



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### HSCEP OP: 77.13, Student Education Records

**PURPOSE:** This Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (TTUHSCEP OP) is intended to implement the provisions of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and other federal and state laws governing access to and confidentiality of records and information pertaining to Students. To the extent that if there is any dispute regarding the terms and conditions of this policy, the provisions of FERPA will prevail in each instance, notwithstanding anything in this policy which may provide otherwise.

**REVIEW:** This TTUHSCEP OP will be reviewed on March 1 of every odd-numbered year (ONY) by the TTUHSCEP Registrar and the Senior Associate General Counsel or designees, with recommendations for revisions submitted to the Senior Vice President for Academic Affairs or designee by May 1.

### POLICY/PROCEDURE:

#### 1. Definitions

- a. Directory Information. "Directory Information" is information in a Student's Education Record that would not generally be considered harmful or an invasion of privacy if disclosed.
  - (1) The following information is designated by TTUHSCEP as Directory Information:
    - (a) Student's name, address, previous institution(s) attended, major field of study, dates of attendance, enrollment status (e.g., undergraduate or graduate, part-time or full-time), classification, degree(s) conferred, date(s) of degree(s) (including degrees from previous institutions), honors and awards (including scholarships), participation in officially recognized activities, and postgraduate training/clinical sites for R.N., M.D. or Ph.D. graduates and degree candidates.
  - (2) "Dates of Attendance" means the period of time during which a Student attends or attended TTUHSCEP, such as an academic year, a spring semester, or a first quarter. The term does not include specific daily records of a Student's attendance at TTUHSCEP.
- b. Education Records. "Education Records" are records that are directly related to a Student and that are maintained by TTUHSCEP or by a party acting for TTUHSCEP. The term does not include:
  - (1) Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
  - (2) Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;
  - (3) Records relating solely to an employee of TTUHSCEP in his/her capacity as an employee that are not available for any other purpose, unless the Student is employed as a result of his/her status as a Student;

- (4) Student medical and counseling records created, maintained, and/or used only in connection with providing medical treatment or counseling to the Student, that are not disclosed to anyone other than the individuals providing the treatment; and,
  - (5) Alumni records or other records that contain information about an individual after he/she is no longer a Student at that agency or institution (e.g., information gathered on the accomplishments of alumni).
- c. Eligible Student. An “Eligible Student” is a Student who has reached the age of 18 or is attending an institution of postsecondary education.
- d. Legitimate Educational Interest. A “University Official” has a “Legitimate Educational Interest” if the official is:
- (1) Performing a task that is specified in his/her position description or responsibilities designated by contract or state law;
  - (2) Performing a task related to a Student’s education;
  - (3) Performing a task related to the discipline of a Student; or,
  - (4) Providing a service or benefit relating to the Student or Student’s family, such as health care, counseling, job placement, or financial aid.

Questions regarding “Legitimate Educational Interest” should be referred to the Registrar or the Dean of the school in which the Student is enrolled. Instances of dispute regarding “Legitimate Educational Interest” will be resolved by the Senior Vice President for Academic Affairs or designee.

- e. Records Custodian. TTUHSCEP office or individual responsible for maintaining a specific Education Record.
- f. Student. A “Student” is any individual who is or has been in attendance at TTUHSCEP, either full-time or part-time, pursuing undergraduate, graduate or professional studies, and regarding those individuals for whom TTUHSCEP maintains Education Records, but specifically excluding School of Medicine House staff.
- (1) “Attendance” means enrollment in a course that is taken in person, by correspondence, electronic distance education or other means.
  - (2) An individual who is or has been enrolled in one component unit of TTUHSCEP and applies for admission to a second unit, has no right to inspect the records accumulated by the second unit until enrolled therein.
- g. University. “University” means Texas Tech University Health Sciences Center El Paso (TTUHSCEP), inclusive of all regional sites and their components.
- h. “University Official.” A “University Official” includes:
- (1) A person employed by TTUHSCEP in an administrative, supervisory, academic, research, or support staff position, including, but not limited to, law enforcement unit personnel and health staff;
  - (2) A person or organization with whom TTUHSCEP has contracted, such as an attorney, auditor, or collection agent;
  - (3) A Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks;
  - (4) A person serving on the Texas Tech Board of Regents; or,
  - (5) A person or organization acting as an agent of TTUHSCEP and performing a business function or service on behalf of the University.

2. **Release of Directory Information (34 C.F.R. 99.3; 34 C.F.R. 99.37)**

- a. Subject to Sections 2(b)-(c) and (3) below, a Student may request that his/her Directory Information be withheld at any time by:
  - (1) Submitting a written request to the TTUHSCEP Registrar's Office or designee to withhold the information; or,
  - (2) Changing the Directory Information release indicator via <http://webraider.ttuhsce.edu>.
- b. A request to withhold Directory Information may take up to one (1) business day to process and may not be effective until such time.
- c. For the printed directory known as the "Texas Tech Campus Directory," Students may request to withhold Directory Information prior to the end of the twelfth class day in the Fall semester. Requests to withhold Directory Information after such time may not be honored. The printed directory is published only once each Fall semester.
- d. A Student's notification to restrict the release of Directory Information will remain in effect until the Student either:
  - (1) Submits written notice to the TTUHSCEP's Registrar's Office or designee to release the information; or,
  - (2) Changes the Directory Information release indicator via <http://webraider.ttuhsce.edu>.
- e. If an "Unlisted in Web Directory" is indicated in Banner for a Student, that Student's name will not appear in the commencement bulletin and other University publications, and employers, credit card companies, loan agencies, friends, parents, relatives, news media and the like will be denied any Directory Information.
- f. TTUHSCEP may disclose Directory Information about a former Student, unless the Student, at his or her last opportunity as a Student, requested that Directory Information not be disclosed and the Student has not informed TTUHSCEP, either electronically or in writing, to the contrary.

3. **Disclosure of Education Records (34 C.F.R. 99.31)**

- a. TTUHSCEP will disclose information from a Student's Education Records only with the written consent of the Student (Student Consent to Release Education Records form, Attachment A), except for disclosures in the following situations.
  - (1) University Officials. University Officials determined by TTUHSCEP to have a Legitimate Educational Interest in the records.
  - (2) Agents of TTUHSCEP. Agents acting on behalf of TTUHSCEP (e.g., Clearinghouses, degree/enrollment verifiers, etc.)
  - (3) Officials of Another School. Officials of another school in which a Student seeks or intends to enroll.
  - (4) U.S. Government Officials. Certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities in connection with an audit, authorized representatives of the U.S. Attorney General, or certain state or federally supported education programs.
  - (5) Financial Aid. Individuals needing this information to determine the eligibility of a Student for financial aid, the amount or conditions of a Student's financial aid, or to enforce the terms and conditions of a Student's financial aid.

- (6) State and Local Officials. State and local officials and authorities to whom disclosure is specifically allowed pursuant to state statute adopted:
- (a) before November 19, 1974, if the allowed disclosure concerns the juvenile justice system and that system's ability to effectively serve the Student whose records are released; or,
  - (b) after November 19, 1974, if the allowed disclosure concerns the juvenile justice system and that system's ability to serve effectively, prior to adjudication, the Student whose records are released, and if the officials to whom the information is disclosed certify in writing to TTUHSCEP that the information will not be disclosed to any other party without the Student's written consent, except as provided under state law.
- (7) Organizations Conducting Studies. Organizations conducting certain studies for or on behalf of the University for those functions set forth in 34 CRF 99.31.
- (8) Accrediting Organizations. Accrediting organizations to carry out their functions.
- (9) Parents of Dependent. Parents, as defined in 34 CFR 99.3, of an Eligible Student who claims the Student as a dependent for income tax purposes, provided that the parent provides adequate written documentation of the dependent status.
- (10) Subpoena or Judicial Order. Individuals requiring such information by means of a judicial order or a lawfully issued subpoena, provided that TTUHSCEP makes a reasonable attempt to inform the Student in advance of compliance with the order or subpoena. TTUHSCEP's notice to the Student will be in writing and inform the Student that it has received an order or a subpoena, that it intends to comply (if it does) 14 calendar days from the date of the notice, and that a motion to quash by the Student must be filed before the date TTUHSCEP intends to comply with the order or subpoena. However, TTUHSCEP will not inform the Student when:
- (a) A federal grand jury subpoena and the court have ordered that the existence or the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed; or,
  - (b) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena, or the information furnished in response to the subpoena, not be disclosed.
- If a Records Custodian or other University Official receives a court order, a subpoena, or similar document, such individual should immediately contact the Office of General Counsel and the respective Dean's Office.
- (11) Health and Safety. Appropriate parties in a health or safety emergency, subject to 34 CFR 99.36.
- (12) Directory Information. Individuals requesting a Student's "Directory Information," unless the Student has requested such Directory Information be withheld. Refer to Section 7 above, Release of Directory Information.
- (13) Parent (when Student is under 18). Parent of a Student who is not an Eligible Student.
- (14) Victims – Violence or Non-forcible Sex Offenses. Alleged victims of any crime of violence or a non-forcible sex offense, subject to the requirements in 34 CFR 99.39. The disclosure may only include the final results of any disciplinary proceeding related to the alleged crime or offense, regardless of whether TTUHSCEP concluded a violation was committed. As used herein, the term "crime of violence" means arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, robbery and forcible sex offenses, as those terms are defined by 29 CFR 99.39, and the term "non-forcible sex offense" means statutory rape or incest. The term "final results" means a decision or determination made by any entity or individual authorized to resolve disciplinary matters. Disclosure of final results may include the name of the student who is the alleged perpetrator, any violation committed and any

sanction imposed (including description of disciplinary action, date imposed and the sanction's duration).

- (15) Third Parties – Violence or Non-forcible Sex Offenses. Third parties regarding the final results of any disciplinary proceeding against a Student who is an alleged perpetrator of any crime of violence or non-forcible sex offense, if on or after October 7, 1998, the Student is found responsible for violating the University's rules or policies with respect to such crime or offense. Such disclosure shall include only the name of the Student, the violation committed, and any sanction imposed by TTUHSCEP on that Student. Such disclosure may include the name of any other Student, such as a victim or witness, only with the written consent of that other Student.
- (16) Parent or Legal Guardian – Alcohol or Drugs Violations. Parent or legal guardian of a Student regarding information with respect to a violation of federal, state or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the Student's Education Records, if the Student is under the age of 21 at the time of disclosure to the parent, and TTUHSCEP determines that the Student is responsible for a disciplinary violation with respect to such use or possession.
- (17) Legal Action by TTUHSCEP against Parent or Student. TTUHSCEP may disclose to the court, without a court order or subpoena, if TTUHSCEP initiates legal action against a parent or Eligible Student. TTUHSCEP may disclose the Education Records of a Student that are relevant for TTUHSCEP to precede with legal action. In addition, if a parent or Eligible Student initiates legal action against TTUHSCEP, TTUHSCEP may disclose to the court, without a court order or subpoena, the Student's Education Records that are relevant for TTUHSCEP to defend itself. The Office of General Counsel should be consulted before TTUHSCEP discloses Education Records to a court pursuant to this section.
- (18) Student Exchange Visitor Information System. The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) for the purpose of complying with Request Form ICE relative to TTUHSCEP's participation in Student Exchange Visitor Information System (SEVIS).
- (19) Military Recruiters. Military recruiters who request "Student Recruiting Information" for recruiting purposes only (Solomon Amendment, 10 U.S.C. § 983; 32 C.F.R. Part 216), unless the Student has elected to withhold this information under Section 2 above. Student Recruiting Information is name, address, telephone listing, age (or year of birth), class level, major, degrees received and most recent educational institution of enrollment.
- (20) Internal Revenue Service. The Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997.
- (21) Veterans Affairs. Authorized representatives of the Department of Veterans Affairs for Students receiving educational assistance from the agency.

b. When personally identifiable information is disclosed from a Student's Education Records pursuant to his/her written consent, the Student may, upon request, obtain a copy of the information disclosed.

c. Each Records Custodian shall maintain with the Student's Education Records documentation for each disclosure request that he/she receives and each disclosure, except the following disclosures:

- (1) To the Student himself or herself;
- (2) Pursuant to the written consent of the Student;
- (3) To University Officials with Legitimate Educational Interest(s);
- (4) Pursuant to a law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the

information furnished in response to the subpoena shall not be disclosed or the order concerns an authorized investigation or prosecution of domestic or international terrorism; or,

(5) Directory Information. (34 C.F.R. 99.32).

4. **Review and Inspection of Education Records by Student (34 C.F.R. 99.10- 99.12)**

a. Education Records Subject to Inspection. With certain exceptions, a Student has the right to inspect and review his/her Education Records.

b. Education Records **Not** Subject to Inspection (34 C.F.R. 99.12). Some records related to a Student may be "Education Records", but are not subject to inspection by the Student. TTUHSCEP reserves the right to refuse the inspection and review of certain records, including, but not limited to:

- (1) Financial information submitted by the Student's parents, if applicable;
- (2) Confidential letters and statements of recommendations associated with admissions, employment or job placement, or honors, to which the Student has waived rights of inspection and review;
- (3) Confidential letters and statements of recommendation placed in the Education Records of the Student prior to January 1, 1975, as long as the statements are used solely for the purposes for which they were specifically intended; and,
- (4) Education Records containing information regarding more than one Student, in which case TTUHSCEP will permit access only to the part of the record that pertains to the inquiring Student.

c. Student Requests for Access of Education Records.

- (1) A Student's request for access to his/her Education Records should be made by completing a Student Request for Access to His/Her Education Records form (Attachment B) and returning the form to the Records Custodian. The Student must identify as precisely as possible the record(s) the Student wishes to inspect.
- (2) Although principal locations for Student Education Records are referenced below, a Student is in the best position to determine which offices or officials are likely to possess his/her Education Records. If a Student is uncertain as to what office maintains the records at issue, the Student shall submit a written request for assistance to the Senior Vice President for Academic Affairs.
- (3) Proper photographic identification must be presented to the Records Custodian before the documents may be reviewed.
- (4) Records authorized to be disclosed under FERPA will be made available to the Student within forty-five (45) days from the Records Custodian's receipt of the written request. If the records are not excepted from access, and are covered by FERPA, the Records Custodian will make arrangements for access and notify the Student of the time and place the records may be inspected.
- (5) Copies of all written requests are to be maintained in the Student file in which the requested educational record is maintained.

d. Principal Locations for Student Education Records. Any TTUHSCEP office or official may possess an Education Record regarding a Student. A Student is in the best position to determine which offices or officials are likely to have his/her Education Records. Records Custodians include, but are not limited to, the following offices and/or officials:

- (1) Academic Records
  - (a) Registrar's Office – admission records, basic scholastic records, and disciplinary records when a Student is placed on suspension or is dismissed;

- (b) Dean's Office for each School – academic progress and disciplinary records; or,
    - (c) Admissions Office for each School – admission records.
  - (2) Student Services Records
    - (a) Registered Student organizations records;
    - (b) Disabled Student Records (ADA); or
    - (c) Disciplinary records.
  - (3) Financial Records.
    - (a) Student Business Services – Student tuition and fees; or,
    - (b) Student Financial Aid – Student loans.
- e. Copies of Education Records (34 CFR 99.10(d)).
  - (1) Generally, if the Education Record is covered under FERPA, the Student may inspect or review the Education Record at the office of the Records Custodian, but does not have the right to receive copies of the Education Record unless a Student is effectively prevented from onsite inspection or review of his/her Education Record. The Student may then have a right to receive copies of the Education Record at the Student's expense after evaluation of the circumstances by the Records Custodian.
  - (2) Official copies of academic records or transcripts will not be released for Students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.
  - (3) While TTUHSCEP is not required to give student access to treatment records under FERPA (see section 1(b)(4) above), a Student may request in writing that those records be reviewed by a physician or other appropriate professional of the student's choice.

## 5. **Student's Request to Amend Records (34 C.F.R. 99.20-99.22)**

- a. Informal Discussion. A Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Records Custodian, who may or may not honor the request.
- b. Written Request to Amend Records. If the result of the informal discussion with the Records Custodian is not satisfactory to the Student, and the Student still wishes to have the record corrected, the Student should submit a Student Request to Amend Education Records form (Attachment C) to the Senior Vice President for Academic Affairs or designee. The request shall clearly identify the part of the record the Student believes should be changed, and specify why it should be changed, i.e., why the Student believes the record is inaccurate, misleading or in violation of his/her privacy rights. **[Note: The substantive judgment of a faculty member regarding a Student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for Students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student handbooks for each School and the TTUHSCEP Student Handbook/ Code of Professional and Academic Conduct.]**
- c. Review by the Senior Vice President for Academic Affairs. After receiving the written request from the Student for a change in his/her Education Records, the Senior Vice President for Academic Affairs ("SVPAA") or designee shall request, and the Records Custodian shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by

the Student and the response of the Records Custodian, the SVPAA or designee will provide written notification to the Student whether or not TTUHSCEP will implement the change. If not, the SVPAA or designee will notify the Student of the right to a hearing to challenge the information believed by the Student to be inaccurate, misleading, or in violation of the Student's rights.

- d. Hearing Procedures (34 C.F.R. 99.22). Upon receiving a written request from the Student for a hearing, the SVPAA or designee shall arrange for a hearing and provide written notice to the Student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:
- (1) The hearing shall be conducted by a hearing official or committee appointed by the President or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the Student or the Records Custodian.
  - (2) At least five (5) days prior to the date scheduled for the hearing, the Student and the Records Custodian, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The Student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. If the Student has an advisor, the Office of General Counsel shall represent the University. The Student and the Records Custodian are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the Parties are not permitted to speak or participate directly in the hearing.
  - (3) At the hearing, the Student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the Student.
  - (4) Any additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.
  - (5) Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the Student, the Records Custodian, and the SVPAA or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the Student, the Student will be notified of the right to place a statement in the record contesting the information in the record or stating why the Student disagrees with the decision of the agency or institution, or both. Any statement provided by the Student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

## 6. **Annual Notice**

Students will be notified of their FERPA rights annually through the *TTUHSCEP Student Handbook / Code of Professional and Academic Conduct*, the TTUHSCEP orientation process, and the Office of the Registrar website located at <http://www.ttuhsce.edu/registrar> . The *TTUHSCEP Student Handbook* and this operating policy and procedure are available in hard copy to all Students who request it. In addition to this notice, individual TTUHSCEP schools may annually notify Students of their rights under FERPA.



7. **Address and Phone Numbers of Record**

Students shall maintain an accurate, local physical address, with the TTUHSCEP Registrar's Office. These addresses are used for official notifications including, but not limited to, grade reports, billing, and notification of university requirements and other correspondence. In addition, Students may provide current telephone numbers to the Registrar's Office.

8. **Complaints (34 C.F.R. 99.63)**

A Student has the right to file a complaint within 180 days of the alleged violation with the U.S. Department of Education concerning alleged failures by TTUHSCEP to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605.

9. **Student Information System for TTUHSCEP Employees**

- a. Banner is an integrated online and web-based student information system that includes admissions, student records and financial aid information.
- b. Each individual requesting access must complete the FERPA training referenced below and the Confidentiality Agreement (Attachment D) and request access at <http://team.texastech.edu>. The individual must select the "Request Access to Banner" link and complete the required steps provided. Each School will have their Student Security Administrator evaluate the request, determine whether access should be granted, and forward their approval to the TTUHSCEP Registrar to grant the appropriate access level, if any.
- c. Each individual given access to Banner will be assigned a user name and password. In all transactions, employees shall use their own user name and passwords. Each employee shall keep his/her password confidential.
- d. When additional access is needed, the employee shall make a request for additional access to the School Student Security Administrator.
- e. If a personnel change occurs, the Department Head/Supervisor shall notify the School Student Security Administrator, and they will inform the TTUHSCEP Registrar to modify access when an employee terminates employment or transfers to another department or campus.

10. **FERPA Training**

- a. As part of the general orientation of all new employees, the TTUHSCEP Office of Human Resources will provide a brief introduction to FERPA and reference this policy.
- b. In addition to the brief introduction for all employees, all new and existing faculty, staff and volunteers who have access to Education Records shall receive detailed training regarding FERPA and this policy. This training will be administered through the TTUHSCEP Registrar's Office.
- c. All training shall be documented in the Registrar's Office. New employees (faculty and staff) must complete the online FERPA training within 30 days of obtaining BANNER Student access. If the new employee has not completed the online FERPA training

within 30 days, their Banner Student access shall be de-activated and will not be reinstated until the required online FERPA training is completed.

11. **Disciplinary Action**

- a. An individual who uses or discloses information from an Education Record, or allows access to an Education Record by another individual, in violation of this policy and/or state or federal laws and regulations may be subject to disciplinary action, including, but not limited to, dismissal/termination from TTUHSCEP.
  - b. Inappropriate use or misuse of Student Education Records is also a violation of federal and state laws and regulations and could result in criminal and/or civil prosecution.
12. TTUHSCEP reserves the right to interpret, change, modify, amend or rescind any policy in whole or in part at any time without the consent of employees, faculty or Students.

**Attachments:** Attachment A, [Student Consent to Release Education Records](#)  
Attachment B, [Student Request to Access His/Her Education Records](#)  
Attachment C, [Student Request to Amend Education Records](#)  
Attachment D, [Confidentiality Agreement](#)