

Student Records (FERPA 2009)

The University of Southern California maintains the privacy of student education records and allows students the right to inspect their education records consistent with the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA).

It is the University's intention and practice that the following policy and procedures observe students' privileges and obligations as independent, responsible, adult members of the University community to the fullest degree possible allowable within the requirements of FERPA.

I. Definitions (34 CFR 99.3)

For the purpose of this policy, the University has adopted the following definitions of terms:

A. *Education record*—any record (in handwriting, print, audio or video tape, film, electronic or other medium) maintained by the University (or an agent of the University) which is directly related to the student. Information that is captured as a result of a student's various activities at the University is part of the education record. This information includes, but may not be limited to, logs, databases or other records of: web sites the student has visited, purchases made at University facilities, entry day/time into University facilities, University library use and biometric records. The term "education record" *does not* include:

1. Records of instructional, supervisory, administrative and educational personnel ancillary to those persons that are kept in the sole possession of the maker and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is maintained in the normal course of business and is used only in relation to the individual's employment;
3. Records maintained by the University's Department of Public Safety when the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction, and is maintained separately from education records;
4. Records maintained by the Student Health Center, University Counseling Services, the School of Dentistry or other University entity providing health or counseling services when the records are used only for treatment of a student and are made available only to persons providing the treatment;
or

5. Records which contain only information about an individual after he or she is no longer a student at the University, such as alumni records.

B. *Student*—any person who attends or has attended a class, seminar or academic program of the University. A person will be considered in attendance when he or she has formally enrolled in a class or seminar.

C. *University Official*:

1. A person employed by the University in an administrative, supervisory, academic, research or support staff position;

2. A person elected to the Board of Trustees;

3. A person employed by or under contract to the University to perform a special task (such as an attorney or auditor);

4. A contractor, consultant, volunteer or other outside party providing services that would otherwise be provided by a University employee; or

5. A student serving on an official University committee or assisting a University official in the performance of his or her tasks.

D. *Disclosure*—to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records.

II. Annual Notification (34 CFR 99.7)

Students will be notified annually of their FERPA rights by publication appearing in the "Student Education Records" section of *SCampus*, the student handbook.

III. Procedure to Inspect Education Records (34 CFR 99.10)

Students may inspect and review their education records upon request to the appropriate record custodian, except as limited under the next section of this policy.

Parents of students may obtain from the Office of Academic Records and Registrar an Authorization To Release Education Records form for their child to sign to authorize the University to disclose the student's Education Records to the parent.

Students should submit to the record custodian or to that custodian's designee a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The record custodian or designee will make the necessary arrangements for access within a reasonable period of time. The custodian or designee will notify the student of the time and place where the records may be inspected. Access must be provided within forty-five days of receipt of the request.

When a record contains information about more than one student, the student requesting access may inspect and review only that information which relates to him or her.

IV. Conditions Under Which Access May Be Refused (34 CFR 99.12)

The University reserves the right to refuse students access to the following records:

- A. The financial statement of the student's parents and information contained therein;
- B. Confidential letters and statements of recommendation for which the student has waived in writing his or her right to access, or which were placed in the student's education record prior to January 1, 1975;
- C. Records connected with an application to attend the University or a component unit of the University if that application was denied; or
- D. Records excluded from the definition of "education record" by this policy.

V. Fees for Copies of Records (34 CFR 99.11)

The University reserves the right to charge a reasonable fee for the cost of providing a copy of education records to students. In the case of academic transcripts, the Office of the Registrar maintains a schedule of fees for provision of official transcripts and academic record summaries.

VI. Refusal to Provide Copies

With respect to education records to which students retain a right of access under this policy, the University reserves the right to deny students copies of academic transcripts and other records under any of the following circumstances:

- A. The student has an unpaid financial obligation to the University;
- B. There is an unresolved disciplinary action against the student; or
- C. The veracity of the academic transcript or record is in question.

VII. Types, Locations, and Custodians of Records

The following is a list of the types of records that the University maintains, their locations, and their custodians.

| <u>Type</u> | <u>Location</u> | <u>Custodian</u> |
|--|--|--|
| Academic Records— Undergraduate, Graduate, Dentistry, Law | Office of Academic Records JHH 104 | University Registrar |
| Academic Records—Medical Students | Office of the Dean School of Medicine KAM 500 | Associate Dean of Admission and Student Affairs |
| Athletic Records | Athletics Department HER 203A | Athletics Director |
| Counseling Records | Student Counseling Services YWC | Director, Student Counseling Services |
| Financial Aid Records | Admission & Financial Aid JHH 340 | Director, Financial Aid |
| Financial Aid Records—Law Students | School of Law LAW 102 | Director, Financial Aid |
| Student Financial Records | Student Financial Services UGB 203 | Associate Senior Vice President |
| Student Disciplinary Records | Office for Student Judicial Affairs and Community Standards (SJACS) FIG 107 | Director, SJACS |
| Occasional Records (Student education records not included in the types listed above, such as correspondence and progress files in offices not listed) | The appropriate official will collect such records and make them available for inspection and review. | The University official responsible for the office in which such occasional records are maintained. |

A student seeking his or her own education records, a University official, a party with written consent from a student, and a party seeking directory information may request records from the above listed custodians. All others requesting education records must do so at the Office of the Registrar.

VIII. Disclosure of Education Records (34 CFR 99.31)

The University will disclose personally identifiable information from a student's education records only with written consent of the student, except under the following conditions:

Issued by: Chrysostomos L. Nikias
Executive Vice President and Provost
Date issued: September 17, 2009

A. To University officials who have a legitimate educational interest in the records;

A University official has a legitimate educational interest if the official is:

Performing a task that is specified in his or her position description or by a contract agreement;

Performing a task related to a student's education;

Performing a task related to the discipline of a student; or

Providing a service or benefit relating to the student or student's family (such as health care, counseling, job placement or financial aid).

B. To officials of another in another school in which a student seeks or intends to enroll; (34 CFR 99.34)

C. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs; (34 CFR 99.35)

D. In connection with a student's request for or receipt of financial aid, as necessary to determine eligibility for, amount or conditions of the aid, or to enforce the terms and conditions of the aid;

E. To State and local officials or authorities, if required by a state law;

F. To organizations conducting certain studies for or on behalf of the University to develop, validate or administer tests, administer aid programs, or improve instruction, if such studies are conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization;

G. To accrediting organizations to carry out their functions;

H. To comply with a judicial order or lawfully issued subpoena;

I. To appropriate parties in an emergency when the information is necessary to protect the health or safety of the student or of other individuals. A record is kept of the threat and the parties to whom the information is disclosed;

J. The disclosure is information the University has designated as "directory information" unless otherwise restricted by the student;

K. The disclosure is to an alleged victim of any crime of violence or a non-forcible sex offense and concerns the final results of any disciplinary proceeding conducted by the University with respect to that crime or offense against the alleged perpetrator of that crime or offense;

L. To authorized representatives of the Attorney General of the United States for law enforcement purposes;

M. The disclosure is to a court when a parent or eligible student has initiated legal action against the University; or

N. The disclosure is of records which are returned to the apparent creator of the records.

While the University reserves the right under the above stated circumstances to disclose information from a student's education records without the student's written consent, the University is under no obligation to do so.

IX. Record of Requests for Disclosure (34 CFR 99.32)

The University will maintain a record of all requests for and disclosures of information from a student's education record subject to the limitation hereinafter provided. The record will indicate the name of the party making the request, the name and address to which the record was sent, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the student whose information was requested or disclosed.

The University will not maintain records of requests from and disclosures to (i) the student; (ii) a University official; (iii) a party with written consent from the student; or (iv) a party seeking directory information.

X. Directory Information (34 CFR 99.37) (20 USC1232g(a)(5) for list)

The University has designated the following items as Directory Information:

Student's address (local and permanent), telephone number (local and permanent), University email address, student identification photo, student identification number (USC ID), USC attendance dates, USC degrees earned (with dates), academic honors, expected date of graduation, major/minor and degree objective, most recent previous school attended, participation in officially recognized activities and sports, whether or not the student currently is enrolled, and enrollment status.

The University may disclose any of these items without prior written consent. University officials and vendors may not use social security numbers alone or in combination with other data to identify a student record when disclosing or confirming directory information. The University is under no obligation to release directory information upon request and considers such information proprietary and not for general release.

Students wishing to restrict release of directory information may do so by completing the appropriate form provided by the Registrar's Office (REG Lobby). Such requests remain in effect for the academic year. Students wishing only to have their information withheld from the online USC Student Directory should complete the appropriate form provided by the Registrar's Office (REG Lobby).

XI. Correction of Education Records (34 CFR 99.20)

Students have the right to request correction of records that they believe are inaccurate, misleading, or in violation of their privacy rights. This provision for amendment does not apply to disputed grades or other academic evaluation disputes. Following are the procedures for the correction of records. It is expected that students will pursue resolution of any dispute about the content or correction of a student record through the less formal procedure described in XI.A before proceeding to a formal hearing process (XI.B).

A. Students are entitled to an explanation of any information contained in records to which they have a right of access under this policy. If a student believes his or her records are inaccurate, misleading, inappropriate, or otherwise in violation of his or her right of privacy, he or she may request of the record custodian of the University office maintaining the records that the records be amended. The written request should identify the part of the record the student wants changed, should specify the reason the student believes it is inaccurate, misleading or in violation of his or her privacy rights, and should indicate the nature of the change or amendment desired. If the request is granted, the records shall be amended by the unit responsible for their maintenance within a reasonable period of time following receipt of the request. If the request is denied, the student shall be informed of the refusal and advised of the right to a hearing.

B. Hearings shall be held pursuant to the following procedure:

1. A student should direct a request for hearing to the Office of the Vice President for Student Affairs. The hearing shall be held within a reasonable period of time after it has been requested, and the student shall be notified of the date, place and time in reasonable advance of the hearing; the student shall also be notified of the hearing official assigned to the hearing;
2. The hearing shall be conducted and the decision rendered, by a campus official or other party who does not have a direct interest in the outcome of the hearing. The hearing official shall be appointed by the Vice President for Student Affairs or his/her designee;
3. A student shall be afforded a full and fair opportunity to present evidence and information relevant to the issues raised under this section, and may be assisted or represented by individuals of the student's choice, whether legally trained or not, at the student's own expense;

The custodian of the record(s) in question, or his/her designee, shall be afforded the opportunity to explain the denial of the student's request for amendment of the record(s), to respond to evidence and information presented by the student, and to present relevant information and evidence on

behalf of the unit responsible for the record. If the student is assisted or represented by legal counsel, the custodian of the record(s) or his/her designee may also be assisted or represented by legal counsel.

4. The decision rendered shall be made in writing within a reasonable period of time after the conclusion of the hearing; and

5. The decision shall be based solely on the evidence and information presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

C. If, as a result of the hearing, it is decided that the information is inaccurate, misleading, inappropriate, or otherwise in violation of the privacy rights of the student, the record shall be amended accordingly and the student informed in writing of the action taken.

D. If, as a result of the hearing, it is decided that the information is not inaccurate, misleading, inappropriate, or otherwise in violation of the privacy rights of the student, the student shall be so informed of the right to insert, into the record, a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision to leave the record unchanged. Such statement shall remain a permanent part of the record as long as the contested portion remains a part of the record, and it shall be revealed to any party to whom the contested portion is revealed.

In either event, the decision resulting from the hearing will represent the University's final decision concerning the challenged record.

APPROVED

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September 17, 2009

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Date issued: September 17, 2009