




San José State
UNIVERSITY

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DATE: August 25, 2010
TO: Deans, Associate Deans, Department Chairs, Faculty, and
Administrative Directors
FROM: Marian Sofish – University Registrar 
RE: Privacy Rights of Students: University Policy Reminder

Attached is a bulletin explaining San José State University's policy regarding confidentiality of student records and the privacy rights of students which is based on the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) with additional stipulations by San José State University Academic Senate Policy S66-20 *Confidentiality of Student Records*. Please post the bulletin on department bulletin boards or in other areas accessible to students, faculty, and staff. You are also requested to keep a copy of the bulletin on file in your department.

All members of the University community who maintain, access, and/or view student records must be familiar with the University's policy. Some commonly asked questions and answers regarding the policy as well as the federal legislation are listed below. Please review the **"Recommended Practices Regarding Social Security Numbers (SSNs)" from the California Office of Privacy Protection.**

Should you have questions or concerns, please contact me at 924-2012 or Joni Talley, Associate Registrar at 924-2090 or the FERPA Hotline at 924-5906. Thank you.

Confidentiality of Student Records Commonly Asked Questions and Answers

What are the goals of the University policy and the corresponding Federal legislation?

The primary goals are 1) to ensure that students have access to their records and 2) to provide appropriate safeguards to the privacy of student information.

What sorts of student records are covered under FERPA and University policy?

The Federal law and University policy are fairly comprehensive regarding the types of records covered. Included are some registration/admissions records, student files, judicial records, documents and internal reports. The student record is covered once a student enrolls in courses at the University.

Essentially, you should assume that students have access to all their records. However, there are several exceptions as noted below:

- 1) Financial records of parents are not available to students.
- 2) Private notes used as memory aids are not available to any party as long as the materials are not shared with any other person (with the exception of a substitute performing that person's duties).
- 3) Confidential letters and statements of recommendation placed in a student file prior to January 1, 1975 generally are not available to students.
- 4) Documents, letters, reports and files for which the student has waived right of access generally will not be available to the student.
- 5) Special conditions pertain to disclosure of medical and psychological treatment/counseling records. The disclosure of these records is governed by regulations issued through other regulatory agencies.

May a professor post students' exam or course grades without the prior written consent of the students?

Grades are personally identifiable information recorded and maintained in education records. As a result, a professor may post grades without the written consent of the students only if the identity of the individual student is completely disguised. Professors must refrain from publicly posting grades in any way that students can be personally identified such as student id #s or alphabetical listing, even if randomly assigned code numbers are used. Proposed solutions to post grades include using WebCT, assigning students a numerical/alphabetical code and posting in random order, or having students select a code and then posting grades in random order.

Under what conditions can student information be released to outside parties without a student's consent?

The law allows the institution to disclose relevant student information without student consent to the following individuals or entities:

- 1) employees with a legitimate need to know
- 2) schools to which the student is transferring
- 3) government officials in the process of carrying out lawful functions
- 4) financial aid funding agencies
- 5) accrediting organizations
- 6) organizations doing appropriate studies for the institution
- 7) individuals/entities with valid court orders or subpoenas
- 8) persons needing to know due to health or safety emergencies
- 9) state and local authorities to whom disclosure is required by state laws adopted before November 19, 1974
- 10) any person requesting directory information--see below for important clarification

What is directory information?

Directory information refers to information such as name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student. This information is releasable under the Federal legislation. However, please note that the University policy S66-20 is more restrictive than Federal law. SJSU policy guidelines indicate that the only directory information routinely released to outside parties without student consent is enrollment status and degree completion (if applicable). Requests for addresses and telephone numbers are not honored, especially if for commercial purposes.

Are there any conditions when disclosing information in accordance with University policy and Federal regulations?

If you do disclose information to outside parties in accordance with SJSU guidelines, policy requires that such disclosure be accompanied by a statement such as the following: "This information is being conveyed only for (stated purpose). Under the Family Educational Rights and Privacy Act, this information cannot be re-disclosed to other parties without the written consent of the student(s) involved."

What safeguards can we take to prevent student information from being compromised, when faculty and staff store student information in their personal desktops and laptops?

Faculty and staff, with a legitimate need to access personally identifiable student information, may download student ID numbers, names and grades onto their personal desktops and laptops. This is not a violation of FERPA. However, other personally identifiable information, such as social security numbers (SSNs), addresses and telephone numbers, should not be saved in their computers. Please note that the amended California Civil Code Section 1798.85, pursuant to the passage of Senate Bill (SB) 25 limits the use of social security numbers except for administrative or internal verification, or as provided by law. More importantly, personally identifiable information should be kept in a password protected database. Please read the "Guidelines for Securing your Computer on <http://www.sjsu.edu/iso/docs/Securing.htm>

Where can students find information pertaining to this bulletin?

The bulletin is available online in the policies and procedures section of the class schedule each semester. Information pertaining to the privacy rights of students is also available in the catalog.

Do the parents of college students have access to student records under FERPA?

No. Parents no longer have access to student records once their child turns 18, or starts attending college, if that happens first.

California Office of Privacy Protection Recommended Practices Regarding SSN's

- Reduce the collection of SSNs.
- Inform individuals when you request their SSNs.
- Do not put SSNs on documents that are widely seen by others, such as identification cards, badges, time cards, employee rosters, bulletin board postings, and other materials
- Do not send documents with SSNs on them through the mail, except on applications or forms or when required by law.
- When sending applications, forms or other documents required by law to carry SSNs through the mail, place the SSN where it will not be revealed by an envelope window. Where possible, leave the SSN field on forms and applications blank and ask the individual to fill it in before returning the form or application.
- Do not send SSNs by email unless the connection is secure or the SSN is encrypted.
- Do not require an individual to send his or her SSN over the Internet or by email, unless the connection is secure or the SSN is encrypted
- Limit access to records containing SSNs only to those who need to see the numbers for the performance of their duties.
- Avoid sharing SSNs with other companies or organizations except where required by law
- If SSNs are disclosed inappropriately and the individuals whose SSNs were disclosed are put at risk of identity theft or other harm, promptly notify the individuals potentially affected.
- Require employees to ask individuals (employees, customers, etc.) for identifiers other than the SSN when looking up records for the individual.
- When discarding or destroying records in any medium containing SSNs, do so in a way that protects their confidentiality, such as shredding.



**SAN JOSÉ STATE
UNIVERSITY**

BULLETIN
Privacy Rights of Students

The Federal Family Educational Rights and Privacy Act of 1974 [also commonly known and referred to as The Buckley Amendment (20 U.S.C. 1232g)], regulations adopted thereunder (34 C.F.R.99), et. seq., set out requirements designed to protect and govern the privacy of parents and students as well as access to their records by third parties as maintained by the institution.

In brief, the law indicates that an institution must provide students access to official records directly related to the student and an opportunity for a hearing to challenge such records on the grounds that they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing does not include any right to challenge the appropriateness of a grade as determined by the instructor; however, the student may use this process to verify that the grade given by an instructor has been properly transmitted into the student's record. If needed, the Vice President for Student Affairs will designate a Hearing Officer to consider any appeals based upon established guidelines.

The law generally requires that written consent of the student be received before releasing personally identifiable data about the student from records to other than a specified list of exceptions. **The campus is authorized to release public directory information concerning students. Under the law, directory information may consist of the student's name, address, telephone listing, email address, date and place of birth, major and minor fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received, and the most recent previous educational agency or institution attended by the student. The above designated information is subject to release by the University at any time unless the student has restricted the release of directory information through the task function under personal portfolio in SA self service on my.sjsu.edu or if the University has a written objection on file from the student specifying information that the student requests not be released. Written objections should be sent to the Office of the Registrar. IT SHOULD BE NOTED, HOWEVER, THAT SJSU POLICY ON DISCLOSURE OF STUDENT INFORMATION IS MORE RESTRICTIVE THAN THE LAW.** For students who are Unit 11 employees, directory information includes name, address, enrollment status (undergraduate vs. graduate, part-time vs. full-time), department employed, telephone number, email address, and student employee's status as student employee. Directory information may be used by the University for the development of campus programs and for announcements regarding awards and degrees conferred. Requests for directory information for external commercial purposes generally are not honored.

The University is authorized to provide access to student records to personnel or employees who have legitimate educational needs for such access. These persons are those who have responsibilities in connection with the institution's academic, administrative, or service functions and who have reason for using student records connected with the institution or other related academic responsibilities. Disclosure may also be made to other persons or organizations under certain conditions (e.g., as part of accreditation or program evaluation; in response to a court order or subpoena; in conjunction with financial aid; to other institutions to which the student is transferring). Records maintained by the University and the official custodians of such records are noted below:

Academic	University Registrar
Academic Department or Program	Department Chair or College Dean
Admission	Director of Admissions
Career Services	Director of the Career Center
Disability Resources	Director of the Disability Resource Center
Disciplinary	Student Conduct & Ethical Development Office
Financial Accounts	University Bursar/Bursar's Office
Financial Aid/Scholarships	Director of Financial Aid and Scholarships
Student Activities/Organizations	Director of Student Involvement

Counseling and medical records are regulated strictly under applicable California and Federal Law (as well as by some licensing agencies) and if used for treatment, they are maintained separately from educational records. Law enforcement records that are maintained separately from other educational records generally are not considered education records. For more information, please contact Counseling Services, the Student Health Center or the University Police Department, respectively.

If you would like a copy of the University's Policy on Educational Rights, Privacy and Control of Student Records Information, which conforms to the requirements of the Law, please contact the Office of the Registrar.

Members of the University community who have general questions regarding registration and student records should contact the University Registrar/University FERPA Compliance Officer (408-924-2012). For investigations, process and review complaints under the Law, please contact the United States Department of Education's Office of Family Policy Compliance [400 Maryland Ave., S.W.

Washington, D.C. 20202-4605 or Telephone (202) 260-3887 or TDD (202) 260-8956].

Revised 08/07