Educational Records

Subject:
Disclosure and amendment of educational records

Scope:
Students and employees

Date Reviewed: August 2008

Responsible Office: Registrar; Office of Academic and Research Affairs

Responsible Executive: Registrar; Executive Vice President for Academic and Research Affairs

I. POLICY AND GENERAL STATEMENT

Students have the following rights with respect to their educational records:

- to inspect and review their records;
- to consent to disclosure of their records to third parties, except to the extent disclosure is authorized by law without the student’s consent;
- to request amendment of their records;
- to file a complaint with the U.S. Department of Education concerning alleged failures by The University of Texas Health Science Center at Houston (“university”) to comply with requirements of the law.

The Registrar will annually notify students of their rights and the procedures for exercising these rights.

II. DEFINITIONS

**Student:** An individual who is or who has been in attendance at the university and regarding whom the university maintains educational records. It does not include persons who were admitted but did not attend the university. For the purposes of this policy, “attendance” includes attendance in person or by correspondence (including electronic correspondence) and the period during which a person is working under a work-study program.

**Educational Records:** Includes records directly related to a student maintained by the university. Educational records do not include:

- records of instructional, administrative and educational personnel in the sole possession of the maker, used only as a personal memory aid, and that are inaccessible or that are not revealed to any individual except a temporary substitute;
- records of The University of Texas Police Department;
• student medical and counseling records created, maintained and used only in connection with provision of medical treatment or counseling to the student, that are not disclosed to anyone other than the individuals providing the treatment;
• employment records unrelated to the student’s status as a student; or
• alumni records.

**Directory Information:** Information in a student’s educational record not generally considered harmful or an invasion of privacy if disclosed. Directory information includes the following:

• name, address (all addresses including university email address), telephone numbers;
• photograph;
• date and place of birth;
• major field of study;
• dates of attendance;
• grade level;
• enrollment status (e.g., undergraduate or graduate; full-time or part-time);
• participation in recognized activities;
• most recent previous educational institution attended;
• classification; and,
• degrees, honors and awards received.

**University Official with a Legitimate Educational Interest:** A person employed by the university in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the university has a contract or affiliation; a member of the Board of Regents; or, a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another university official performing his or her tasks in order to fulfill his or her professional responsibility.

## III. PROCEDURE

### A. Disclosure of Educational Records

#### 1. Disclosure Without Prior Consent of the Student

The university will not disclose personally identifiable information from a student’s educational records without prior written consent of the student, except as authorized by law. Appendix A describes those circumstances where the university may release information without the consent of the student.

Students may file an objection to the release of directory information with the Registrar. Requests to withhold directory information will be honored as a permanent request by the university unless notified otherwise.

#### 2. Disclosure to the Student

The student has the right, on request to the appropriate university official, to review all materials in the student’s educational records, except:

• financial information submitted by the student’s parents;
• confidential letters and recommendations associated with admissions, employment or job placement, or honors, to which the student has waived rights of inspection and review or such documents placed in the student’s file prior to January 1, 1975;
• educational records containing information about more than one student, in which case the university will permit access only to that part of the record that pertains to the inquiring student.
• Student educational records are maintained at several locations on campus. Classifications of records and principal locations are described in Appendix B. Requests for access to specific student records should be made in writing to the university office concerned with the particular record.
• Students may obtain copies of their educational records. The copy will be made at the student’s expense at rates authorized by the Texas Public Information Act except for official transcripts and original diplomas or certificates issued to each student upon graduation. Official copies of academic records or transcripts will not be released to students who have a delinquent financial obligation to the university.

3. Disclosure with Prior Consent of the Student

With the student’s prior consent, the university will release personally identifiable student information in educational records or allow access to those records. Such consent must be written, signed and dated, and must specify the records to be disclosed, the party to whom the records are to be disclosed, and the purpose of the disclosure.

4. Record of Disclosures

Each university department that maintains educational records will maintain with the student’s educational records, a record for each disclosure request and each disclosure, except disclosures:

• to the student;
• pursuant to the written consent of the student;
• to a university official with legitimate educational interests;
• pursuant to a law enforcement subpoena and the issuing court or other issuing agency has ordered the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed or the order is concerning an authorized investigation or prosecution of domestic or international terrorism; or
• of directory information.

B. Requests to Amend Records

A student who believes his or her educational records are inaccurate or misleading, or that the records violate his or her privacy rights, may informally discuss amendment of the educational record with the university office concerned with the record. If agreement is reached with respect to the student’s request, the appropriate records will be amended. The substantive judgment of a faculty member about a student’s work, expressed in grades and/or evaluations, is not included in this right to seek amendment of educational records. If the record is not amended pursuant to the student’s request, the student may submit his/her request to the Registrar. Following consideration by the Registrar, if the record is not amended, the Registrar will notify the student of the decision and refer the student to the hearing procedures for appealing this decision found below.

C. Hearing Procedures for Appeal of Denial of Student Requests to Amend Records

The student must send a written request for a hearing to the Executive Vice President for Academic and Research Affairs (“EVPARA”). A hearing will be held within 30 calendar days from the receipt of the request by the EVPARA. The EVPARA will give the student notice of the date, time, and place, reasonably in advance of the hearing.
The EVPARA will serve as the hearing officer. The decision of the hearing officer is final.

Both the student and the university official who maintains the relevant educational record may present evidence relevant to the issues raised. The student may, at his/her own expense, be assisted or represented by one or more individuals, including an attorney. If the student chooses to be represented by an attorney, the student must notify the EVPARA at least 5 working days prior to the scheduled date of the hearing. If the student is represented by an attorney, the university reserves the right to be represented by legal counsel during the hearing and throughout the hearing process.

Within 15 working days of the hearing, the EVPARA will provide the student with a written decision via certified mail at the student’s last known address. The decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. The decision will be placed in the educational records by the appropriate university official and will be maintained as part of the student’s records.

If the decision is in favor of the student, the appropriate university official will amend the record accordingly and will inform the student in writing of the amendment.

If the decision is unsatisfactory to the student, the student may place with the educational records a statement commenting on the information in the records, or a statement setting forth any reasons for disagreeing with the decisions of the hearing officer, or both. The statement will be placed in the educational records by the appropriate university official, maintained as part of the student’s records, and released whenever the records in question are disclosed.

D. Complaints

Complaints regarding alleged violations of the rights accorded students by the Family Educational Rights and Privacy Act may be filed with the Family Policy and Regulations Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202-5901.

E. Names

The student’s full, legal name will be used on all permanent academic records. The full, legal name will initially be obtained via the application for admission. The student is responsible for notifying the Registrar's Office of any name change after admission.

IV. CONTACTS

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<td>Registrar</td>
<td>713-500-XXXX</td>
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