

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

## Letter from the UTSA Dean of Students and Senior Vice Provost of Student Affairs and Annual Notice under FERPA and Notice Concerning Directory Information

Dear UTSA student,

You are a member of an outstanding academic community. The opportunities you have as a student at UTSA are numerous, and the choices you make here will help shape your readiness for the world you will face upon graduation. To assist you in your decision-making process we are sending this message to assure that you are familiar with both your rights and responsibilities as a UTSA student.

The *Annual Notice of Student Rights under FERPA and Notice Concerning Directory Information* sets forth Student rights under the Family Educational Rights and Privacy Act (FERPA), exceptions to FERPA allowing disclosure without Student consent and specific information for Students wishing to exercise their right to have Directory Information about them withheld from release by UTSA. The Annual Notice is set forth immediately below.

A general statement of UTSA students' rights and responsibilities can be found in the University's Student Policies in the Administrative Policies and Procedures in the Catalogs for undergraduates and graduates at: <https://catalog.utsa.edu/policies/administrativepoliciesandprocedures/studentsrightsandresponsibilities/>

In addition to this general statement, an Online Student Handbook that outlines various policies that affect students can be found at: <https://catalog.utsa.edu/policies/>

We recommend that you take the time to become familiar with these policies and that you bookmark the above link for future reference.

Finally, the University has established a Student Ombudsperson who is available to assist students who are encountering challenges within the campus community. For more information about this service, go to: <http://www.utsa.edu/students/ombudsperson/>

I wish you all the best.

Sincerely,

LT Robinson  
UTSA Senior Vice Provost for Student Affairs and Dean of Students

### Notice of Rights under FERPA and Notice Concerning Directory Information

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 eligible students certain rights with respect to their education records. An "eligible student" under FERPA is a student who is 18 years of age or older or a student at any age who attends a postsecondary institution, such as The University of Texas at San Antonio ("University"). 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 and Handbook of Operating Procedures 5.01.

#### Definition of Educational Records

The term "educational records" is defined as tangible records, in any form or medium, that (1) contain information directly related to a student and (2) which are maintained by the University or by a party acting for the University.

#### Exclusions from Educational Records

Educational records do not include the following:

1. 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
2. Records of a law enforcement unit of the educational institution
3. Employee records, unless the individual's employment position is dependent upon the individual's student status
4. 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
5. Records that only contain information about an individual after the individual is no longer a student at the institution
6. Records of applicants for admission who are denied acceptance or choose not to attend

#### Note: Dissertations, Theses and Research Papers

The University may disclose dissertations, theses and research papers authored by the student to interested members of the public.

#### Notice of Rights under FERPA

As a student, you have the following rights under FERPA:

##### 1. The Right to Inspect and Review the Student's Education Records

Upon written request, the University will provide a student with access to their 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 Provost and University Registrar, Office of the Registrar

##### Student Services Records

Director, Counseling and Mental Health Services  
Director, Student Health Services  
Director, Student Disability Services  
Director, Office of Student Activities  
Senior Vice Provost for Student Affairs and Dean of Students, Office of Student Affairs

##### Financial Records

Vice President for Business Affairs, Office of Business Affairs  
Senior Vice Provost for Strategic Enrollment, Office of Financial Aid

##### 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 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.
  - c. That are confidential and/or statements of recommendation to which the student has waived the student's right of inspection and review.
3. Students may obtain 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.

## **2. The Right To Request The Amendment Of The Student's Education Records That Is Inaccurate, Misleading Or Otherwise In Violation Of The Student's Privacy Rights Under FERPA.**

Eligible students may challenge the accuracy of their own 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 Senior Vice Provost and Dean of Students or designee of the Student's 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 Senior Vice President and Dean of Students or designee, who, within a reasonable period of time after receiving such requests, will inform Student of the date, place, and time of the hearing. Student 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, they 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. The decision of the President is final.

## **3. The Right to Provide Written Consent before the University Discloses personally identifiable information (PII) from the Student's Educational Records, Except to the Extent that FERPA authorizes disclosure without Consent.**

The University will not permit access to or the release of PII contained in student educational records to any party without the written consent of the student, except as authorized by FERPA. The University may release PII from educational records without Student consent to the following:

1. Appropriate school officials who have legitimate educational interests (defined below)
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 eligible student is notified and receives a copy of the record if desired
3. Federal officials or state educational authorities
4. Financial aid officials 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, upon proof of status and provided a reasonable effort is made to notify the student in advance
9. The general public, information the University as designated as "directory information" (defined below)
10. Appropriate officials or parents in connection with the health or safety of the student or other persons in an emergency situation
11. 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
12. 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
13. An alleged victim of a crime of violence or a non-forcible sex offense, the final results of the alleged perpetrator's disciplinary hearing with respect to such crimes
14. The general public, the final results of a disciplinary hearing, if the University determines the Student is an alleged perpetrator of a crime of violence or non-forcible sex offense and, with respect to the allegation made, the Student has been found to have committed a violation of the University's rules or policies.

In item 1 above, "school official" means a person either: (1) employed by the University in an administrative, supervisory, academic, research, or support services position (including law enforcement unit personnel and health and counseling staff), (2) serving on a University governing body, (3) under contract to the University to perform an institutional 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.

Except for disclosures to school officials, disclosures related to certain judicial orders or lawfully issued subpoenas, disclosures of directory information (defined below), disclosures to the requesting student and other disclosures allowed by law, a log of records disclosing PII 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 contractor 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 PII 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.

#### **4. The Right to File a Complaint for Alleged FERPA violations**

Complaints regarding alleged violations of the FERPA rights may be filed with the UTSA Office of Institutional Compliance & Risk Services online at Compliance Hotline Form ([https://cm.maxient.com/reportingform.php?UTSanAntonioEE&layout\\_id=5](https://cm.maxient.com/reportingform.php?UTSanAntonioEE&layout_id=5)) or calling toll-free 24-hours a day, seven days a week at 210-458-4911.

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

### **Notice Concerning Directory Information**

#### **1. Directory Information Defined**

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.

#### **2. Discretion to Disclose Directory Information**

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

1. Name, address, and telephone number
2. E-mail address
3. Place of birth
4. Major field of study
5. Enrollment status
6. Dates of attendance (in person or by correspondence, video conference, Internet, or other electronic information and telecommunications technologies)
7. Most recent previous educational institution attended
8. Classification
9. Degrees, certificates, and awards received
10. Date of graduation
11. Participation in officially recognized activities and sports
12. Physical factors (height and weight) of athletes
13. Photographs

#### **3. Purpose of Discretionary Disclosure of Directory Information**

The primary purpose of directory information is to allow the University to include information from your educational records in certain publications, such as:

- The "Find People" Directory of UTSA Faculty, Staff or Students by Name;
- Implementation of Institutional Services by Contracting Vendors;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets

#### **4. Procedure for Opting Out of the Release of Directory Information**

Students may have all directory information withheld by submitting the Restrict Student Directory Information Request form (<https://onestop.utsa.edu/forms/registrar/>) 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.