

## 1. PURPOSE

This policy is established to assure compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA).

## 2. DEFINITIONS

For purposes of this policy, Sam Houston State University (“University”) provides the following definitions:

- 2.01 *Student* - An individual who is receiving or has received instruction in a University course, including an activity which is evaluated toward a grade such as classroom instruction, an academic internship, or a student teaching assignment.
- 2.02 *Educational Record* - Any record maintained by the University, an employee of the University, or an agent of the University, which is directly related to a student or former student, EXCEPT:
  - a. A personal record kept by a University staff person or agent, which is in the sole possession of the person who made it.
  - b. Employment records used only in relation to a student’s employment by the University. However, the records of a student’s employment are educational records when:
    - (1) The position in which the student is employed depends on their status as a University student; or
    - (2) The student receives a grade or credit based on the student’s performance as an employee.
  - c. Records maintained by the University used only for the provision of medical, psychiatric, psychological or other recognized professional treatments that are otherwise protected by a privilege recognized by State law. In order to maintain these records separate from educational records, the University will enforce the following conditions:

- (1) No person other than the physicians, psychiatrists, psychologists, or other recognized professionals providing treatment will have access to information contained in the University health records. Such records, however, may be disclosed to other persons under the procedures to meet a health and safety emergency as described in the FERPA and this policy.
- (2) Personal Identifiers will be protected. This includes the individual's name; the name of the individual's parents or other family members; the individual's addresses (permanent or present); the individual's social security number; any other number or symbol which identifies the individual; a list of the individual's personal characteristics; or any other information which would make the individual's identity known and can be used to label a record as the individual's.

### 3. ANNUAL NOTIFICATION

The University publishes in the *Student Guidelines*, available on the Dean of Students' Office website, a notice to students of their rights under the FERPA. Additionally, each fall semester a notice is sent to all enrolled University students via institutional email in coordination with advising and registration. The notice will include, but not be limited to, the rights listed in section 4.02 of this policy and as follows:

- 3.01 The right of the student to inspect and review the student's own educational records, including reference to this policy for the procedure for exercising the right to inspect and review education records.
- 3.02 The right of the student to consent to disclosures of personally identifiable information contained within the student's education records, including the intent of the University to limit the disclosure of information contained in a student's educational record to the following circumstances:
  - a. With prior written (includes electronic) consent from the student;
  - b. As an item of directory information, which the student has not refused to permit the University to disclose; or
  - c. Under any FERPA provisions which allow the University to disclose information without the student's prior consent, including disclosure of personally identifiable information from a student's education record to other school "officials" within the

University whom the University has determined to have a “legitimate educational interest” as those terms are defined in this policy.

- 3.03 The right of a student to petition the University to amend or correct any part of the student’s educational record, which may be inaccurate, misleading, or in violation of privacy or other rights of the student, including reference to this policy for the procedure for requesting amendment of records. When the University decides it will not amend or correct a student’s record, the student’s right to a hearing to present evidence that the record is inaccurate, misleading, or in violation of privacy or other rights.
- 3.04 The right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education concerning alleged failures by the the University to comply with the FERPA.
- 3.05 How to obtain a copy of this policy and the locations where a student may obtain a copy.

#### 4. STATEMENT OF RIGHTS

- 4.01 The University encourages students to be aware of all of their rights under the FERPA and this policy.

Since educational records will be used repeatedly by University officials and others to make important decisions affecting students’ academic programs, documentation of enrollment, and academic performance, each student should assume a personal responsibility to make certain that the student’s record is complete and accurate.

- 4.02 This policy is intended to inform students about the University’s procedures to provide students with rights to:
  - a. Inspect and review the student’s educational records;
  - b. Exercise control (with some limitations as provided in 3.02) over disclosure of information contained in the student’s educational records;
  - c. Seek to correct educational records in a hearing, if necessary, when a student believes the student’s records are inaccurate, misleading, or in violation of the privacy or other rights;

- d. Report violations of the FERPA to the Family Policy Compliance Office of the U.S. Department of Education; and
  - e. Be informed about their FERPA rights.
- 4.03 The President of the University has delegated authority for the oversight of educational records to designated custodians. Each custodian is responsible for the administration of this policy. Students who have concerns or questions related to this policy should contact the appropriate educational record custodian for assistance.

## 5. LOCATIONS OF EDUCATIONAL RECORDS

<u>Types</u>	<u>Office</u>	<u>Custodian</u>
Admissions Records	Admissions Office	Director, Undergraduate Admissions
Cumulative Academic Records	Registrar's Office	Registrar
Health Records	Health Center	Administrator, University Health Center
Financial Aid Records	Financial Aid Office	Director, Financial Aid
Public Safety Service Records	Public Safety Services	Director, Public Safety Services
Financial Records	Student Account Services	Director, Student Account Services
Placement Records	Career Success	Director, Career Success
Counseling Records	Counseling Center	Director, Counseling Center
Disciplinary Records	Student Life Office	Dean of Students
Advising Records	Student Advising and Mentoring Center	Director/SAM Center

## 6. PROCEDURE TO INSPECT EDUCATIONAL RECORDS

- 6.01 Students who wish to inspect and review their records should submit a written request to the record custodian. The request should identify as accurately as possible the specific records the student wishes to inspect and review, the "Location of Educational Records" as listed in section 5 above, or the custodianship of specific University officials identified by title.

- 6.02 If it is mutually convenient, the record custodian will allow the student to inspect the records at once. If the student cannot inspect the records immediately, the official responsible for responding to the request will arrange a time convenient to both the student and the custodian for inspecting the records. In no case will the time designated for inspection be more than 45 days after the request for inspection has been made.
- 6.03 When a record contains personally-identifiable information about more than one student, a requesting student may inspect only the requesting student's own information.
- 6.04 The University reserves the right to refuse to permit a student to inspect and review the following educational records:
  - a. The financial statement of the student's parents or legal guardian.
  - b. Statements and letters of recommendation prepared by University officials or others that were placed in the student's records before January 1, 1975, or for which the student has waived their rights of access, provided the letters and statements are related the student's admission, employment application, or receipt of an honor.
  - c. Those records that are excluded from the FERPA definition of educational records (see "Definitions" in Section 2).

## 7. FEES FOR COPIES OF RECORDS

- 7.01 For those educational records for which the FERPA allows the parent or student to review, the University may charge a parent or student a fee for copies of the student's educational records, unless the imposition of the fee effectively prevents the parent or student from exercising the right to inspect and review the student's education records.

For official transcripts, students will be charged per University policy. Further information can be found on the University Registrar's webpage.

- 7.02 Sam Houston State University reserves the right to deny transcripts or copies of records not required by the FERPA in any of the following situations:
  - a. The student has an unpaid financial obligation to the University;
  - b. There is an unresolved disciplinary action against the student; or
  - c. There is unresolved litigation between the student and the University.

## 8. DIRECTORY INFORMATION

- 8.01 The University designates the personally-identifiable information contained in a student's educational record listed below as "directory information" and the University may, at its discretion, disclose this information without a student's further prior written consent:
- a. The student's name
  - b. The student's permanent address
  - c. The student's major
  - d. The student's minor
  - e. The student's home telephone numbers
  - f. The student's degrees, diplomas, and certificates and dates of award
  - g. The student's honors and awards
  - h. The student's classification
  - i. The student's extracurricular activities
  - j. Weight, height, and related information of athletic team members
  - k. The student's SHSU e-mail address
- 8.02 Students have the first twelve (12) class days in a long term or the first four (4) days in a summer term to change their directory information release status via the Buckley Amendment form located on the University Registrar's webpage.
- 8.03 When a student refuses to permit the University to designate an item of information for release for the directory, the Registrar shall mark the item in the student's electronic file as "confidential" and no custodian shall make disclosures without the student's prior written consent.
- 8.04 The appropriate custodians of records are authorized to disclose directory information.

## 9. USE OF STUDENT EDUCATIONAL RECORDS

- 9.01 All University officials will follow a strict policy that information contained in a student's educational record is confidential and may not be disclosed to third parties without the student's prior consent except as otherwise provided in this policy.
- 9.02 The University maintains student educational records in order for the administrative staff and the faculty to perform their proper functions to serve the student body. To

carry out their responsibilities, these officials will have access to student educational records for legitimate educational purposes.

9.03 A “University official” includes:

- a. A member of The Texas State University System Board of Regents.
- b. Any and all persons employed by The Texas State University System or Sam Houston State University.
- c. A person under contract to The Texas State University System or Sam Houston State University to perform a specific task where, by law or contract, the System or the University has the right to control access to the educational records.

9.04 University officials who meet the criteria listed above will have access to personally-identifiable information contained in student educational records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need for information to:

- a. Perform an administrative task which is outlined in the official position description or contract of the individual or which is otherwise related to the individual's position and duties;
- b. Perform a supervisory or instructional task directly related to the student's education; and/or
- c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

9.05 Within the general policy that University officials must secure a student's prior written consent before they disclose personally-identifiable information contained in the student's educational records, the University reserves the right for its officials to make such disclosures without the student's consent in the following circumstances:

- a. To another college, university, or other academic institution of higher education in which the student seeks or intends to enroll.
- b. To certain federal and state officials who request information to audit or enforce legal conditions related to federally-supported educational programs in the University.

- c. To parties who provide or may provide financial aid to the student to:
    - (1) Establish the student's eligibility for the financial aid.
    - (2) Determine the amount of financial aid.
    - (3) Establish the conditions for the receipt of the financial aid.
    - (4) Enforce the terms of the agreement between the provider and the receiver of the financial aid.
  - d. To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to any state status adopted prior to November 19, 1974.
  - e. 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 aid programs, and improving instruction; provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted.
  - f. To accrediting organizations to carry out their accrediting functions.
  - g. To parents/legal guardians of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. The University will exercise this option only on the condition that evidence of such dependency is furnished to the custodian of records. It is generally held that the FERPA rights of eligible students lapse or expire upon the death of the student.
  - h. To comply with a judicial order or lawfully issued subpoena. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.
- 9.06 University officials may release education records to parties after the redaction of all personally identifiable information from the records, provided that the University official has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.



- 9.07 The University authorizes its officials to make the needed disclosures from student educational records in a health or safety emergency if the official deems:
- a. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons;
  - b. The information to be necessary and needed to meet the emergency; and
  - c. Time to be an important and limiting factor in dealing with the emergency.
- 9.08 University officials may not disclose personally-identifiable information contained in a student's educational record, except directory information or under the circumstances listed above, without with the student's prior written consent. The written consent must include:
- a. A specification of the information the student consents to be disclosed;
  - b. The purpose for which the disclosure may be made;
  - c. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
  - d. The date of the consent and, if appropriate, a date when the consent is to be terminated.
- 9.09 The student may obtain a copy of any record the University discloses pursuant to the student's prior written consent.
- 9.10 The University will not release information contained in a student's educational records, except directory information, to any third parties except its own officials, unless those parties agree that they will not disclose the information without the student's prior written consent.

#### 10. GUIDELINES TO BE FOLLOWED WHEN HARD COPY STUDENT ACADEMIC RECORDS ARE PRINTED FROM THE UNIVERSITY'S INFORMATION RESOURCES

- 10.01 Access codes will be restricted to authorized University officials.

10.02 Students may obtain official transcripts from the Registrar's Office for an appropriate fee provided there is no hold on their receipt of such transcript (e.g., delinquent student loan); further, students are entitled under the State Public Information Act to an unofficial transcript.

10.03 The following third-party message appears on the hard copy of any student's academic record retained in the office of University officials in order to relieve the President and the Registrar from liability should the record fall into unauthorized hands and legal action result.

“Confidential. Release of information contained on this document without the written consent of the person(s) identified on the document is in violation of Sec. 438 Public Law 90-247, the Family Educational Rights and Privacy Act and the Texas Public Information Act, Government Code, Chapter 552.”

10.04 Said records must be destroyed when no longer needed.

## 11. RECORDS OF REQUEST FOR ACCESS AND DISCLOSURES MADE FROM EDUCATIONAL RECORDS

The University will maintain a record of each request granted or rejected and each disclosure of personally-identifiable information from the educational records of the student that indicates:

- a. The name of the person or agency that made the request;
- b. The interest the person or agency had in the information;
- c. The date the person or agency made the request; and
- d. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The University will maintain this record of disclosure as long as it maintains the student's educational record.

## 12. PROCEDURES TO CORRECT EDUCATIONAL RECORDS

- 12.01 Request for Correction - The University will permit a student to challenge the content of their educational records to ensure that records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights the student. (Note: Under the FERPA, the University is permitted to refuse to consider a student's request to change the grade an instructor assigns for a course).
- 12.02 For purposes the procedure to seek to correct educational records, the term “incorrect” will be used to describe a record that is inaccurate, misleading, or in violation of privacy or other rights of a student. Also, in this section, the term “requester” will be used to describe a student or former student who seeks record correction.
- 12.03 If a student or former student discovers incorrect information in their educational records, they should informally discuss the problem with the record custodian. If the custodian finds the record is incorrect because of an obvious error, and it is a simple matter to correct it to the satisfaction of the requester, the custodian may make the change.
- 12.04 If the custodian does not change the record to the requester’s satisfaction or the record does not appear to be obviously incorrect, the custodian will:
- a. Provide the requester a copy of the questioned record at no cost; and
  - b. Ask the requester to initiate a written request for the change with the custodian.
- 12.05 The written request should at least identify the item the requester believes is incorrect and state whether it:
- a. Is inaccurate, and the basis for any such contention;
  - b. Is misleading, and the basis for any such contention; or
  - c. Violates the privacy or other rights of students, and the basis for any such contention.
- 12.06 The record custodian will then amend the educational record of the student or refuse to amend it in whole or in part. The record custodian shall notify the requester of any refusal and advise the requester of the right to a hearing.
- 12.07 Upon completion of each of the steps in this section and upon timely notice of a request for hearing, the hearing will be held within a reasonable period of time, and it will be conducted by an impartial University official appointed by the President. The requester may have anyone of their choice, including an attorney, at the hearing. If the requester is not satisfied with the result of the hearing, they may file a grievance with the Family

Policy Compliance Office of the U.S. Department of Education. If the requester does not agree with the University's decision as to the interpretation of the records, the requester may file their own interpretation with the University. The requester's interpretation will be placed with their educational record and maintained by the University. The University will provide the interpretation of the student and the interpretation of the University with the educational record of the student.

APPROVED:                     <signed>                      
Alisa White, Ph.D., President

DATE:                     01/03/2023                    

#### **CERTIFICATION STATEMENT**

This academic policy statement (APS) has been approved by the reviewer listed below and represents SHSU's Division of Academic Affairs' policy from the date of this document until superseded.

Original: August 6, 1981  
Reviewer: Academic Affairs Council

Review Cycle: Five years\*  
Review Date: Spring 2027

Approved:                     <signed>                      
Michael T. Stephenson, Ph.D.  
Provost and Sr. Vice President  
for Academic Affairs

Date:                     12/19/2022                    

\*Effective January 2018, Academic Policy Statements will be reviewed on a rotating 5-year schedule. To transition to a distributed review load, some policies may be reviewed prior to the 5-year timeframe, with subsequent reviews transitioning to the 5-year schedule.