

Standard No. 580-13

STUDENT RECORDS

580-013-0005

Institutional Regulations

(1) The Board delegates to the president of each institution responsibility for developing institutional rules governing the form and variety of student records to be maintained in the institution, the nature of the information to be collected and the way in which such student information is to be recorded, maintained, used and eventually disposed of. Such institutional rules shall be consistent with Oregon laws and Board rules and with federal statutes and regulations.

(2) In the development of these rules, the president will give faculty and students an important voice, consistent with the nature of the academic community.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0010

Definitions

(1) "Personal Records" means records containing information kept by the institution, division or department concerning a student and furnished by the student or by others at the student's or the institution's, division's or department's request, including, but not limited to, record of grades attained, information concerning discipline, counseling, membership activity, employment performance and other individual student behavioral records.

(2) For purposes of compliance with ORS 351.065, "records of academic achievement" shall mean the record of credits earned toward a degree and/or degree(s) received.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0015

Purpose of Student Records

Only personal records demonstrably and substantially relevant to the educational and related purposes of the institution, division or department shall be generated or maintained.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0020

Certain Information Not Required to be Provided by Students

No student shall be required to provide, except voluntarily, information as to race, religion, political affiliation or preferences, or personal values, except as required by state statute, federal law or valid federal rules, regulations or orders.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0025

Locations and Custody of Student Records

Official student personal records shall be maintained in locations central to the institution, division or department by which they are maintained, with the custody thereof assigned to designated personnel specifically charged with preserving the confidentiality of records in accordance with institutional rules.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0030

Release of and Access to Student Records

(1) Appropriate information about the student may be released without the student's consent. Such unrestricted access shall be limited to the following information:

- (a) Directory information, that is, information generally needed in identifying or locating a named student.
- (b) Objective evidence of a student's academic achievement, which is interpreted to be limited to information as to the degree(s) earned.

(2) Each institution shall each year give public notice of the categories of personally identifiable information that the institution has designated as directory information. Students shall have the right to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information.

(3) All other information in the student records, apart from directory information as defined in section (1) above, shall be considered personal and confidential and subject to the restrictions hereinafter set forth in 580-013-0035 through 580-013-0050.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0035

Confidential Records -- Restrictions on Release

(1) Personal records designated as confidential pursuant to ORS 351.070 or pursuant to the Federal Family Educational Rights and Privacy Act may be disclosed to institutional, state or statutorily authorized federal officials or employees who need the information in order to fulfill their official, professional responsibilities as required by law, institutional rules or internal management directives. Disclosure of personally identifiable information may also be made in connection with financial aid for which a student has applied or that a student has received or to accrediting organizations when necessary to their accrediting functions. These records may not be released to any other person or agency without the student's written consent, unless on receipt of a subpoena or other court order or process. Institutional rules may provide for designated institutional officials to appear in court to test the validity of a subpoena or court order or process relating to release of student records.

(2) The president, or a designee, may make exception to the foregoing rule and may disclose personally identifiable information from the educational records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual. The factors to be taken into account in determining whether personally identifiable information from the educational records of a student may be disclosed under this rule shall include the following:

- (a) The seriousness of the threat to the health or safety of the student or other individual;
 - (b) The need for the information to meet the emergency;
 - (c) Whether the individuals to whom the information is disclosed are in a position to deal with the emergency;
 - (d) The extent to which time is of the essence in dealing with the emergency.
- (3) The health and safety exception to confidentiality shall be strictly construed.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 5-1980, f. & cert. ef. 6-18-80; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0036

Transfer of Education Records

Each institution may, by rule, notify students that it will forward education records on request to any school in which a student seeks or intends to enroll. If an institution so provides, no further notice need be given of transfer of records to such other school.

Hist.: HEB 6-1980, f. & cert. ef. 6-18-80; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0040

Petition by Student for Change in Personal Record

The student shall have the right to review with appropriate institutional personnel any information contained in the student's records and to petition appropriate institutional officials as defined in institutional rules for additions or deletions to the record where the accuracy of the information in the file is in question, except in the following instances:

- (1) Records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity or assisting in that capacity.
- (2) Records created, maintained or used only in connection with the provision of treatment to the student and not disclosed to anyone other than individuals providing the treatment; provided, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice.
- (3) Records relating exclusively to an individual in that individual's capacity as an employee.
- (4) Financial records and statements of the parents of students or any information contained therein.
- (5) Confidential letters and confidential statements of recommendation that were placed in the educational records of a student prior to January 1, 1975, provided that the letters and statements were solicited with the written assurance of confidentiality or sent and retained with a documented understanding of confidentiality and were used only for the purposes for which they were specifically intended.
- (6) Confidential letters of recommendation and confidential statements of recommendation that were placed in the educational records of the student after January 1, 1975, respecting admission to an educational institution, respecting an application for employment or respecting the receipt of an honor or honorary recognition, provided that the student has waived rights to inspect and review letters and statements of recommendation.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-013-0045

Availability of Student Records for Research Purposes

- (1) The need for institutions to make information regarding the student available for research purposes shall be acknowledged and provided for in institutional rules on student records. The institutional rules shall provide adequate provisions to conceal the identity of students whose personal data or information is included in research.

(2) If the confidentiality of student records seems to be jeopardized in any way by release of information for research purposes, institutional rules shall provide that the institution is to obtain the student's written consent prior to releasing information for research purposes.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78

580-013-0050

Permanence, Duplication, and Disposal of Student Records

(1) Individual student records shall be maintained only for the minimum period of time required to serve the official functions of the office generating and maintaining them. The records shall then be disposed of in a manner designed to assure confidentiality.

(2) The permanent retention of student records shall be limited to records that the president or the State Archivist determine to be of long-range value to the student or the institution.

(3) Duplication of permanent student records shall be minimized. Duplicate permanent records shall be destroyed in accordance with section (4) of this rule.

(4) All duplicate copies of permanent records and all temporary student records shall be destroyed at a time to be determined and set forth in institutional rules and in a manner designed to assure confidentiality.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96