Dr. Wim Wiewel
President
Portland State University
P.O. Box 751
Portland, Oregon 97207

JAN 25 2010

Complaint No. (b)(6)
Family Educational Rights
and Privacy Act

Dear Dr. Wiewel:

This is to notify you that we are closing this complaint in accordance with 34 CFR § 99.67(b) based on the University's voluntary compliance with FERPA requirements.

This Office notified your predecessor, (b)(6) by letter dated February 21, 2006, that we were initiating an investigation into allegations by (b)(6) (Student) that (b)(6) State University (University) violated the Family Educational Rights and Privacy Act (FERPA) and asked you to provide a written response. The University responded by letter dated April 10, 2006, from (b)(6) Assistant Attorney General, Department of Justice for the State of Oregon. The Student replied to the University's response by letters dated February 23 and 28, 2007.

On July 31, 2007, we notified you that the University violated §§ 99.20-99.22 of the regulations when it refused to provide the Student with a hearing on its decision not to amend her education records (Allegation #1), and violated § 99.10(a) when it refused to allow the Student to inspect her piano proficiency class attendance records within 45 days of her request (Allegation #3). We also found that the University did not violate § 99.30, as alleged, when certain school officials disclosed an e-mail message to other school officials without the Student's prior written consent (Allegation #2).

In regard to Allegation #1, our July 31, 2007, letter directed the University to provide documentation showing that it has provided the Student with an opportunity for a hearing in accordance with §§ 99.21 and 99.22 in order to challenge the contents of her education records on the grounds that they are inaccurate or misleading and, if the University decides not to amend the records, that is has informed the Student of her right to place a statement in the record

commenting on the contested information in accordance with § 99.21. In regard to Allegation #3, we asked the University to submit documentation showing that it has provided the Student an opportunity to inspect and review her attendance records for the piano class in question and that staff, faculty, and other school officials have been trained or otherwise informed of the FERPA requirements related to a student's right to inspect and review education records maintained by faculty members no later than 45 days of their receipt of the student request.

The University responded by letter dated October 11, 2007, in which General Counsel (b)(6) (b)(6) explained that the University would notify the Student of her right to a hearing on the decision not to amend her education records and the manner in which she could obtain the hearing before appropriate University personnel. (b)(6) letter also stated that the University intended to provide the Student with access to her piano class attendance records as soon as possible. This Office sent a follow up letter to you on November 7, 2007, confirming that the University's prompt execution of the plan outlined in (b)(6) letter would allow this Office to find that the University has complied voluntarily with FERPA and close this investigation. Thereafter, we followed-up with (b)(6) by e-mails in January 2008 and again December 2009 about the status of the University's response.

(b)(6) advised us on January 11, 2010, that the University provided the Student's attorney with a copy of her piano class attendance records on May 6, 2008, and that the Student's hearing on amendment of education records was held on May 20, 2008. (b)(6) also sent this Office a copy of the June 17, 2008, written decision by (b)(6), Special Assistant to the President, in which the University agreed to remove the contested information from the Student's records. Finally, (b)(6) confirmed that in April and July 2008 the University conducted the necessary training for appropriate staff regarding a student's right to inspect and review education records maintained by University teaching staff as discussed in this case.

We thank the University for its continued cooperation in the resolution of this complaint.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

cc: Student
Henry H. Lazenby, Jr., General Counsel