outside the University is given access to it. The notation should indicate the person's name, organization represented, the date and the reason for granting access. However, such notation is *not* required where:

- (1) The disclosure is made to the student as allowed in this policy;
- (2) The disclosure is made pursuant to the student's written consent. The written consent must be kept as a permanent part of the student's record;
- (3) The disclosure is made to university officials with a designated need to know as part of their official duties;
- (4) The disclosure consists of directory information not restricted by the student; or,
- (5) The disclosure is made to other officials as noted in 576-020-0015.

Hist.: OSU 3, f. & ef. 6-20-77

### **576-020-0040**

#### **Permanence, Duplication, and Disposal of Student Records**

- (1) The individual student's record shall be maintained only for the minimum period of time required to serve the functions of the office which generates and maintains it. It should then be disposed of in a manner such as to protect its confidentiality.
- (2) Duplication or permanent student 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 section (3) of this rule.
- (3) All *duplicate* copies of permanent records and all temporary student records shall be destroyed in a manner such as to protect their confidentiality. Prior access shall be granted to students who have requested access before the records are destroyed.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 10-2001, f. & cert. ef. 11-16-01

## **576-020-0045**

### **Period for Granting Access**

A maximum delay of 45 days is authorized in granting access to education records involving students.

Hist.: OSU 3, f. & ef. 6-20-77

## **576-020-0050**

### **Subpoenas and Court Orders**

If a court order or subpoena is issued to produce an educational record on a student, 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.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

## **576-020-0055**

### **Health or Safety Emergencies**

The custodian may release information from the educational 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 if the threat to health or safety is serious, if the records are needed to meet the emergency, if there are persons who can use the information to deal with the emergency, and if time is critical in dealing with the emergency.

Hist.: OSU 3, f. & ef. 6-20-77

## **576-020-0060**

### **Access to Records on Several Students**

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

Hist.: OSU 3, f. & ef. 6-20-77

**576-020-0065**

**Annual Publication of Institutional Rule**

The University shall publish annually in the OSU Barometer the student records rule of the institution. Copies shall be available in the Student Involvement office. Notice shall include the following:

- (1) The right of access to educational records;
- (2) The types of educational records being maintained directly relating to students;
- (3) The institutional policy for reviewing records;
- (4) The student's right to copies of certain educational records;
- (5) The student's right to have the meaning of entries in personal educational records explained;
- (6) The procedures for challenging the content of educational records and for inserting a denial or correction of disputed data;
- (7) The categories of information designated as directory information and the student's right to prevent disclosure of directory information; and
- (8) 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 these rules and the **Family Educational Rights and Privacy Act of 1974**, as amended.

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01