

DIVISION 30

STUDENT RECORDS POLICY

577-030-0005

Purpose and General Policies

(1) Portland State University is required to comply with the federal Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended, and other federal and state laws governing access to and confidentiality of records and information pertaining to students. This policy is intended to inform students and others generally of their rights and guide the University in its management of student records and information.

(2) Only such records as are demonstrably and substantially relevant to the educational and related purposes of the University, division, or department shall be generated and maintained.

(3) No student shall be required to give (although the student may voluntarily provide) information as to the student's race, religion, sex, age, handicap, national origin, marital status, political affiliation, sexual orientation, gender identity, or personal values, except as specifically required by state or federal law, rules, or orders.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0010

Definitions

(1) "Act" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. sec. 1232g, as amended, its implementing regulations (particularly those found in 34 C.F.R. Part 99), and any other official guidance issued by the U.S. Department of Education.

(2) "Directory information" means a student's full name, address, telephone number, electronic mail addresses, dates of attendance, major or minor field of study, degrees and awards received, number of credits earned, participation in officially recognized activities

and sports, weight and height of members of athletic teams, and the facts of enrollment, including whether the student is enrolled full-time or part-time;

(3) (a) "Education records" means records that are directly related to a student and that are maintained by the University or by a person acting for the University.

(b) To the extent set forth in the Act, "education records" do not include:

(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 of the Campus Public Safety Office;

(C) Records related to an employee of the University, unless the individual is in attendance at the University and is employed as a result of his or her status as a student;

(D) Treatment records concerning a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; or

(E) Records that only contain information about an individual after he or she is no longer a student at the University.

(4) "Legitimate educational interest" means a reasonable need to know information in the course of carrying out one's professional duties.

(5) "Personally identifiable information" means a student's name, the name of a student's parents or other family members, a student's address, a student's personal identifier such as Social Security number or student number, and other personal information or characteristics that would make a student's identity easily traceable.

(6) "School official" means a person employed by the University or in the chancellor's office of the Oregon University System; a person or entity, including a governmental entity, with whom the University or the Oregon University System has contracted; a person serving on the University's governing board; or a student serving on an official committee or assisting another school official in performing his or her duties.

(7) "Student" means anyone who is or has been registered at Portland State University. A person who is or has been registered in one component of the University and who has applied for admission to but has not been admitted or registered in another component of the University is not a student with respect to the component in which his or her application and registration are pending.

(8) "Unit Custodian of Student Records" means the head of each academic or administrative unit responsible for the education records within that unit.

(9) "University Custodian of Student Records" means the Vice Provost for Student Affairs or any other person officially delegated University-wide responsibility for education records by the University President.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77; PSU 1-2002, f. & cert. ef. 10-22-02

577-030-0015

Release of Personally Identifiable Information With Consent

Except as provided in the Act or other applicable law and OAR 577-030-0016, the University will not disclose personally identifiable information from a student's education records unless the student provides a signed and dated written consent which specifies the records that may be disclosed, states the purpose of the disclosure, and identifies the party or class of parties to whom the disclosure may be made.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77; PSU 3-1981, f. & cert. ef. 12-3-81

577-030-0016

Release of Personally Identifiable Information Without Consent

The University may, in its discretion and to the extent permitted by the Act, disclose personally identifiable information from an education record without the student's consent if one of the following conditions is met:

- (1) The disclosure is to a school official who has a legitimate educational interest.
- (2) The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
- (3) The disclosure is to comply with a judicial order or lawfully issued subpoena as provided in OAR 577-030-0021.
- (4) The disclosure is in connection with a health or safety emergency, if disclosure is necessary to protect the health or safety of the student or other person. In such an instance information may be disclosed only if the threat to health or safety is serious, if

the information is needed to meet the emergency, and if time is critical in dealing with the emergency. These requirements are to be strictly construed.

(5) The disclosure is to an organization conducting legitimate educational research, testing, accreditation functions, granting financial aid, or improving instruction; provided, that such data does not permit identification of the student or parents to others and the information is to be destroyed when no longer needed to carry out its specified purpose(s).

(6) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions for the aid, or enforce the terms and conditions of the aid. As used in paragraph, "financial aid" means a payment of funds provided to a student (or a payment in kind of tangible or intangible property to a student) that is conditioned on a student's attendance at the University.

(7) The disclosure is of directory information, unless the student has requested in writing that directory information be kept confidential as provided in OAR 577-030-0020.

(8) The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense.

(9) The disclosure is in connection with a disciplinary proceeding at the University and the University determines that (a) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and (b) the student has committed a violation of the institution's rules or policies with respect to the allegation made against him or her. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This subsection applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(10) The disclosure is otherwise in compliance with the Act or other applicable law.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77; PSU 3-1981, f. & cert. ef. 12-3-81

577-030-0020

Release and Restriction of Directory Information

(1) Upon request, the Office of Admission, Registration & Records and the Office of Institutional Research may disclose directory information..

(2) A student may request that his or her directory information not be released by submitting a Student Records Privacy Request form to the Office of Admission, Registration & Records. The restriction becomes effective as soon as is reasonably practicable and remains in effect until revoked in writing. Such a restriction may be placed or removed not more than once per academic term.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0021

Response to Subpoenas and Court Orders

(1) Except as provided in paragraph (2) of this rule, if a lawfully issued subpoena or court order requires the production of an education record, the University shall immediately make a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action.

(2) If a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose requires the production of an education record and orders that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, then the University shall not notify the student. Any law enforcement subpoena or court order requiring that the existence of the subpoena or the information furnished in response to the subpoena be kept confidential shall be immediately sent to the University's Office of General Counsel for review prior to compliance.

(3) Subpoenas seeking education records are typically served on the Office of Admission, Registration & Records. The Office of Admission, Registration & Records shall be informed whenever the University or a University employee is served with a subpoena seeking education records.

(4) Questions regarding the validity of a subpoena or court order or the appropriate response thereto should be directed to the University's Office of General Counsel.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.:

577-030-0025

Location and Custody of Student Records

(1) Student Records shall be kept in locations central to the University, or to the colleges, schools, 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.

(2) The Vice Provost for Student Affairs shall be the University Custodian of Student records.

(3) The Office of Admission, Registration & Records is the initial point of contact for questions related to these rules. Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0030

Student Access to Records

(1) Except as provided in paragraph (3) of this rule, a student may inspect and review, with the appropriate record custodian or in his or her absence a staff member of the office or department that maintains the record, any education records that pertain to the student. Access to records shall be provided as soon as practicable, but not later than 45 days following the request.

(2) If circumstances effectively prevent a student from exercising the right to inspect and review his or her education records, the student may make a written request for a copy of the records. Copies shall be provided as soon as practicable, but not later than 45 days following the request. The student may be charged a fee for the copying at the prevailing University rate for photocopy services.

(3) The following records 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 records.

(b) Records relating to an individual who is employed by the University which are made and maintained in the normal course of business and which relate exclusively to the individual in question in his or her capacity as an employee, and are not available for any other purpose. This paragraph does not apply to records relating to an individual in attendance at the University who is employed as a result of his or her status as a student.

(c) 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.

(d) Financial records of the student's parents or guardians, unless they have given written consent to the student seeking the records.

(e) Confidential appraisals, evaluations or recommendations placed in an education record prior to January 1, 1975, if the appraisals, evaluations or recommendations continue to be used only for their original purpose.

(f) Confidential appraisals, evaluations or recommendations received after January 1, 1975 for which the student has signed a waiver of the right of access and which relate to the student's admission to an educational institution, application for employment, or recommendation for or receipt of an honor or other form of recognition.

(g) Records of the Campus Public Safety Office which are created and maintained for law enforcement purposes and which are not otherwise available to the public.

(h) Copies of transcripts of grades of a student sent to the University by other educational institutions.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0035

Student's Right to Challenge Information Contained in Education Records

[NOTE: Rule 577-030-0035 is the subject of a separate rule making notice and is not affected by this rulemaking]

577-030-0040

Waivers of Right to Access

(1) A person applying for admission, or a student, may voluntarily waive the right of access to confidential letters of appraisal, evaluation or recommendation regarding admission, employment, or the receipt of an honor or honorary recognition. A person providing a waiver is entitled, upon request, to be notified of the names of all persons providing confidential appraisals, evaluations or recommendations. Such waivers must be in writing, signed by the student, and submitted to the Office of Admission, Registration & Records.

(2) Under no circumstances can a student be compelled to waive his or her right to access education records.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070; 20 USC 1232g
Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0045

Files or Records Containing Letters of Appraisal, Evaluation or Recommendation

(1) Letters Received Prior to January 1, 1975: No letters of appraisal, evaluation or recommendation received prior to January 1, 1975, shall be revealed to a person applying for admission or to a student unless the author notifies the unit custodian in writing of his or her agreement.

(2) Letters Received After January 1, 1975: Such letters shall be treated as follows:

(a) Unless a waiver from the student, as provided in OAR 577-030-0040, is on file, letters of appraisal, evaluation or recommendation solicited with an assurance to the writer of confidentiality, or if the writer claims confidentiality, shall be returned to the writer. The return letter to the writer shall inform the writer that the document is open to review by the student under the Act. If the writer is willing to resubmit the letter under that condition, the writer is asked to return the letter.

(b) Letters of appraisal, evaluation or recommendation which were not solicited with an assurance of confidentiality nor which claim confidentiality shall be open for review by the applicant or student involved, unless a waiver from the student, as provided in OAR 577-030-0040, is on file.

(3) University application instructions and appraisal forms shall inform writers and applicants or students of student rights of access to letters of appraisal, evaluation or recommendation under this section.

(4) Where a student exercises a waiver in accordance with OAR 577-030-0040 and requests that letters of appraisal, evaluation or recommendation be sent to graduate or professional schools for admission purposes, the student does not have the right to designate which letters are to be sent.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070; 20 USC 1232g
Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0050

Non-Release to Third Parties

All copies of educational records released pursuant to these rules shall state that: "Under the provisions of the Family Education Rights and Privacy Act of 1974 (as amended), the information contained in this document is not to be released to others without the written consent of the student named herein."

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f.& cert. ef. 4-26-77

577-030-0060

Record of Access to Student Records

(1) 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 when:

- (a) The disclosure is made to the student;
- (b) 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;
- (c) The disclosure is made to University officials with a legitimate educational interest;
- (d) The disclosure consists of directory information not restricted by the student;
- (e) The disclosure is made to other officials as permitted by OAR 577-030-0015; or
- (f) The disclosure is as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0065

Permanence, Duplication, and Disposal of Student Records

(1) Individual education 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 education 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 University.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77

577-030-0070

Notice to Students

(1) At least annually, the University shall provide notice to students of their rights under the Act in a manner reasonably likely to inform students of such rights. The notice shall comply with the applicable provisions of the Act.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 14, f. & cert. ef. 4-26-77