The Board of Trustees of the California State University recognizes that the right of privacy is an inalienable right protected by Article 1, Section 1 of the California State Constitution.

Under the authority delegated to the Chancellor in Title 5, California Code of Regulations, Section 42396.5, Executive Order 796 (January, 2002), has been established to ensure that each campus of the CSU system adheres to policies governing the administration of student records in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA, 20 U.S.C. 1232g), and related regulations (34 C.F.R. 99).

Executive Order 796 mandates each campus within the CSU system to establish written procedures for compliance with FERPA and periodically review practices related to student records at least biennially. San José State University has established these procedures to guarantee student education record privacy rights, ensure compliance with federal and state law, and clearly define the processes and practices related to student records.

I. Student Privacy Rights and Annual Notification

San José State University (SJSU) upholds the rights of all current and former eligible students regarding their education records. These rights, consistent with FERPA and EO 796, include:

- The right to inspect and review their education records within 45 days of submitting a written request.
- The right to request the amendment of their education records if they are believed to be inaccurate, misleading, or otherwise in violation of privacy rights.
- The right to restrict the disclosure of personally identifiable information contained within their education records, except where disclosure is permitted by FERPA without consent.
- The right to file a complaint with the U.S. Department of Education regarding perceived violations of FERPA.

Annual notification of these rights will be provided to all enrolled students via official university communication channels, including university email and the Office of the Registrar's website.

II. Definitions

To ensure clarity and consistency, San José State University defines the following key terms:

- **Access:** Refers to the inspection or review of student education records.
- **Disclosure:** The release, transfer, or communication of education records or personally identifiable information to any party by any means.
- **Education Record:** Any record directly related to a student maintained by SJSU or a representative of the university, except as explicitly excluded by FERPA (such as personal notes, law enforcement records, medical treatment records, or alumni records).
- **Eligible Student:** A student who is 18 years of age or older or who attends a post-secondary institution at any age. (§ 99.31(a)(8))
- **Legitimate Educational Interest:** Exists when university officials need to access a student's education records to fulfill their professional responsibilities related to student education, services, discipline, or administrative duties.
- **Personally Identifiable Information (PII):** Any data or information that could directly identify a student, including name, address, Social Security number, or any other specific information that would allow the student's identity to be easily determined.
- **School Official:** Includes persons employed by SJSU, trustees of the CSU, students serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of SJSU who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or an employee under contract with SJSU. 34 C.F.R. §99.31(a)(1)
- **Student:** Any individual who is or has been enrolled in courses at SJSU while matriculated as a degree, certificate, or credential-seeking student. Enrollment begins on the first day of the initial term in which the individual attends classes, whether in person or through virtual instruction.

III. Directory Information

San José State University designates certain student information as directory information, which may be disclosed without prior written consent unless the student expressly restricts such disclosure. § 99.37. (§ 99.31(a)(11))

Directory information at San José State University includes:

- Student Name
- Campus ID
- Dates of Attendance/Enrollment
- Major field(s) of study
- Degrees Earned and Dates Conferred
- Honors and Awards Received
- SJSU E-Mail Address
- Enrollment Status (Full, Part-Time, or Other)
- Graduate or Undergraduate Status
- Class/Student Level
- Participation in Athletics

Students may restrict the release of their directory information by changing their FERPA disclosure restrictions within their student portal. To update your preferences, follow the instructions listed below.

IV. Types and Locations of Student Records

San José State University maintains various types of student education records. The responsible official for each record is charged with ensuring its appropriate management, security, and authorized disclosure according to FERPA guidelines. Details regarding the location and responsible officials of specific record types are available through the Office of the Registrar.

V. Procedures for Inspection, Amendment, and Challenges

Eligible students requesting to inspect or amend their education records must submit a written request to the appropriate university official. The university will fulfill inspection requests within 45 days. Requests to amend records believed to be inaccurate or misleading should initially be directed to the responsible official. If the amendment request is denied, students may request a formal hearing conducted by the Senior Associate Vice President for Enrollment Management within 45 days of submitting their appeal.

VI. Grades

Grades are generally not subject to the FERPA amendment process; however, SJSU has a procedure in place to address grade concerns. Please refer to the *Grade Appeals and Grade Assignments* section of the current SJSU catalog for specific information.

VII. Release of Education Records

Generally, students must provide written consent before releasing education records. However, under specific circumstances, FERPA allows disclosure without consent, including Directory Information as detailed above, and:

- To school officials with legitimate educational interests. (§ 99.31(a)(1))
- To institutions in which a student seeks enrollment or is enrolled. § 99.34. (§ 99.31(a)(2))
- To authorized governmental representatives conducting audits or evaluations. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid applications. (§ 99.31(a)(4))
- To accrediting organizations. (§ 99.31(a)(7))
- To comply with judicial orders or lawfully issued subpoenas. (§ 99.31(a)(9))
- To a victim of an alleged crime of violence or non-forcible sex offense, and to the general public, when the student is found responsible for a crime of violence or a non-forcible sex offense. [Final disciplinary result only] (§§ 99.31(a)(13) and 99.31(a)(14))
- To parents of a student under 21 regarding an alcohol- or drug-related disciplinary violation. (§99.31(a)(15))
- In health or safety emergencies. (§ 99.36. (§ 99.31(a)(10))

VIII. Record of Disclosures

San José State University maintains a record of all disclosures of education records except for disclosures to students, disclosures with written consent, disclosures of directory information, and disclosures to university officials with legitimate educational interests.

IX. Student Complaints

Students who believe their FERPA rights have been violated may file a formal complaint with:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
FERPA.Complaints@ed.gov

X. Records Retention and Expungement

San José State University reserves the right to expunge records no longer deemed necessary for educational or administrative purposes, except when such records are under pending requests for inspection or amendment, or as required by applicable retention policies.

XI. CSU Records Access Policy

For further details about access to records within the California State University system, refer to the CSU Records Access Policy available at California State University Records Access.

XII. Online Privacy Notice

San José State University respects and protects student privacy as required by state and federal laws. Comprehensive details regarding data collection, maintenance, security, and privacy practices related to SJSU websites can be accessed via the university's privacy notice webpage.