

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 towards a grade such as classroom instruction, an academic internship, a student teaching assignment, or a correspondence course.
- 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 tests:
 - (1) It was made as a personal memory aid and
 - (2) It is in the sole possession of the person who made it.
 - b. An employment record used only in relation to an individual'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 his/her performance as an employee.
 - c. Records connected with individuals applying for admission to Sam Houston State University, who do not enroll at the University.

- d. 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 Identifier - Any data or information that relates a record to an individual. 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* bulletin provided each student at orientation and registration a notice to students of their rights under the FERPA. The notice will include, but not be limited to, the following:

- 3.01 The right of a student to inspect and review his/her educational record.
- 3.02 The intent of Sam Houston State University to limit the disclosure of information contained in a student's educational records to the following circumstances:
 - a. With the student's prior written consent,
 - 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 his/her educational record which he/she believes is inaccurate, misleading, or in violation of the privacy or other rights of students. 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 the privacy or other rights of students.
- 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 which 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 a student's educational record will be used repeatedly by University officials and others to make important decisions affecting the student's academic program and future career, the student should assume a personal responsibility to make certain that his/her record is complete and accurate.
- 4.02 This policy is intended to inform each student about Sam Houston State University's procedures to provide students with their rights to:
 - a. Inspect and review their educational records.
 - b. Exercise control (with some limitations) over disclosure of information contained in their educational records.
 - c. Seek to correct their educational records, in a hearing if necessary, when they believe their records are inaccurate, misleading, or in violation of the privacy or other rights of students.

- 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 Sam Houston State University has placed responsibility for administration of the FERPA with the appropriate custodian of educational records. Each custodian is responsible for the administration of this policy. Students who have problems or questions related to the policy should contact the appropriate educational record custodian for help.

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	Cashier's Office	Office Manager, Cashier's Office
Placement Records	Career Services	Director, Career Services
Counseling Records	Counseling Center	Director, Counseling Center
Disciplinary Records	Student Life Office	Dean of Students
Occasional Records (Student educational records included in the types of systems listed above such as minutes of faculty committee meetings, copies of correspondence in offices listed, etc.)	The FERPA Coordinator will collect such records, direct the student to their location, or otherwise make them available for inspection and review	The University staff person who maintains such occasional records
Advising Records	Student Advising and Mentoring Center	Executive Director/SAM Center

6. PROCEDURE TO INSPECT EDUCATIONAL RECORDS

- 6.01 Sam Houston State University permits students to inspect and review their educational records. 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 request may identify records according to the types listed in this policy under "Location of Educational Records" or as records under 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 which were placed in the student's records before January 1, 1975, or for which the student has waived his/her right of access, provided the letters and statements are used only for the purposes for which they were specifically intended.
 - c. Those records which 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 as outlined on the Registrar's homepage.
 - b. 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 his/her record.
 - (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.
 - c. While 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 local and home address
 - c. The student's major
 - d. The student's minor
 - e. The student's local and 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 age, race, sex, and marital status
 - n. The student's e-mail address
- 8.02 Within the first month of each academic semester, the Registrar will publish in *The Houstonian* the above list of items of directory information it proposes to designate as directory information.
- 8.03 After the students have been notified by the announcement in the newspaper, they will have the first twelve class days in a long semester or the first four class days in a summer session to change their directory information release status via the web.
- 8.04 The Registrar will notify the appropriate custodians of educational records of a student's refusal to permit the University to designate an item of information as directory information to be released. The custodians will mark their records accordingly. They will not make any further disclosures of those items of information about the student without the student's prior written consent except to parties who have legal access to student records without written consent.
- 8.05 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 section of 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 who are University officials having 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 student seeks or intends to enroll in another college or university.
- b. When certain federal and state officials request information in order 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 in order 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. 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.

10. 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.

11. PROCEDURES TO SEEK CORRECT EDUCATIONAL RECORDS

11.01 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.)

11.02 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 the 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 is asking the University to correct a record.

11.03 If a student or former student discovers an incorrect item in his/her educational record, he/she 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.

11.04 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 and provide the custodian a written request for the change.
- 11.05 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. The requester must date and sign the request.
- 11.06 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.
- 11.07 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 requester may have anyone of his/her choice, including an attorney, at the hearing. If the requester is not satisfied with the result of the hearing, he/she 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 interpretation of the requester's record, the requester may file his/her own interpretation. The requester's interpretation will be placed with his/her 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.

12. ADOPTION

- 12.01 The Student Educational Records Policy was adopted by Sam Houston State University and became effective August 17, 1981.
- 12.02 Copies of this policy will be available for student review online and in the Newton Gresham Library.

12.03 Free copies will be available to students upon request at the Registrar's Office.

APPROVED: _____ /signed/
James F. Gaertner, President

DATED: _____ 10/21/08

CERTIFICATION STATEMENT

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

Original Date: August 6, 1981
Reviewer(s): Academic Policy Council

Review Cycle: August, ONY*
Review Date: August 1, 2009

Approved: _____ /signed/
David E. Payne
Provost and Vice President
for Academic Affairs

Date: _____ 10/20/08

*ONY = Odd Numbered Year