

Student Files: Privacy and Access

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, (a) establishes a postsecondary student's general right to inspect and review his or her education records, and (b) generally prohibits outside parties from obtaining the information contained in such records without the student's written consent. The law also provides several exceptions. For example, a student may not examine confidential letters and statements of recommendation that were placed in the files before January 1, 1975. Also, a student may choose to waive access to certain confidential recommendations placed in the file after that date.

The paragraphs below delineate the procedures under which Claremont Graduate University will meet the law's requirements.

Claremont Graduate University currently maintains the following types of educational records that are directly related to students:

- (1) **Registrar's Files.** The registrar is responsible for maintaining files that contain official transcripts of work performed by CGU students at other institutions, official CGU transcripts, and copies of occasional letters written by faculty and administration along with student replies. These letters generally are about academic programs, examinations, fellowships, etc. In addition, there are records of students' progress in their programs. Members of the faculty and administration have access to these files for use in student advisement. Also, the school's transcript clerks have access to the files in order to maintain them and to provide authorized data to authorized persons.
- (2) **Department Files.** Each department chair is responsible for maintaining files that contain essentially the same kinds of material as the registrar's files. These separate files are maintained for the convenience of the departments and are used in advising students. Members of the faculty in each department and the department staff have access to these files.
- (3) **Credential Files.** At the request of students, the Office of Career Services and Corporate Relations maintains files containing evaluations from faculty and staff of Claremont Graduate University and other institutions attended, confidential letters of recommendation written by referees for the benefit of the students, and papers that students have prepared themselves. In addition to the director, the staff of the Office of Career Services and Corporate Relations has access to these files to carry out the work of the office.
- (4) **Admission Files.** The admission office staff is responsible for maintaining files that contain letters of recommendation for admission to the University, transcripts of work performed at other institutions, scores of examinations that may be required by various departments, and the student's statement of purpose. All materials submitted become the property of the University. The admission office staff and members of the admission committees of the various departments also have access to these files for the purpose of

carrying out the admissions function. After a student has been admitted to the University and actually registered for study here, these files are transferred to the registrar.

- (5) **Financial Aid Files.** The Office of Student Financing is responsible for maintaining files that contain applications and award letters for all forms of federal and institutional aid, correspondence with lenders, loan-tracking documents, and information regarding awards from previous institutions. The Office of Student Financing staff has access to these files in order to process financial aid applications and advise students.
- (6) **Vice President for Student Services and Dean of Students' Files.** The Vice President for Student Services and Dean of Students is responsible for maintaining files that contain background information and official documents about alleged student misconduct, disciplinary hearings, and student grievances. Information about student misconduct, alleged misconduct, and student grievances is considered to be confidential and is divulged on a strict "need-to-know" basis. The Provost and Vice President for Academic Affairs, the Vice President for Student Services and Dean of Students, and their administrative staffs have access to the files for the purpose of conducting necessary investigation of charges, administering disciplinary or grievance hearings, and maintaining institutional records of such hearings. A copy of the policy regarding retention of these files is available from the Vice President for Student Services and Dean of Students.
- (7) **Student Accounts Files.** The Student Accounts Department is responsible for maintaining files that contain payment contracts, student and third party payments, authorizations to charge or reverse charges, correspondence with the student and with third party sponsors, collections information and bankruptcy documentation. The staff of the Student Accounts department as well as members of the University's administration has access to these files in order to justify all data activity and remain compliant with auditors as well as to advise students.

In addition to the persons named above, the administrators of the University, the President, Provost and Vice President for Academic Affairs, Vice President for Student Services and Dean of Students, and Vice Provost, have access to all records directly related to CGU students. Graduate University faculty and staff, including school attorneys, may access student records in which they have a legitimate educational interest.

Students and former students should apply to the Record's Office if they wish to review any of their personal files. They will be asked to complete a form specifying which records they wish to see. The Office of Records will then collect the desired material so the student or a person designated by the student may examine it in the presence of a representative of the University.

In no case will access be withheld more than 45 days after proper request has been made. If the student wishes, the University also will supply copies of material in the files at cost: \$.50 per page. If any materials or document in the educational record of a student includes information on other students, the University will not supply the actual material or document. Instead, the University will provide only the specific information contained therein that directly relates to the student seeking access. In addition, no student may have access to (a) financial records of parents or any information contained therein; (b) confidential letters and statements of recommendation which were placed in any file before January 1, 1975; or (c) any confidential recommendations to which the student has properly waived the right of access.

After a student has reviewed the files requested, the University will respond to any reasonable request for explanation or interpretation of material that they contain.

A student who desires to have any material in the files altered or expunged on the ground that such material is inaccurate or misleading, or that it is being maintained in violation of

his or her right to privacy or other rights, may obtain a hearing before a special committee upon submitting a written request to the Dean of Students. The special committee will be composed of representatives of the student body, faculty, and administration. At the hearing, the student will be afforded a full and fair opportunity to present evidence relevant to the issues raised. The committee's decision will be made in writing within a reasonable period of time after the conclusion of the hearing. The committee's conclusions may then be appealed by means of a complaint filed with the U.S. Department of Education.

Whether or not a student requests a hearing, and regardless of the outcome of any such hearing, the student may insert into his or her files a personal written explanation concerning any material the student believes is inaccurate, misleading, or otherwise inappropriate.

The privacy of student files is and will always be scrupulously safeguarded. Claremont Graduate University will make public without student consent only certain "directory information." This information consists of a student's name, email address, major, field(s) of study, dates of attendance, and degrees or awards received. A student who prefers that such "directory information" not be made public must notify the Registrar in writing prior to the last day to add courses for the semester. The request for nondisclosure remains in effect until rescinded by the student.

Except for "directory information" and except for certain parties listed in the act, the University will not release to outside parties any student's files or information contained in such files unless prior written consent has been obtained from the student concerned. The outside parties excepted by the act generally consist of certain federal and state officials, accrediting organizations, and educational agencies who need the information for valid educational purposes. Also, the University is authorized to release information contained in student files in any emergency situation where the information is needed to protect the health or safety of the student or other persons.

A student (or applicant for admission) is permitted to waive access to confidential recommendations written on his or her behalf respecting (1) admission to any educational agency or institution; (2) an application for employment; or (3) the receipt of an honor or honorary recognition. In some cases, it may be in a student's best interest to waive the right because a waiver may cause the recipient of a recommendation to feel it is more "honest" and hence more valid in its statements about the student. Any student who wishes to waive access to recommendations may do so on a form available from the Office of Records. On the form, the student also may ask to be notified of the names of all persons making confidential recommendations. In no case will a waiver be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the University. Also, waivers will be void as to any recommendations used for purposes other than those for which they were specifically intended. The foregoing applies only to recommendations placed in files after January 1, 1975. As stated previously, both confidential letters and statements of recommendation, which were placed in the files before January 1, 1975, are not subject to student access. The Office of Career Services and Corporate Relations can supply detailed information to students who are concerned about their academic credential files.

A student who consents to release to outside parties any part of his or her files must do so in writing, personally signed and dated. Such writing must specify the records to be released, the reasons for such release, and the names of the parties to whom such records may be released. A form for this purpose is available in the Office of Records. A student whose consent is required also may request a personal copy of the specific records in question.

The University maintains a record of all outside parties who have requested or obtained access to a student's education records, and their specific interest in obtaining such

access. This record of access will be available only to the student and to the previously named Graduate University officials who are responsible for maintaining the various files.

The University reserves the right to remove and destroy any material from any student's files, except when a student has properly requested access to the files and has not yet been granted admission.