**Access to Student Records Pursuant UPPS No. 01.04.31**

**to the Family Educational Rights and Issue No. 12**

**Privacy Act of 1974 Effective Date: 02/23/2024**

 **Next Review Date: 04/01/2027 (E3Y)**

**Sr. Reviewer: University Registrar**

**POLICY STATEMENT**

*Texas State University is committed to protecting the privacy and record access rights that apply to records maintained by the university and maintaining Family Educational Rights and Privacy Act (FERPA) compliance.*

**01. SCOPE**

01.01 This policy sets forth Texas State University procedures regarding access to student education records, as required by the [Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C., Section 1232g](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232g&num=0&edition=prelim).

**02. DEFINITIONS**

02.01 Student Education Records – records directly related to a student and maintained by Texas State, or a party acting for Texas State. Student education records do not include:

a. records that are kept in the sole possession of the person who made the record and are not revealed to others;

b. records of the University Police Department, subject to the provisions of [34 C.F.R., Section 99.8](https://www.ecfr.gov/cgi-bin/text-idx?SID=416cd45c1ce8ded4f3ad6370909a8e59&mc=true&node=se34.1.99_18&rgn=div8);

c. records relating to an individual who is employed by Texas State that:

1) are made and maintained in the normal course of business;

2) relate exclusively to the individual in that individual's capacity as an employee; and

3) are not available for use for any other purpose;

d. records on Texas State students that are:

1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity;

2) made, maintained, or used only in connection with treatment of the student; and

3) disclosed only to individuals providing the treatment. For the purpose of this definition, treatment does not include remedial educational activities or activities that are part of the program of instruction at Texas State;

e. records that only contain information about an individual after they are no longer a student at Texas State; and

f. grades on peer-graded papers (until collected and recorded).

 Records relating to an individual in attendance at Texas State, who is employed as a result of their status as a student, are student education records and not exempt under Section 02.01 c.

02.02 The [Glossary of Terms](http://mycatalog.txstate.edu/undergraduate/general-information/using-catalog/) contains additional terms that apply to this policy.

**03. PROCEDURES FOR ANNUAL NOTIFICATION OF FERPA RIGHTS**

03.01 Texas State will inform students and parents of their rights under FERPA by:

1. having the information on the [Office of the University Registrar’s website](https://www.registrar.txstate.edu/legislative-policies/ferpa.html); and
2. having the Office of the Dean of Students place a notice in the [Student Handbook](http://www.dos.txstate.edu/handbook.html).

03.02 The notice containing Texas State's policies is set forth in the [Notification of Rights Under FERPA form](http://gato-docs.its.txstate.edu/jcr%3A012bd567-c34c-43ed-9c94-ccbf2e9817c4/Notification%20of%20Rights%20Under%20FERPA.pdf).

**04. PROCEDURES FOR PARENTS INSPECTING THEIR STUDENT'S EDUCATIONAL RECORDS**

04.01 A parent can view their student’s education records through the [Bobcat Family Portal](https://txstate.campusesp.com/users/sign_in). The portal can provide families with an electronic FERPA waiver to simplify the process of requesting access to their student’s education records. The student must consent to such access and specify who is authorized to view their records.

04.02 A parent who desires to inspect their student's education records (without the student's written consent) may do so if the student is a dependent, as defined in [Section 152 of the Internal Revenue Code of 1986](http://uscode.house.gov/browse/prelim%40title26%26edition%3Dprelim).

04.03 A parent should present an [Affidavit of Dependency](https://gato-docs.its.txstate.edu/jcr%3Abaaef3df-e8ce-4890-bcf8-9f89f629ea28/FERPA-Parental-Affidavit-of-Dependency-Updated.pdf) to the office that maintains the records, along with a copy of their most recent tax return filed with the Internal Revenue Service showing the student is a dependent. The office may make the records accessible as provided by FERPA. The affidavit is only good for the calendar year in which it is received.

**05. PROCEDURE REGARDING CHARGES FOR RECORDS**

05.01 Texas State may make the following charges for student education records:

1. the University Registrar may charge $10 for an official copy of a student's transcript;

b. Identification (ID) Services may charge $20 for a photograph; and

c. any department may charge 10 cents per page for copies of student educational records; each side that has recorded information is considered a page.

**06. PROCEDURES FOR RELEASE OF PERSONALLY-IDENTIFIABLE INFORMATION**

06.01 Texas State will not release personally-identifiable information in a student education record without the student's prior written consent, except under one or more of the conditions described in [34 C.F.R. Section 99.31](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=416cd45c1ce8ded4f3ad6370909a8e59&mc=true&n=pt34.1.99&r=PART&ty=HTML#se34.1.99_131).

06.02 School officials who handle student education records should respect the private nature of those records and secure them from unauthorized disclosure. Since computer records are especially vulnerable, those who maintain these records should take special security measures. Examples of confidential records include transcripts, grades, grade point averages, test scores, academic and disciplinary status, health information, personal and family financial information, and placement file recommendations and ratings.

06.03 Each designated information owner will maintain a record of disclosures, as required by [34 C.F.R. Section 99.32](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=416cd45c1ce8ded4f3ad6370909a8e59&mc=true&n=pt34.1.99&r=PART&ty=HTML#se34.1.99_132), and a student or eligible parent may inspect these records.

**07. ASSESSMENT PROCEDURE**

07.01 By November 1 of each year, Texas State Enrollment Management units will conduct an SIS security audit of employees in offices that maintain student education records. Any necessary procedural changes will be made based on the results of that audit.

**08. PROCEDURES TO AMEND EDUCATION RECORDS**

08.01 FERPA permits current or former students the right to review their education records and the right to request amendment to ensure their education records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. Pursuant to FERPA, the university is required to only consider requests to amend information that is inaccurately recorded, such as a ministerial or clerical error. Requests for substantive changes such as a grade change or a request to change the result of a disciplinary action are not covered under the FERPA amendment process.

08.02 For purposes of outlining the procedure to seek to correct educational records, the term "incorrect" will be used to describe a record that is alleged to be inaccurate, misleading, or in violation of privacy or other rights of a student. The term "requestor" will be used to describe a student or former student who seeks record correction.

08.03 If students or former students discover incorrect items in their educational records, they should informally discuss the problem with the dean or director of the appropriate department. If the dean or director finds the record is incorrect because of an obvious error and it is a simple matter to correct it to the satisfaction of the requestor, the dean or director may make the change.

08.04 If the dean or director cannot change the record to the requestor's satisfaction or the record does not appear to be obviously incorrect, the requestor may make a written request to amend the record. The request must:

a. be made in writing and submitted to the dean or director of the department who maintains the record;

b. clearly identify the part of the record that is incorrect; and

c. specify why the identified portion of the record is incorrect.

08.05 Upon receipt of a proper request for amendment, the dean or director will determine whether the proposed correction is accepted or rejected. The requestor will be notified in writing of the determination. If the request to amend is denied, the dean or director shall notify the requestor in writing of the refusal and advise the requestor of the right to request a hearing. Should the requestor choose to request a hearing, the request should be submitted to the dean or director, who will forward it to the provost and executive vice president for Academic Affairs.

08.06 If students or former students discover incorrect items in their educational records, after the initial requested amendment decision has made, they should informally discuss the problem with the dean or director of the department who maintains the record in question. The requestor may have an advisor of their choice and at their own expense, who may or may not be an attorney, at the hearing. If the requestor is assisted by an advisor, the hearing officer, and the university may also be assisted by counsel. The role of the advisors is limited to advising their clients, and the advisors will not be permitted to actively participate in the hearing. The requestor may present information and evidence concerning the incorrect record to the hearing officer, and the department holding the record may present information or evidence in support of its decision to not amend the record. The hearing officer will determine if the record in question is incorrect and will issue a written determination to the requestor. If the hearing officer determines that the record is incorrect, the university will amend the record accordingly. If the hearing officer determines that the record is not incorrect, the requestor will be informed of the right to place a statement in the record commenting on the requested portion of the record, or why the requestor disagrees with the decision of the hearing officer. The university will maintain the requestor’s statement with record so long as the record is maintained. The decision of the hearing officer is final.

08.07 If the requestor is not satisfied with the result of the hearing, they may file a grievance with the Student Privacy Policy Office of the U.S. Department of Education.

**09. REVIEWERS OF THIS UPPS**

09.01 Reviewer of this UPPS includes the following:

Position Date

University Registrar April 1 E3Y

**10. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

University Registrar; senior reviewer of this UPPS

Associate Vice President for Enrollment Management

Vice President for TXST Global

President