

**UT HEALTH SAN ANTONIO HANDBOOK OF OPERATING PROCEDURES**

Chapter 2	General Policies and Procedures	Effective:	April 2000
Section 2.2	Information Management	Revised:	July 2017
<b>Policy 2.2.3</b>	<b>Family Educational Rights and Privacy</b>	Responsibility:	Vice President for Academic, Faculty and Student Affairs

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY**

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### **Overview**

The *Family Educational Rights and Privacy Act* (FERPA), 20 U.S.C. §1232g, and the *Texas Public Information Act, Texas Government Code* § 552.001 et seq., are respectively a federal and state law that provide for the review and disclosure of student educational records. In accordance with these laws UT Health San Antonio has adopted the following policy. Individuals are informed of their rights under these laws through this policy which is included in the *Handbook of Operating Procedures (HOP)* and *Catalog*. The *Catalog* is available at: <http://catalog.uthscsa.edu/>.

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### **Policy**

Students at the University of Texas Health Science Center at San Antonio have the right of confidentiality under the federal *Family Educational Rights and Privacy Act* (FERPA) of 1974. Generally, no one outside the institution shall have access to, nor will the institution disclose any information from students' educational records without the student's written consent.

UT Health San Antonio affords all the rights under the law to students who are declared independent. However, student education records may be released without written consent for legitimate educational interest. Legitimate educational interest is access to educational records by appropriate UT Health San Antonio administrators, faculty members, staff members or contractors acting on behalf of UT Health San Antonio, who require such access in order to perform their legitimate educational and business purposes of the student or UT Health San Antonio. Examples include:

1. to appropriate UT Health San Antonio officials who require access to educational records in order to perform their legitimate educational duties;
2. to officials of other institutions in which students seek to enroll;
3. to federal, state, or local officials or agencies authorized by law;
4. to persons or organizations providing students financial aid provided that such disclosure is necessary to determine

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eligibility, amount, conditions or enforcement of terms or conditions of the financial aid;

5. to accrediting agencies carrying out their accreditation function;
6. to the parents of a dependent student as defined in Section 152 of the *Internal Revenue Code* of 1954, provided a reasonable effort is made to notify the student in advance;
7. in compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs UT Health San Antonio not to disclose the existence of a subpoena;
8. in an emergency situation if the information is necessary to protect the health or safety of the students or other persons; or
9. to an alleged victim of any crime of violence, the results of the alleged perpetrator's disciplinary proceeding may be released;
10. to organizations conducting studies for, or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student financial aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted; and,
11. to authorized agents, vendors, or contractors of the university who have agreed to abide by the provisions of FERPA regarding covered student data.

UT Health San Antonio will release information in student education records to appropriate University officials, as indicated above, when there is a legitimate educational interest. A University official is:

1. a person employed by UT Health San Antonio in an administrative, supervisory, academic, research, or support staff

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position (including law enforcement unit personnel and health staff);

2. a person or company with whom UT Health San Antonio has contracted (such as an attorney, auditor, or collection agent); and,
3. a person serving on the Board of Regents, a student serving on an official committee or assisting another University official in performing his or her tasks.

A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility; perform a task related to a student’s education; perform a task related to the discipline of a student; provide a service or benefit to the student such as health care, counseling, job placement, or financial aid; provide educationally related information to the student concerning extracurricular activities and student organizations; or maintain safety and security of the campus.

A legitimate educational interest is determined by the appropriate administrator from the Office of the Registrar in consultation with the Vice President for Academic, Faculty, and Student Affairs and the appropriate school-specific Dean. Release of information to a school official having a legitimate educational interest does not serve as permission to share that information with a third party without the student’s written permission.

Where required by regulations, a record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the Office of the Registrar for each student and will also be made available for inspection pursuant to this policy.

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**Student Information**

UT Health San Antonio designates the personally identifiable information contained in a student’s education records listed below as “directory information” in order that the university may at its discretion, disclose the information without a student’s further prior written consent. Students requesting that all directory information be withheld will have

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only their first and last name, middle initial, school, photograph, and class listed in the Directory. At its discretion, UT Health San Antonio may release student and directory information which shall include:

1. name, address, telephone number, e-mail address;
2. photo;
3. date and place of birth;
4. major field of study;
5. participation in officially recognized activities and sports;
6. dates of attendance;
7. most recent previous educational institution attended;
8. classification, level, or year of study;
9. degrees and awards received;
10. date of graduation; and,
11. enrollment status.

Students may withhold all or part of the directory information by making changes in the Student Portal. Request for non-disclosure will be honored by UT Health San Antonio for only the current enrollment period; therefore, a request to withhold directory information must be filed each semester or term.

Requests by external agencies for directory information shall be made to the Office of the Registrar. Cost for preparing the information shall be borne by the requesting parties.

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**FERPA Training**

UT Health San Antonio requires that all students, staff, and faculty complete FERPA training annually via the Web through the Knowledge Center. Notice of required training reaches students, staff, and faculty

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through their UT Health San Antonio email accounts, at which time they are prompted to complete online training. Training covers the purpose of FERPA, directory information, and scenarios of potential FERPA violations.

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**Access to File**

Students who wish to inspect their records should fill out the Request to Review Education Records form from the Office of the Registrar. The form is also available on the Registrar’s Office web site. The Registrar or other designated record custodian will make the needed arrangements and advise the student when and where the records will be available. The procedure will be completed as promptly as possible, but in all cases the student will be permitted to inspect the record within 45 business days after the custodian receives the student’s request. Any records that contain personally identifiable information about more than one student, a student may inspect only that information which relates to her/him.

A list of education records and the custodial officials responsible for the records includes:

1. Academic Records
  - a. Admissions Records: Registrar, School-specific Admissions Office
  - b. Cumulative Academic Records: Registrar; School, Department, and Faculty Offices
  - c. Disciplinary Records: School, Department, and Faculty Offices
2. Student Services Records
  - a. Counseling Records: Director of Counseling Services
  - b. Student Activity Records: Director of Student Life
  - c. Health Records: Clinical Director of Student Health Center

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3. Financial Records

- a. Financial and Tuition Records: Bursar
- b. Financial Aid Records: Director of Financial Aid

Educational records do not include:

- 1. financial records of the student's parents or guardian;
- 2. confidential letters of recommendation which were placed in the educational records of a student prior to January 1, 1975;
- 3. records of instructional, administrative, and educational personnel which are kept in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker;
- 4. records of law enforcement units;
- 5. employment records related exclusively to an individual's employment capacity;
- 6. medical and psychological records;
- 7. thesis or research papers; or
- 8. records that only contain information about an individual after the individual is no longer a student at the institution.

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**Challenge to Record**

Students may challenge the accuracy of their educational records. Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy may discuss their problems informally with the Office of the Registrar. If agreement is reached with respect to the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the Office of the Registrar of their right to a formal hearing. Student requests for a formal hearing must be made in writing to the Vice President for Academic, Faculty,

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and Student Affairs for non-academic records or the applicable dean for academic records. The hearing and decisions shall be made by a panel of university faculty and professional staff who do not have a direct interest in the outcome of the hearing. The hearing officer that will adjudicate such challenges will be appointed by the Vice President for Academic, Faculty and Student Affairs in non-academic matters and by the Dean of the School in academic matters. The hearing shall be conducted within twenty days following the request for hearing. The student shall be afforded notice of the date, place, and time at least five days in advance of the hearing, and shall be afforded a full and fair opportunity to present evidence relevant to the issue pertinent to his or her challenge. The student may be assisted or represented by individuals of his or her choice at his or her expense, including an attorney. The decision shall be rendered in writing within twenty days following the conclusion of the hearing, and shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Decisions of the hearing officer will be final, will be based solely on the information presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.

The education records will be corrected or amended in accordance with the decision of the hearing officer, if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing office, or both.

The statements will be placed in the education records, maintained as part of the student's records, and released whenever the records in question are disclosed.

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**Copies**

Students may have copies of their educational records and this policy. These copies will be made at the student's expense at rates authorized in the *Texas Public Information Act* except for official transcripts.

Official copies of academic records or transcripts will not be released for

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students who have a delinquent financial obligation or financial hold at UT Health San Antonio.

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**Privacy of  
Records for  
Deceased  
Students**

Records of deceased students, current or former, will be reviewed within 90 days after death and purged of all documents except the barest essentials such as the transcript. Personal information from student educational records shall not be released to third parties except as authorized in writing by the deceased student's spouse, executor/executrix or parents. Written requests for such information should be directed to the Public Information Officer, the Vice President and Chief Financial Officer.

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**Complaints**

Complaints regarding alleged failures to comply with the provisions of the FERPA may be submitted in writing to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5901.

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