

## 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 provides the following definitions:

2.01 *Student* - An individual who is receiving or has received instruction in a 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 Sam Houston State 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 meets the following test:

(1) It is in the sole possession of the person who made it.

b. Employment records used only in relation to a student's employment by Sam Houston State University. However, the records of a student's employment are educational records when:

(1) The position in which the student is employed depends on his/her status as a student, or

(2) The student receives a grade or credit based on the student's performance as an employee.

c. Records maintained by Sam Houston State 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, Sam Houston State 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 Health Center 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

Sam Houston State University publishes in the *Student Guidelines*, provided each student at orientation and registration, a notice to students of their rights under the FERPA. Additionally, a notice is sent to all enrolled students via institutional email each fall semester 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.

- 3.01 The right of a student to inspect and review the student's own educational records.
- 3.02 The intent of Sam Houston State University to limit the disclosure of information contained in a student's educational record to the following circumstances:
  - a. With prior written 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 the FERPA provisions which allow a university to disclose information without the student's prior consent.
- 3.03 The right of a student to petition Sam Houston State University to amend or correct any part of the individual's educational record, which may be inaccurate, misleading, or in violation of privacy or other rights of the student. When the University decides it will not amend or correct a student's record, the student has a 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 of any person to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education if Sam Houston State University violates the FERPA.
- 3.05 The procedure a student should follow to obtain a copy of this policy and the locations where a student may obtain a copy.

#### 4. STATEMENT OF RIGHTS

- 4.01 Sam Houston State University encourages students to exercise all of their rights under the Family Educational Rights and Privacy Act 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 Sam Houston State 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.
  - e. Be informed about their FERPA rights.
- 4.03 The President of Sam Houston State 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             | Bursar's Office                       | Bursar                                  |
| Placement Records             | Career Services                       | Director, Career Services               |
| Counseling Records            | Counseling Center                     | Director, Counseling Center             |
| Disciplinary Records          | Student Life Office                   | Dean of Students                        |
| Advising Records              | Student Advising and Mentoring Center | Executive 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 student may inspect only that information which relates to him/her.
- 6.04 Sam Houston State 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 his/her 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 Sam Houston State University will charge the following fees for copies of the educational records:

- a. Official Transcripts - Students will be charged per University policy. Further information can be found on the Registrar's homepage.
- b. When FERPA requires copies of educational records - The law requires the University to provide copies of educational records to students when
  - (1) A failure to do so would effectively deny the student the right to inspect and review their records.
  - (2) The University has disclosed information from the student's educational record under authority of the student's prior written consent, and the student requests a copy of the information disclosed.
  - (3) The student requests copies of records the University has disclosed to other schools where the student seeks or intends to enroll.

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 Sam Houston State University proposes to designate the personally-identifiable information contained in a student's educational record 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:
- a. The student's name
  - b. The student's permanent mailing 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. The student's birth date and place of birth
  - k. Names and addresses of parents or legal guardians of the student
  - l. Weight, height, and related information of athletic team members
  - m. The student's e-mail address
- 8.02 Students have the first 12 class days in a long term or the first four days in a summer term to change their directory information release status via the Buckley Amendment form located on the Registrar's web page.
- 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 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 officials of Sam Houston State University 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 (written or electronic) except as otherwise provided in this Sam Houston State University's Student Educational Records 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 To establish which University officials will have access to educational records, Sam Houston State University will apply the criteria listed below. 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 to know in order 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.
  - 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, Sam Houston State University reserves the right for its officials to make such disclosures without the student's consent in the following circumstances:

- a. When the disclosure is to another college or university, in which the student seeks or intends to enroll.
  - b. When certain federal and state officials 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 statute 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. Sam Houston State 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 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 Sam Houston State 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.
  - c. Time to be an important and limiting factor in dealing with the emergency.
- 9.07 Officials of Sam Houston State University may not disclose personally-identifiable information contained in a student's educational record except directory information or under the circumstances listed above except with the student's prior written consent. The written consent must include at least:
- 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.
- 9.08 The student may obtain a copy of any record the University discloses by the student's prior written consent.
- 9.09 Sam Houston State 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 re-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 COMPUTER DATA BANK

- 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

Sam Houston State 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.
- 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 students 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 of students. (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 of outlining 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 students or former students discover incorrect items 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 cannot 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 why,
  - b. Is misleading and why, or
  - c. Violates the privacy or other rights of students and why.
- 12.06 The record custodian will then amend the educational record of the student or refuse to amend it. The record custodian shall notify the requester of the refusal and advise the requester of the right to a hearing.
- 12.07 The 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 requesters may have anyone of their choice, including an attorney, at the hearing. If the requesters are 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 requesters do not agree with the University's interpretation of the records, the requesters may file their own interpretation. The requesters' interpretations 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 >  
Dana G. Hoyt, President

DATED: \_\_\_\_\_ 4/4/19

**CERTIFICATION STATEMENT**

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

|              |   |               |             |
|--------------|---|---------------|-------------|
| Original:    | August 6, 1981  | Review Cycle: | Five years* |
| Reviewer(s): | Council of Academic Deans<br>Faculty Senate<br>Academic Affairs Council | Review Date:  | Fall 2024   |

|           |   |       |                                   |
|-----------|---|-------|-----------------------------------|
| Approved: | <u>          &lt; signed &gt;          </u>                           | Date: | <u>          4/5/19          </u> |
|           | Richard Eglsaer<br>Provost and Vice President<br>for Academic Affairs |       |                                   |

\*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.