



OHSU POLICY MANUAL

Policy Number: 02-20-005

Policy Title: EDUCATION RECORDS

Effective Date: February 8, 2021

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1. **Generally**

The [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#) provides students certain rights of access, privacy, and protection of Education Records. This policy establishes OHSU's commitment to the rights of student's under FERPA. All institutional policies and practices related to Education Records shall be consistent with state laws, federal statutes and regulations, including but not limited to FERPA.

The President delegates to the Provost responsibility for developing institutional policies and procedures governing the form and variety of Education Records to be maintained by OHSU, the nature of the information to be collected, and the way in which such Education Records are to be recorded, maintained, used, and eventually disposed of.

2. **Definitions**

A. **Education Records.** Any record directly relating to a student that is maintained by OHSU or a party acting in an official capacity for OHSU.

Certain records and documents are excluded from the right of inspection and review and are not considered Education Records. These records include but are not limited to:

- (1) 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;
- (2) Records created and maintained by the OHSU Department of Public Safety for law enforcement purposes which are not maintained by other OHSU units;
- (3) Employment records relating exclusively to an individual's capacity as an employee of OHSU, are made and maintained in the normal course of business and are not available for use for any other purpose.

Records relating to an individual at OHSU who is employed as a result of their status as a student are Education Records and are not excepted under paragraph 2.A.3 of this definition.

- (4) Records of a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional that are made, maintained, or used only in connection with the treatment of a student and disclosed only to individuals providing the treatment;

For purposes of this definition, treatment does not include activities that are a part of the academic program at OHSU.

- i. Records created or received by OHSU after a student is no longer in attendance and that are not directly related to their attendance as a student;
- ii. Grades on peer-graded assignments before they are collected and recorded by the faculty.

B. **Directory Information.** Information contained in a student's Education Records that would not generally be considered harmful or an invasion of privacy if disclosed.

- (1) Directory Information for external disclosure and purposes (outside of OHSU's network and community) is limited to:

- i. Full name;
- ii. Major(s) or field(s) of study;
- iii. Dates of attendance;
- iv. Enrollment status (e.g. undergraduate or graduate, full time or part-time);
- v. Degree(s), certificate(s), honor(s) or award(s) and date(s) received for each.

- (2) Directory Information for internal disclosure and purposes (within OHSU's network and community) is limited to:

- i. External directory information outlined in Section 2B(1);
- ii. OHSU address(es);
- iii. OHSU telephone number(s);
- iv. OHSU email address.

- (3) Directory Information for the purposes of providing information to Graduate Researchers United (GRU), so long as the items are provided exclusively to the GRU and no other entity/organization is limited to:
- i. A student's status as a Member of the Bargaining Unit represented by the GRU;
 - ii. Internal directory information outlined in Section 2B(2).
- C. **Legitimate Educational Interest.** A reasonable "need to know" information in the course of carrying out one's professional duties.
- D. **School Official.** A person employed by OHSU in an administrative, supervisory, academic, research, student staff or support staff position (including law enforcement personnel and health service staff); a person, company, or entity with whom OHSU has contracted (such as an attorney, auditor, collection agent, software vendor or service provider); a person serving on the OHSU Board of Directors; or a student or volunteer community member serving on an official committee (such as a scholarship, disciplinary or grievance committee) or assisting another school official in performing their duties.
- E. **Student.** Any individual who is actively attending or has ever actively attended an academic course at OHSU and for whom OHSU maintains Education Records. An individual who meets the definition of student who applies for admission to another academic program at OHSU does not have rights under FERPA with respect to records maintained by that other academic program, including records maintained in connection with the student's application for admission, unless the student is accepted and actively attends that other academic program.
- F. **Member of the Bargaining Unit.** For the purposes of this policy, a Member of the Bargaining Unit is defined as all OHSU graduate students seeking PhD degrees who receive stipends as described in the parties' collective bargaining agreement.
- G. **Personally Identifiable Information.** Information that would reveal the identity of a student or make them easily identifiable or traceable. Personally Identifiable Information (PII) includes but is not limited to:
- (1) Student's name;
 - (2) Name of student's family members;
 - (3) Address/email of the student;

- (4) Personal identifier, such as Social Security Number, student number or biometric record;
- (5) Date of birth, place of birth, and mother's maiden name;
- (6) Other information that alone, or in combination, is linked or linkable to a specific student that would allow a reasonable person in the OHSU community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

3. **Disclosures With Prior Consent**

Except as permitted by FERPA or other applicable law, OHSU will not disclose PII from a student's Education Records unless the student provides a signed and dated written consent which specifies the records that may be disclosed and identifies the party or class of parties to whom the disclosure may be made.

4. **Disclosures Without Prior Consent**

OHSU may, at its discretion and to the extent permitted by FERPA and other applicable law, disclose PII from a student's Education Records without the student's prior consent under the following circumstances:

- A. The disclosure is Directory Information as defined in section 2.B. Departments and divisions of OHSU which receive Directory Information requests about students shall refer such inquiries to the Office of the Registrar. Students maintain the right to restrict the disclosure of their Directory Information per the requirements of section 6.B.
- B. The disclosure is to a School Official who has a Legitimate Educational Interest.
- C. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer.
- D. The disclosure is to comply with a judicial order or lawfully issued subpoena.
- E. The disclosure is in connection with a health or safety emergency. The Provost may make an exception and disclose PII from the Education Records of a student to appropriate parties (e.g. Public Safety) in connection with the emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual. The health and safety exception to confidentiality shall be strictly construed, and the factors to be taken into account in determining whether PII from the Educational Records of a student may be disclosed under this policy shall include the following:

- (1) The seriousness of the health or safety of the student or other individual;
 - (2) The need for the information to meet the emergency;
 - (3) Whether the individual to whom the information is disclosed are in a position to deal with the emergency; and
 - (4) The extent to which time is of the essence in dealing with the emergency.
- F. 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.
- H. The disclosure is otherwise in compliance with FERPA or other applicable law.

5. **Availability of Education Records for Research Purposes**

- A. The need for OHSU to make information regarding students available for research purposes is authorized under FERPA. Students whose personal data or information is included in research shall be de-identified.
- B. If identifiable student information is required for research purposes, OHSU shall obtain the student's written consent prior to releasing Education Records for research purposes.

6. **Student Rights**

A. **Information Not Required to be Provided by Students**

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

B. **Right to Restrict Disclosure of Directory Information**

Each student has the right to designate Directory Information as not being subject to disclosure without their prior consent, except as otherwise permitted by FERPA or other applicable law. The Office of the Registrar shall annually provide to each student a form entitled "Request to Restrict Directory Information" to be used by the student to designate that Directory Information may not be disclosed without the student's prior consent. If the student does not submit the completed form, OHSU may disclose Directory Information pertaining to that student. A restriction on the disclosure of Directory Information may be completed by a student at any time. The restriction on the disclosure of Directory Information will remain in place until

the student notifies the Office of the Registrar to remove it. A restriction on the disclosure of Directory Information will not apply to any specific information release the student may provide to a school official.

C. Right to Inspect and Review Education Records

- (1) Students may inspect and review, with the appropriate record custodian or in their absence a staff member of the office or department that maintains the record, the Education Records that pertain to the student. Students seeking to inspect and review their Education Records must submit the request form to the Office of the Registrar. The request must specifically identify in writing the Education Records they wish to inspect and review. If circumstances effectively prevent a student from exercising the right to inspect and review their Education Records, the student may make a written request to obtain a copy of the records. OHSU may charge the student a fee for a copy of the record. Students have the right to inspect and review their Education Records within 45 days of the submission of the request.
- (2) OHSU is not required by FERPA to provide an eligible student with access to information that is not maintained by OHSU, that is not directly related to the individual student and, therefore, does not meet the definition of an Education Record, or to create Education Records in response to a student's request.
- (3) The following Education Records are not available to students to review and inspect:
 - i. Confidential information relating to persons other than the student, including but not limited to financial records and statements of the parents of students, or any information contained therein;
 - ii. Confidential letters and confidential statements of recommendation that were placed in the educational records of a student prior to January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended.
 - iii. Confidential letters of recommendation and confidential statements of recommendation that were placed in the educational records of the student after January 1, 1975, if:
 1. The student waived their right to inspect and review those letters and statements; and

2. Those letters and statements are related to the student's admission to an educational institution, application for employment, or receipt of an honor or honorary recognition.

D. Right to Request Amendment to Education Records

If a student believes the information contained in the Education Records is inaccurate, misleading, or in violation of the student's right to privacy, the student may petition appropriate institutional officials to amend the Education Records. Such petition shall be submitted to the appropriate record custodian in writing and shall include at a minimum the following:

- (1) If available, a copy of the record the student is seeking to amend;
- (2) The specific amendment sought;
- (3) The reasons why the student is seeking the amendment;
- (4) All evidence the student wishes OHSU to consider.

Should OHSU decide not to amend the record in accordance with the request, OHSU will notify the student in writing of the decision and their right to a hearing regarding the request for amendment in accordance with OHSU procedures.

7. Location and Custody of Education Records

Education Records shall be maintained in locations central to OHSU, division or department by which they are maintained, with the custody thereof assigned to designated personnel specifically charged with preserving the confidentiality of Education Records. The following officials charged with preserving the confidentiality of Education Records include but are not limited to:

- A. Office of the Provost;
- B. Dean for each School or College;
- C. Chief Information Officer;
- D. Comptroller; and
- E. Office of the Registrar.

8. Filing a Complaint about Alleged FERPA Violations

Complaints concerning alleged failures by OHSU to comply with the requirements of FERPA may be filed by mail or email with the [U.S. Department of Education](#).

9. **Procedures**

The Office of the Provost and Office of the Registrar will develop procedures pursuant to this policy.

Implementation Date: October 25, 1996

Revision History: June 19, 2020; August 12, 2020 (Interim Amendment); October 14, 2020; February 8, 2021.

Related Regulations: ORS 353.180, [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#)

Related Forms: Request to Restrict Directory Information

Supersedes: 02-20-010, 02-20-015, 02-20-020, 02-20-025, 02-20-030, 02-20-035, 02-20-040

Responsible Office: Office of the Registrar; academicpolicy@ohsu.edu