

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	April 2000
Section 2.2	Information Management	Revised:	October 2010
Policy 2.2.3	Family Educational Rights and Privacy	Responsibility:	Vice President for Academic Administration

FAMILY EDUCATIONAL RIGHTS AND PRIVACY

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 the Health Science Center 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://studentservices.uthscsa.edu/GI_catalog.aspx.

Policy

The Health Science Center will not permit access to or the release of personally identifiable information contained in student education records without the written consent of the student to any party, except as authorized by FERPA. FERPA's authorization for release without consent include the following:

1. to appropriate Health Science Center officials who require access to educational records in order to perform their legitimate educational duties;
2. to 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 be notified and receive a copy of the record if desired;
3. to federal, state, or local officials or agencies authorized by law;
4. in connection with a student's application for, or receipt of, financial aid;
5. to accrediting organizations or 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;

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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 the Health Science Center 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 of 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.

The Health Science Center 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 the Health Science Center in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff);
2. a person or company with whom the Health Science Center 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 and in furtherance of the educational or business purposes of the student or Health Science Center.

Where required by regulations, a record of requests for disclosure and such disclosure of personally identifiable information from student

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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.

If the Health Science Center discovers that a third party who has received student records from the Health Science Center has released or failed to destroy such records in violation of this policy, it will prohibit access to educational records for five (5) years. Respective records no longer subject to audit nor presently under request for access may be purged according to regular schedules.

Student Information

At it's discretion, the Health Science Center 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;
9. degrees and awards received;
10. date of graduation; and,
11. class schedules.

Students may have any or all *Directory Information* withheld by notifying the Office of the Registrar in writing each semester during the first twelve (12) days of class of a fall or spring semester, the first four (4)

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class days of a summer semester, or the first three (3) days of any quarter. Request for non-disclosure will be honored by the Health Science Center for only the current enrollment period; therefore, a request to withhold *Directory Information* must be filed each semester or term in the Office of the Registrar.

Request by external agencies for directory information shall be made to the Vice President and Chief Financial Officer. Cost for preparing the information shall be borne by the requesting parties.

Access to File

Upon written request, the Health Science Center shall provide a student with access to his or her educational records. The Vice President and Chief Financial Officer has been designated by the Health Science Center to coordinate the inspection and review procedures for student education records, which include admissions files, academic files, and financial files. Students wishing to review their education records must make written requests to the Vice President and Chief Financial Officer listing the item or items of interest. Education records covered by the Act will be made available within 45 days of the request.

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

1. Academic Records
 - a. Registrar's Office (Admissions/Registrar): Registrar
 - b. School, Department, and Faculty Offices
2. Student Services Records
 - a. Counseling Office: Director of Counseling Services
 - b. Student Life Office: Director of Student Life
 - c. Student Health Center: Clinical Director of Student Health Center

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3. Financial Records

- a. Business Office: Vice President and Chief Financial Officer
- b. Financial Aid Office: 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.

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 Vice President for Academic Administration. 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

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records will not be amended, and they will be informed by the Vice President for Academic Administration of their right to a formal hearing. Student requests for a formal hearing must be made in writing to the Vice President for Academic Administration who, within a reasonable period of time after receiving such requests, will inform students of the date, place and the 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 that will adjudicate such challenges will be appointed by the Vice President for Academic Administration in non-academic matters and by the Dean of the School in academic matters.

Decisions of the hearing officer will be final, will be based solely on the evidence 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 officer, 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.

Students who believe that the adjudication's of their challenges were unfair or not in keeping with the provisions of the Act may request in writing, assistance from the President of the Health Science Center.

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 students who have a delinquent financial obligation or financial hold at the Health Science Center.

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Privacy of Records for Deceased Students

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.

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 20202-4605.
