Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (http://www.ed.gov/policy/gen/guid/fpco/ferpa), 20 U.S.C. § 1232g, is the federal law that provides for the review and disclosure of student educational records. The University has adopted the following policy and procedures. Individuals are informed of their rights under these laws through the policy stated in this section.

The University will not permit access to or the release of personally identifiable information contained in student educational records to any party without the written consent of the student, except as authorized by FERPA. FERPA’s authorizations for release without consent include:

1. appropriate school officials who have legitimate educational interests
2. officials of other schools in which the student seeks or intends to enroll, upon request of these officials and upon the condition that the student or student’s parent is notified and receives a copy of the record if desired
3. federal officials or state educational authorities
4. in connection with a student’s application for or receipt of financial aid
5. state and local officials or authorities to whom such information is allowed to be reported or disclosed pursuant to state statute
6. organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained
7. accrediting organizations in order to carry out their accrediting functions
8. the parents of a dependent student as defined in § 152 of Title 26 of the Internal Revenue Code of 1954, provided a reasonable effort is made to notify the student in advance
9. in an emergency situation if the information is necessary to protect the health or safety of the student or other persons
10. when the student has violated a law or the school’s rules or policies governing alcohol or substance abuse, if the student is under age 21
11. in compliance with a judicial order or subpoena, or federal grand jury subpoena provided a reasonable effort is made to notify the student in advance, unless such subpoena specifically directs the institution not to disclose the existence of a subpoena
12. an alleged victim of a crime of violence or a nonforcible sex offense; the final results of the alleged perpetrator’s disciplinary proceeding with respect to such crimes may be released.

In item 1 above, “school official” means a person either: (1) employed by the University in an administrative, supervisory, academic, research, or support staff position, (2) serving on a University governing body, (3) under contract to the University to perform a special task or service, or (4) who is a student serving in an official capacity for the University. “Legitimate educational interest” means any authorized interest or activity undertaken in the name of the University for which access to a student educational record is necessary or appropriate to the proper performance of the undertaking within the course and scope of the person’s employment and authority in order to further the educational or business purposes of the student or the University.

For records maintained by the Office of the Registrar, a record of requests for disclosure and such disclosure of personally identifiable information from student educational records is maintained by the Office of the Registrar for each student and is made available for inspection pursuant to this policy. If the University discovers that a third party who received student records from UTSA released or failed to destroy such records or information from such records in violation of FERPA, UTSA may not allow that third party access to personally identifiable information from educational records for at least five years. Records subject to disclosure are purged according to regular schedules when no longer subject to audit or presently under request for access.

The Federal Educational Rights and Privacy Act does not extend to research papers and theses authored by students; these documents are available to interested members of the public.

Directory Information

Directory information means information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. FERPA regulations specifically prohibit the disclosure of a student’s Social Security Number as directory information.

At its discretion, the University may release directory information that includes the following:

- name, address, and telephone number
- e-mail address
- date and place of birth
- major field of study
- enrollment status
- dates of attendance (in person or by correspondence, video conference, Internet, or other electronic information and telecommunications technologies)
- most recent previous educational institution attended
- classification
- degrees, certificates, and awards received
- date of graduation
- participation in officially recognized activities and sports
- physical factors (height and weight) of athletes
- photographs

Students may have all directory information withheld by submitting the Restrict Student Directory Information Request (http://utsa.edu/registrar/forms.html#confidentiality) form to the One Stop Enrollment Center. The request for confidentiality will remain in effect until the student makes written authorization releasing the information. The request for confidentiality applies to insurance companies, potential employers, and other interested parties. All UTSA e-mail addresses, including Blackboard Learn course e-mail addresses, are subject to restriction. Students are advised to consider carefully the impact of having directory information withheld.

Access to File

Upon written request, the University will provide a student with access to his or her educational records. Educational records covered by FERPA are made available within 45 days of the request. Students wishing to review their educational records must submit written requests including the item(s) of interest to the appropriate office listed below:
Academic Records
Associate Vice President and University Registrar, Office of the Registrar
College, department/division, advising, and faculty offices

Student Services Records
Director, Counseling Services
Director, Office of Student Activities
Senior Associate Vice President for Student Affairs - Student Life and Dean of Students, Office of Student Life

Financial Records
Vice President for Business Affairs, Office of Business Affairs
Senior Associate Vice President for Student Affairs - Enrollment Services, Office of Student Financial Aid

Educational records do not include the following:
- records of instructional, administrative, supervisory, and educational personnel ancillary to those persons kept in the sole possession of the maker of the record and not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- records of a law enforcement unit of the educational institution;
- employee records, unless the individual’s employment position is dependent upon the individual’s student status;
- records of a student who is 18 years of age or older or is attending an institution of postsecondary education, which are made by a physician, psychiatrist, psychologist, or other recognized professional;
- records that only contain information about an individual after the individual is no longer a student at the institution; or
- records of applicants for admission who are denied acceptance or choose not to attend.

Limitations on Right to Inspect:
1. If any material or document in the educational record of a student includes information on more than one student, the parent or eligible student shall have the right to inspect and review only such part of such material or document as it relates to such student.
2. The University does not have to permit a student to inspect and review educational records:
   a. that are financial records of the parents of the student;
   b. that are confidential letters and statements of recommendation which were placed in the educational records prior to January 1, 1975; or
   c. if the student has signed a waiver of the student’s right of access.

Challenge to Record
Parents or students may challenge the accuracy of the educational records. Students who believe their educational records contain inaccurate or misleading information or information that is otherwise in violation of their privacy rights may discuss their problems informally with the office responsible for maintaining the records. If agreement is reached with respect to the student’s request, the appropriate records will be amended; if not, the student is notified within a reasonable period of time that the records will not be amended and is informed by the Associate Vice President for Student Life of his or her right to a formal hearing. The purpose of the hearing is to challenge the content of the student’s educational records on the grounds that the information contained in the educational records is inaccurate, misleading, or in violation of the privacy rights of the student.

Student requests for a formal hearing must be made in writing to the Associate Vice President for Student Life, who, within a reasonable period of time after receiving such requests, will inform students of the date, place, and time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student’s expense. The hearing officer who adjudicates such challenges is appointed by the Vice President for Student Affairs in nonacademic matters and by the Provost and Vice President for Academic Affairs in academic matters. Decisions of the hearing officer are final, are based solely on the evidence presented at the hearing, and include a written summary of the evidence and the reasons for the decision. The decision should be delivered to all parties concerned.

If the decision is in favor of the student, educational records are corrected or amended in accordance with the decision of the hearing officer. If the student finds the decision unsatisfactory, he or she may include with the educational records statements commenting on the information in the educational records, statements specifying reasons for disagreement with the decision of the hearing officer, or both. The statements are placed in the educational records, maintained as part of the student’s records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges are unfair or are not in keeping with the provisions of FERPA may request assistance in writing from the President of the University.

Copies
Students may have copies of their educational records and this policy. Copies will be made within 45 days at the student’s expense at rates authorized in the Texas Public Information Act. Official transcripts are not released for students who have a delinquent financial obligation or financial “hold” at the University.

Research Papers and Theses
The University may disclose research papers and theses authored by the student to interested members of the public.

Complaints
Complaints regarding alleged failures to comply with the provisions of FERPA may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-5920.