

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

Deleted: These rules govern the form and variety of student records collected and maintained by the University; the nature of the information collected; and the way in which student information is recorded, maintained, used, and eventually disposed of, consistent with the Administrative Rules of the Oregon State Board of Higher Education, ORS 351.065, and 20 U.S.C. Section 1232g and its implementing regulations. In cases of conflict with any other University rules, regulations, or policies now existing regarding student records, these rules shall govern.

Deleted: Type and Content of Student Records

Deleted: (1) Definitions: ¶
(a) "Personal Records". For purposes of these rules, personal records are files, documents, materials, or data recorded in any medium, including, but not limited to, handwriting, print, tape, film, microfilm, photocopy, and microfiche, kept by the University or any of its divisions or departments, which contain information concerning a student and which are furnished by the student or by others about the student at the request of the student, the University, colleges, or departments, including, but not limited to, record of grades attained, information concerning discipline, counseling, membership activity, employment performance, financial aid material, or other behavioral records of individual persons;

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.

Deleted: Excluded are directory information and those categories listed in OAR 577-030-0030(1) - (8);

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(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.

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Deleted: (d) "University Custodian of Student Records". The person officially delegated University-wide responsibility by the University President; ¶

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Deleted: (f) "Consent (release consent elements)". Consent shall be in writing and shall be signed and dated by the person giving consent. It shall include: ¶
(A) Specification of records to be released; ¶
(B) Purposes for such release; ¶
(C) Parties or class of parties to whom such records may be released. ¶
(g) "Directory Information". The student's full name, address, telephone number, electronic mail addresses, dates of attendance, degrees and awards received, number of credits earned, and the fact of enrollment, including whether the student is enrolled full-time or part-time; ¶
(h) "School Officials". Faculty, administrators, staff, student employees, or committees (when the members of a committee are appointed or elected to an officially constituted committee) who perform a function or task on behalf of and/or at the request of the University, its faculty, administration, colleges, schools, or departments; ¶
(i) "Legitimate Educational Interests". The interest of University personnel who have a professional need to review records in order to fulfill their official responsibilities. Such responsibilities must involve the University in its primary educational and scholarly functions and/or secondary administrative functions of maintaining property, disbursing funds, keeping records, providing accommodations and other services, sponsoring activities, and protecting the health and safety of persons in the University community. ¶
(2) General Policies: ¶
(a) Generation and Maintenance of Student Records: 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; ¶

... [1]

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Deleted: (1) Confidentiality of Non-Directory Information: Information, except directory information not restricted by the student (as provided in OAR 577-030-0020 of these rules), that is identifiable by individual and which is maintained in education records, if

... [2]

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(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

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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.

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

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(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

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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 pertains to the student. Access to records shall be provided as soon as practicable, but not later than 45 days following the request.

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Deleted: 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, and the fee charged shall be at the prevailing University rate for photocopy services. The following records shall not be available to the student:

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(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 voluntary 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

Deleted: Medical, psychiatric, and psychological records which are maintained only in connection with provision of treatment to the student and which are not available to persons other than those providing treatment, except that such records: may be reviewed by the student with the consent and under the conditions of the attending professional; and/or may be personally reviewed by a physician or other appropriate professional of the student's choice with the student's written consent. Copies shall not be provided to the student without the written consent of the attending professional and unit custodian.

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Deleted: (5) Confidential letters and statements of appraisal which were placed in the student's education records prior to January 1, 1975, if such letters were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality, and are used only for purposes for which they were specifically intended.¶

(6) Confidential letters and statements of appraisal placed in the student's education record after January 1, 1975, for which the student has signed a waiver of the right of access and which pertain to:¶
(a) Admission to this or any other educational institution or agency.¶ (... [3])

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be in writing, signed by the student, and submitted to the Office of Admission, Registration & Records.

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

Deleted: Revocation of Waivers: A waiver exercised under this rule may be revoked with respect to any actions occurring after the revocation. All waivers and revocations must be in writing, dated, and signed by the student.
(3) Waivers Not Required: Waivers which conform with these provisions and which are given in conjunction with the writing of a confidential evaluation may be relied upon by any University personnel when the evaluation is used in conformity with its stated purpose. Waivers shall not be required as a condition of admission to, receipt of financial aid from, or receipt of any other service or benefits from the University.

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.

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(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."

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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:

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(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;

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(d) The disclosure consists of directory information not restricted by the student;

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(e) The disclosure is made to other officials as permitted by OAR 577-030-0015; or,

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(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.

Deleted: (2) Individuals Having Authorized Access: The following individuals shall have access to inspect the record of disclosures:¶
(a) The student, upon proper identification verification as described in these rules;¶
(b) The respective unit custodian or the designated representative of the unit custodian as defined in these rules;¶
(c) Authorized school officials and authorized state and federal officials for the purpose of auditing the record-keeping procedures of the University.

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

Deleted: (1) Permanence: Permanent retention of student records shall be limited to those records which are of long-range value to the individual and/or the University; for example, school or department graduate admissions folder; applications for assistantships and scholarships; honors and awards received by a student; Registrar's permanent record and permanent academic folder; student teaching records; practicum records; Student Health Service records; Counseling Center records; records of hearings; Placement Office placement file; and student employee payroll records.¶
(2) Duplication: All duplicate copies of permanent records, other than those maintained by the registrar, and all non-permanent records shall be maintained only for the minimum period of time required to serve the basic, official function of the individual, division, or department generating or maintaining them. Such records shall be destroyed as soon as they are no longer needed unless there is an outstanding request to inspect and review them; and, with the exception of records of unpaid accounts, may not be retained for more than seven years after a student leaves the University. Records of unpaid University accounts of any form of debt to the University may be retained until all payments are completed of ... [6]

Deleted: Location/Administration of Student Records Rules

Deleted: These rules regarding student records provide students at Portland State University the rights under Section 438 and 439 of the General Education Provisions Act, as amended (added by Section 513 of Public Law 93-380 and amended by Section 2 of Public Law 93-568), and the regulations thereunder. All questions regarding these rules and copies of the rules may be directed to and obtained in the Office of the Dean of Students or the Office of the Registrar. Students have the right to file complaints with the Department of Health, Education and Welfare concerning any alleged failure of the University to comply ... [7]

Deleted: 577-030-0075 ¶
Description of Student Records ¶
(1) Records Created and/or Maintained by Service and Administrative Units:¶
(a) Registrar's Permanent Record:¶
(A) This record, compiled and permanently maintained in the Registrar's Office, contains for each student a complete history of academic enrollment, academic progress and achievement, and all related official action;¶
(B) Students may arrange to have the Registrar's Office send official copies of this record to whomever they choose;¶
(C) Actions taken by the University resulting in academic disqualification ... [8]

(f) "Consent (release consent elements)". Consent shall be in writing and shall be signed and dated by the person giving consent. It shall include:

(A) Specification of records to be released;

(B) Purposes for such release;

(C) Parties or class of parties to whom such records may be released.

(g) "Directory Information". The student's full name, address, telephone number, electronic mail addresses, dates of attendance, degrees and awards received, number of credits earned, and the fact of enrollment, including whether the student is enrolled full-time or part-time;

(h) "School Officials". Faculty, administrators, staff, student employees, or committees (when the members of a committee are appointed or elected to an officially constituted committee) who perform a function or task on behalf of and/or at the request of the University, its faculty, administration, colleges, schools, or departments;

(i) "Legitimate Educational Interests". The interest of University personnel who have a professional need to review records in order to fulfill their official responsibilities. Such responsibilities must involve the University in its primary educational and scholarly functions and/or secondary administrative functions of maintaining property, disbursing funds, keeping records, providing accommodations and other services, sponsoring activities, and protecting the health and safety of persons in the University community.

(2) General Policies:

(a) Generation and Maintenance of Student Records: 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;

(b) Student Not Required to Furnish Certain Information: 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, or preference or personal values, except as specifically required by state or federal law, rules, or orders;

(c) Use of Photographs:

(A) Photographs duly submitted as evidence of a student's alleged infraction of University rules and regulations are available only to those persons acting officially in a student conduct hearing as provided in the University Student Conduct Code, and may be

retained only as a part of the record of such hearing, and until the completion of administrative or judicial proceedings;

(B) A photograph of a student may not be required or retained by any University office as a condition of admission. A student requesting a service available to enrolled students may be required to produce a valid University identification card which includes a photograph of the student.

(1) Confidentiality of Non-Directory Information: Information, except directory information not restricted by the student (as provided in OAR 577-030-0020 of these rules), that is identifiable by individual and which is maintained in education records, is designated as confidential.

(2) Release of Non-Directory Personal Records of a Non-Student: Release of non-directory information from personal records of an individual who has not been enrolled in the University, but who has filed a formal application for admission; has sought and been denied admission; or has been admitted but did not enroll in the University is prohibited (unless otherwise permitted by the unit custodian), except to a third party as provided in section (3) of this rule, and under the provisions related to statements of recommendation and letters of appraisal.

(3) Release of Personally Identifiable Records: Confidential information contained in the Education Record of a student may not be released without the written consent of the student to any party or for any purpose except the following:

(a) School Officials Who Have a Legitimate Educational Interest: In the event education records are released to an officially constituted committee (acting as a School Official as defined in these rules), the unit custodian releasing said records shall provide each committee with a copy of these student records rules and shall mark all records as being "confidential" and not to be released to others;

(b) Governmental Agencies, Upon Receipt of Lawful Subpoenas: In the event a University employee is served with such a legal document, the recipient unit custodian shall make reasonable efforts to notify the student in advance of compliance with said order or subpoena. Should a court appearance by a University employee be required to fulfill an obligation described in this paragraph and the student has not been notified prior to said appearance, the University employee shall notify the Court or other officer before whom he or she is to appear that the student has not been informed of the pending action nor provided an opportunity to defend against the release by the University of information in the student's education records;

(c) Appropriate Persons Dealing With Health and/or Safety Emergencies: The President of the University or the University Custodian of Student Records or designate 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, and if time is critical in dealing with the emergency;

(d) Persons Engaged in Approved Research Within the University: The following procedures shall govern the release of information for approved research purposes within the University:

(A) The University will release personal information in its personal records for University research purposes, except as otherwise provided in these rules, providing that either:

(i) There is nothing in the information released that makes any individual student's identity easily traceable; or

(ii) A written release is provided by the student to whom the personal record relates.

(B) Requests for such release shall be made in writing by the researcher and the sponsor to the unit custodian and must include a detailed description of the information sought and of the mechanisms to be used for the protection of the rights of students about whom the information is requested;

(C) Approval shall be granted only when the unit custodian determines that procedural protections are adequate to protect the privacy of affected students;

(D) All costs involved in the retrieval of student information and other aspects of the research, including use of University facilities, shall be borne by the investigator;

(E) No records shall be released for use in research projects involving human subjects unless the project has the written approval of the University Human Subjects Research Review Committee;

(F) Protection of "Pupil" Rights: Should a program or project conducted in the University be primarily designed to explore or develop new or unproven teaching methods or techniques for minor children, all instructional material including teaching manuals, films, video tapes, and other supplementary material used shall be available for inspection by the parent(s)/guardian(s) of the children in such program or project.

(e) Organizations External to the University: Organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, improving instruction, and for accreditation purposes; provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals

other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted;

(f) Government Officials:

(A) Designated Officials: The Comptroller General of the United States; the Secretary of the United States Department of Health, Education and Welfare; the United States Commissioner of Education; the Director of the National Institute of Education; the Assistant Secretary for Education in the Department of Health, Education and Welfare and state educational authorities when necessary in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of or compliance with the federal legal requirements which relate to those programs;

(B) Conditions of Release: Information released under this paragraph shall be protected in a manner which will not permit the personal identification of students by other than those officials; and personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of or compliance with federal legal requirements.

(g) A Sponsor, or Authorized Representative, of Financial Aid for which a Student has Applied or received: Provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

(A) To determine the eligibility of the student for financial aid;

(B) To define the amount of the financial aid;

(C) To determine the conditions which will be imposed regarding the financial aid; or

(D) To enforce the terms or conditions of the financial aid.

(5) Confidential letters and statements of appraisal which were placed in the student's education records prior to January 1, 1975, if such letters were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality, and are used only for purposes for which they were specifically intended.

(6) Confidential letters and statements of appraisal placed in the student's education record after January 1, 1975, for which the student has signed a waiver of the right of access and which pertain to:

(a) Admission to this or any other educational institution or agency;

(b) Application for employment; or

(c) Receipt of an honor or honorary recognition as long as these letters are used solely for the purpose(s) for which they were specifically intended.

Page 7: [4] Deleted

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disclosed to individuals other than law enforcement officials sharing the same territorial jurisdiction. Education records maintained by the University shall not be disclosed to the personnel of the Campus Safety and Security Office except as otherwise provided in these rules.

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The waiver under this rule may be made with respect to specified classes of education records and persons or institutions. The

Page 10: [6] Deleted

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(1) Permanence: Permanent retention of student records shall be limited to those records which are of long-range value to the individual and/or the University: for example, school or department graduate admissions folder; applications for assistantships and scholarships; honors and awards received by a student; Registrar's permanent record and permanent academic folder; student teaching records; practicum records; Student Health Service records; Counseling Center records; records of hearings; Placement Office placement file; and student employee payroll records.

(2) Duplication: All duplicate copies of permanent records, other than those maintained by the registrar, and all non-permanent records shall be maintained only for the minimum period of time required to serve the basic, official function of the individual, division, or department generating or maintaining them. Such records shall be destroyed as soon as they are no longer needed unless there is an outstanding request to inspect and review them; and, with the exception of records of unpaid accounts, may not be retained for more than seven years after a student leaves the University. Records of unpaid University accounts of any form of debt to the University may be retained until all payments are completed or otherwise settled and shall then be destroyed.

(3) Records of Non-Admitted or Non-Enrolled Students: Records of applicants for admission who are not admitted or who, if admitted, do not enroll in the University, need not be retained.

Page 10: [7] Deleted

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These rules regarding student records provide students at Portland State University the rights under Section 438 and 439 of the General Education Provisions Act, as amended (added by Section 513 of Public Law 93-380 and amended by Section 2 of Public Law 93-568), and the regulations thereunder. All questions regarding these rules and copies of the rules may be directed to and obtained in the Office of the Dean of Students or the Office of the Registrar. Students have the right to file complaints with the Department of Health, Education and Welfare concerning any alleged failure of the University to comply with the requirements of the laws cited above and their supporting regulations.

(2) The University shall inform students of their rights under Public Law 93-380 publishing a summary of their substance in the quarterly schedule of classes.

577-030-0075

Description of Student Records

(1) Records Created and/or Maintained by Service and Administrative Units:

(a) Registrar's Permanent Record:

(A) This record, compiled and permanently maintained in the Registrar's Office, contains for each student a complete history of academic enrollment, academic progress and achievement, and all related official action;

(B) Students may arrange to have the Registrar's Office send official copies of this record to whomever they choose;

(C) Actions taken by the University resulting in academic disqualification and reinstatement of a student are recorded on the student's permanent record;

(D) The unit custodian of these records shall be the Registrar.

(b) Permanent Academic Folder:

(A) This record contains the formal application for admission and all supporting documents required in evaluation of admission. It also contains official supporting action taken by faculty members and university committees which is related to entries recorded on the permanent academic record and other documents and forms related to the student's academic record such as the evaluation of transfer courses, graduation check, supplemental grade reports, residency forms, etc.;

(B) This record is originated and permanently maintained in the Office of the Registrar;

(C) The unit custodian of these records shall be the Registrar.

(c) Official Enrollment Lists:

(A) The Office of the Registrar maintains permanent official enrollment lists which contain the course enrollment of all students registered in the University;

(B) The unit custodian of these records shall be the Registrar.

(d) Disciplinary Records:

(A) Disciplinary records are those records of charges made and the evidence and proceedings related to the charges with respect to a named student and involving infractions, for which sanctions may be imposed, of University or Oregon State Board of Higher Education regulations;

(B) The unit custodian of these records shall be the Dean of Students.

(e) Records in the Office of the Dean of Students:

(A) A consultation folder may be initiated with or for a student whenever a student contacts the Office of the Dean of Students. The folder contains notations and documents pertinent to the professional staff's working relationship with the student;

(B) The unit custodian of these records shall be the Dean of Students.

(f) Office of International Student Services:

(A) An advising folder is initiated for each foreign student upon initial registration at the University. This folder contains copies of pertinent Immigration and Naturalization forms, and correspondence relating to admissions, governmental and international agencies concerned with the student, as well as correspondence and documents related to the financial arrangements under which the student will attend the University;

(B) The unit custodian of these records shall be the Coordinator of International Student Services.

(g) Student Rights and Organization Member-ship Records:

(A) No records of membership in student organizations, except membership lists of honoraries and such other lists as may be required for registration of student organizations and official purposes of the Associated Students of Portland State University and the Educational Community Activities Policy Board, shall be maintained;

(B) Student organizations are required, however, to provide the Office of Educational Activities with the names of current officers to whom communications are to be directed;

(C) The unit custodian of these records shall be the Director of Educational Activities.

(h) Career Planning and Placement Office Placement Files:

(A) These files contain forms submitted by the student and letters of recommendation written by persons whom the student lists as references;

(B) The unit custodian of these records shall be the Director of Financial Aids and Placement.

(i) Counseling Center Records:

(A) Records are created for students using the services of the Counseling Center. All data in these records, which are maintained in the Counseling Center, are privileged and confidential;

(B) The unit custodian of these records shall be the Director of the Counseling Center.

(j) Office of Financial Aids Records:

(A) Records are created and maintained in the Financial Aids Office for each student applying for and/or receiving financial assistance through the University. These records include the original and subsequent applications for financial aid, a financial analysis report from the student and the student's family, a report of work experience, a record of assistance awarded, etc.;

(B) The unit custodian of these records shall be the Director of Financial Aids and Placement.

(k) Student Health Service Records:

(A) A health record is created and maintained in the Student Health Service for all regular students enrolled in the University. These records include the entrance physical history form supplied by the student and records of any service provided to the student by the office. Such records are privileged and confidential;

(B) The unit custodian of these records shall be the Director of the Student Health Services.

(l) Student Payroll Records:

(A) Records are established and maintained by the Business Office of all payments made to students employed by the University;

(B) The unit custodian of these records shall be the Director of Business Affairs.

(m) Student Employee Evaluation Records:

(A) These records contain evaluations of the job performance of students by a school or department;

(B) The unit custodian of these records shall be the chief administrator of the school or department employing a student.

(n) Computing Services Center Records:

(A) The Computing Services Center maintains a variety of student records on behalf of other University units;

(B) Such records shall be released only with the consent of and under the conditions specified by the custodian of the unit on behalf of which the records are maintained;

(C) The unit custodian of these records shall be the Director of the Computing Services Center.

(o) Other Records Created and/or Maintained by Service and Administrative Units:

(A) Such records as may be compiled and maintained by service and administrative units not specified above in this rule shall be used only for the purpose(s) for which they are intended, as stated in OAR 577-030-0010(2)(a);

(B) The unit custodian(s) of such records shall be the official(s) designated by the University to be the director(s) or supervisor(s) of the service and administrative unit(s) creating and/or maintaining the records.

(2) Records Created and/or Maintained by Instructional Units:

(a) School or Department Graduate Admissions Folders:

(A) These records contain the formal application for admission and all supporting documents submitted by the student and are maintained in the central office of the student's major school or department;

(B) The unit custodian of these records shall be the chief administrator of the school or department in which the student is majoring.

(b) Applications for School or Departmental Assistantships, Scholarships, or Other Awards:

(A) These records contain the student's application for such award and all supporting documents submitted by the student;

(B) The unit custodian of these records shall be the chief administrator of the school or department to which the student is applying for such awards.

(c) Academic Advising Folders:

(A) Academic advising folders contain such documents and other materials as enable faculty to work effectively with students as academic advisors. These folders are maintained by individual faculty members or by departmental offices;

(B) The unit custodian of these records shall be the chief administrator of the school or department in which the student is majoring.

(d) Student Employee Evaluation Records:

(A) These records, created and maintained by the employing school or department, contain evaluations of the job performance of students employed therein;

(B) The unit custodian of these records shall be the chief administrator of the school or department in which students are employed.

(e) Student Teaching Records:

(A) The student teacher's folder, created and maintained in the School of Education, contains students' applications, copies of students' permanent academic records and written evaluations of students' student teaching performance submitted by students' supervisors;

(B) The unit custodian of these records shall be the Dean of the School of Education.

(f) Class Lists:

(A) Class lists contain the names of all students who are officially enrolled in each class;

(B) The unit custodian of these records shall be the individual faculty member or chief administrator of the appropriate school or department.

(g) Final Grade Reports:

(A) Final Grade reports are records of the grades received by all students enrolled in a course, a copy of which is retained by the school or department;

(B) The Registrar retains one copy of all final grade reports permanently and shall be the unit custodian of these records.

(h) Grade Books and Attendance Records:

(A) Grade books contain members' notations of students' progress in classes and may contain record of students' attendance;

(B) The unit custodian of these records shall be the individual faculty member who creates and maintains such records.

Stat. Auth.: ORS 351

Stats. Implemented:

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