

TWU FERPA Policy, Procedures, and Definitions

Policy Statement. Texas Woman's University ("TWU" or "university") affords all students the rights and protections relating to their education records as provided in the Family Educational Rights and Privacy Act (FERPA). Consistent with FERPA, students will be granted access to their education record and except in limited circumstances education records will not be disclosed without a student's consent.

Application of Policy. All students

Definitions. The following definitions apply to this policy:

1. **Attendance.** "Attendance" means to be enrolled as a student at TWU whether attending classes in person, on-line or through other technology and whether on or off campus. "Attendance" begins immediately after a student has been accepted as a student at TWU unless a student does not attend TWU in the semester for which they have been accepted, and includes the period of participation in a work-study program or practicum.
2. **Directory information.** "Directory information" means information contained in the education record of a student that would generally not be considered harmful or an invasion of privacy if disclosed. The following types of student information are considered "directory" for the purposes of this policy:
 - a. Name.
 - b. Local and permanent address
 - c. TWU e-mail addresses
 - d. Telephone listing
 - e. Month, day, and place of birth.
 - f. Major field of study.
 - g. Participation in officially recognized activities and sports.
 - h. Weight and height of members of athletic teams.
 - i. Dates of attendance.
 - j. Enrollment status (e.g., undergraduate or graduate; full-time or part-time).
 - k. Classification
 - l. Degrees, awards and honors received (including selection criteria).

- m. Expected graduation date.
 - n. Dissertation and thesis titles.
 - o. Most recent previous school attended.
 - p. Photograph.
3. **Disclosure.** "Disclosure" means to permit access to, release, transfer or communicate personally identifiable information from a student's education record by any means, including oral, written or electronic, to any party other than the party that provided or created the record.
4. **Education record.** "Education record" means any record (handwritten, printed, taped, filmed or preserved in any other medium) that is maintained by TWU or its agent, that is directly related to a student. **Education records do NOT include:**
- a. Records that are kept in the maker's sole possession for their own recollection and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
 - b. An employment record of an individual student employee if the employment is not contingent on status as a student and if the record is used only in relation to the student's employment.
 - c. Records created and maintained by the campus police for law enforcement purposes.
 - d. Records that are created and maintained by any physician, psychiatrist, psychologist or other professional acting or assisting in their professional capacity if the records are used only for treatment and are only made available to those providing treatment.
 - e. Alumni records that contain information about a student after the student is no longer in attendance at TWU and which do not relate to the individual's attendance as a student.
 - f. Grades on peer-graded papers before they are collected and recorded by an instructor.
5. **Legitimate educational interest.** "Legitimate educational interest" means the interests of TWU school officials who have demonstrated a legitimate need to review educational records to fulfill their official professional responsibilities.
6. **Parent.** "Parent" means a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

7. **Personally identifiable information.** "Personally identifiable information" includes a student's name or address, or the name or address of the student's parents or family members, a personal identifier such as a student's social security number, other direct identifiers such as the student's date of birth, place of birth and mother's maiden name or any other information that alone or in combination can be linked to a specific student in a way that would allow a reasonable person in the school community, who does not have personal knowledge of the student, to identify the student with reasonable certainty.
8. **School official.** "School official" means any administrator, faculty, staff, committee member (whether faculty, staff or student) or student employee who performs a function or task on behalf of or at the request of the university, its faculty, colleges, departments or divisions. Also may include contractors, consultants, volunteers or other individuals or entities to whom the university has outsourced a university function.
9. **Student.** "Student" means any individual who is or has been in attendance at TWU for whom TWU maintains an education record.

Procedures and Responsibilities.

1. Annual Notice of Student Records Policy

TWU will publish a notice annually in the Student Handbook as well as on the official TWU website that summarizes the rights of students in accordance with this policy. In addition, the Registrar's Office will email the annual notice to all students on the first day of classes each fall term. The notice will also identify the types of personally identifiable information designated as directory information; the student's right to refuse to allow the university to disclose their directory information and the timeframe for providing notice to the University of such a request.

2. Student Access to Education Records

- a. A student has the right to inspect, review and/or receive copies of their own education record upon request to the appropriate records custodian. The request must be provided in writing and must specifically identify the requested education records. The university will comply with all requests within a reasonable period of time, not to exceed forty-five (45) calendar days from the date the request was received.
- b. Students should request education records from the appropriate record custodian as listed in the appendix.

- c. A student requesting access to their education record in person may be asked to verify their identity with a government-issued photo identification or TWU identification card. A student requesting access to their education record either electronically or by telephone will be asked to verify their identity by providing information of specific individual relevance, not including a social security number. A parent of a dependent child requesting access to their child's education record will be asked to verify both their identity and their claim of the student as a dependent for tax purposes.
- d. Cost for copies will be determined by the TWU General Counsel's Office.
- e. The University is not required to permit a student to inspect or review:
 - i. Financial records of the student's parents.
 - ii. Letters and statements of recommendation which relate to admission, application for employment or receipt of an honor or honorary recognition for which the student has waived the right of access through a valid written waiver signed by the student, or which were placed in the file before January 1, 1975. If a student has waived access to recommendations, TWU will disclose the identity of the individuals who provided the recommendations and will use the recommendations only for the intended purpose. A student may revoke a waiver in writing with respect to any action occurring after the revocation.
 - iii. Admissions records if the application was denied.
 - iv. Records that are not "education records" and are not subject to this policy.
- f. If an education record includes information about more than one student, the student may inspect only their own information and TWU will redact all other personally identifiable information relating to other students prior to inspection.
- g. A student who owes a debt to TWU will not be given official copies of the academic transcript, nor will a request to transmit an academic transcript to another person or institution be honored as long as the debt remains. Certain exceptions may exist for individual departments holding the block to release an official transcript. The student may review the academic transcript. Academic transcript requests may also be denied in connection with disciplinary action.

- h. A student who has applied for admission to TWU does not have rights under this policy with respect to records maintained by TWU unless the student is accepted and attends TWU.

3. Amendment of Education Records

- a. A student who believes that information contained in the student's education record is inaccurate, misleading or in violation of the student's right of privacy may ask TWU to amend the education record. The university will issue a decision within a reasonable period of time after receiving the student's request.
- b. If a request to amend is rejected, TWU will notify the student and outline the student's right to appeal.
- c. This process does not apply to routine grade appeals.

4. Disclosure of "Personally Identifiable" Information

- a. The university requires signed, dated, written consent from a student before disclosing personally identifiable information from an education records, except as otherwise provided in this policy.
- b. A student's consent to disclose personally identifiable information from an education record must specifically identify the records for which consent is granted , the purpose for the disclosure and the identity of the person or entity to which the record may be disclosed.
- c. Consent may be submitted electronically when the consent identifies and authenticates the requestor and indicates the requestor's approval of the requested disclosure.
- d. The university may disclose personally identifiable information from a student's education record without student consent to:
 - i. school officials who have a legitimate educational interest.
 - ii. parents when:
 - a) the student is a dependent of the parent for tax purposes as evidenced by appropriate documentation, including the parent's most recent tax return or a student financial aid application.
 - b) a health or safety emergency necessitates disclosure to protect the health or safety of the student or another individual.

- c) the student is under 21 years of age at the time of the disclosure and the student has violated a Federal, State or local law or any rule or TWU policy governing the use or possession of alcohol or a controlled substance and TWU has found the student in violation of the Code of Student's Rights, Responsibilities and Conduct.

- iii. officials of another school to which a student seeks or intends to enroll or has already enrolled, upon written request, if the disclosure is for purposes related to the student's enrollment or transfer.

- iv. certain officials of the U.S. Department of Education, the Comptroller General, the Attorney General of the United States, the U.S. Department of Veteran Affairs, and state and local educational authorities in connection with an audit or evaluation of Federal or state supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs.

- v. financial aid personnel in conjunction with an application for or receipt of financial assistance, provided the disclosure is needed: (i) to determine the eligibility of the student for financial aid, (ii) to determine the amount of financial aid; (iii) to determine the conditions that will be imposed; or (iv) to enforce the terms or conditions of the financial aid.

- vi. individuals delivering a judicial order or lawfully issued subpoena. The university will make reasonable efforts to notify the student in advance of compliance. The university will not disclose any information about a grand jury subpoena issued for law enforcement purposes when so ordered and when required by law or government regulation.

- vii. organizations conducting studies for or on behalf of TWU pursuant to a written agreement to develop, validate or administer predictive tests or student aid programs, or to improve instruction. Information from education records may only be used to meet the purposes of the study stated in the written agreement between the University and the organization(s) and must contain the current restrictions on redisclosure and destruction of information requirements applicable to information disclosed under this exception.

- viii. accrediting organizations to carry out their accrediting functions.

- ix. to appropriate parties in a health or safety emergency. Appropriate parties include, but are not limited to, school officials, law enforcement officials, parents, and emergency/medical personnel.
 - x. to victims of an alleged perpetrator of a crime of violence or a non-forcible sex offense, limited only to the final results of a TWU disciplinary proceeding regardless of whether TWU determines through its own investigation that a violation was committed.
 - xi. to any member of the public in matters relating to sex offenders and information provided to TWU under relevant Federal law.
 - xii. to a court in which the university is defending itself against legal action initiated by a parent or eligible student
 - xiii. to the originating party identified as the party that provided or created the record. This allows for returning documents, such as official transcripts, that appear to have been falsified back to the institution or school official identified as the creator or sender of the record for confirmation of its status as an authentic record.
- e. individuals requesting records for students who are deceased.

5. Disclosure of Directory Information

- a. Directory information may be disclosed by TWU without a student's consent.
- b. Students, including those who have been admitted to TWU but who have not yet enrolled, may refuse to allow TWU to disclose their directory information by filing a written request with the Registrar no later than the first class day of each long term, or, if enrolled in the summer term, by the first day of class of the enrolled summer session. The restriction will remain on the individual's student record perpetually until the individual provides a written request to have the restriction lifted.
- c. A request not to disclose directory information will not prevent TWU from disclosing or requiring a student to disclose a student's name, electronic identifier, or institutional e-mail address in a class in which a student is enrolled.
- d. The university will not disclose or confirm directory information without specific written consent of the student if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's record.

6. Disclosure of Records in Health and Safety Emergencies

- a. The university may disclose personally identifiable information from an education record to appropriate parties, including the parents of a student, in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- b. Decisions regarding the necessity of disclosure may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individual and will be appropriate in circumstances where there is an articulable and significant threat to the health or safety of a student or other individuals.

7. Disclosure of Records with Personally Identifiable Information Removed

- a. The university may release education records without a student's consent after removing all personally identifiable information from the record and upon making a reasonable determination that a student's identity is not identifiable, whether through single or multiple releases of information, and taking into account other reasonably available information. The disclosure of de-identified education record must be documented on a disclosure record which must include:
 - i. the names of the additional parties to which the receiving party may disclose the information on behalf TWU; and
 - ii. the legitimate interest which each of the additional parties has in requesting or obtaining the information.
- b. Prior to release of de-identified education records for the purpose of education research, TWU will attach a code to each record that will allow the recipient of the record to match information received from TWU. The assigned code: (i) will not be based upon the student's social security number or other personal information; (ii) will not be used for any purpose other than identifying a de-identified records for purposes of educational research; (iii) will not be used to ascertain personally identifiable information about a student. The university will not disclose the process for generating the code or assigning information or any other information that would allow a recipient to identify a student based on the code.

8. Recording Requests for Disclosure

- a. Except as specified below, the custodian of an education record will keep a written record of each request for access to, and disclosure of, personally identifiable information from the education records of a student including the names of any State and local officials and agencies that may make further disclosure of the information without the student's consent. The record

must identify those who have requested or received personally identifiable information from the education record and the legitimate interest the party had in requesting or obtaining the education record

- b. A record of disclosure must be maintained with the education record, for as long as the education record is maintained in accordance with university records retention policies.
- c. A record of disclosure is not required to document disclosure to:
 - i. a student or parent.
 - ii. a school official with a legitimate educational interest.
 - iii. an individual to whom the student provides written consent for disclosure,
 - iv. an individual providing a lawfully issued subpoena
 - v. an individual requesting directory information.
- d. In the event that TWU discloses personally identifiable information from an education record in connection with a health or safety emergency, the record of disclosure will specifically identify:
 - i. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and,
 - ii. the parties to whom TWU disclosed the information

References

Appendix: Custodians of Education Records

Education records of the university are contained in the offices of:

1. University Registrar
2. Director of Student Financial Aid
3. Director of Student Health Services
4. Dean of the Graduate School
5. Bursar
6. Provost and Vice President for Academic Affairs
7. Office of Student Life
8. Office of International Education
9. Director of Student Records

Forms and Tools

Request to Withhold Directory Information:

<http://www.twu.edu/downloads/registrar/directoryinfo.pdf>

Parental Affidavit of Dependency:

http://www.twu.edu/downloads/registrar/AFFIDAVIT_OF_DEPENDENCY.pdf

Student Authorization to Release Record:

TBD