

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Records

Policy Number: 2.10

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 2/2/2021

Unit(s) Responsible for Policy Implementation: Enrollment Management

Purpose of Policy (what does it do): Policy represents the university's compliance statement with regards to the Family Educational Rights and Privacy Act (FERPA).

Reason for the addition, revision, or deletion (check all that apply):

Scheduled Review Change in law Response to audit finding

Internal Review Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Removing "Class Roster" from the list of items designated as Directory Information will align the policy with best practices related to FERPA.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Mickey Diez, Registrar

Erma Brecht, Executive Director of Enrollment Management

Damon Derrick, General Counsel

Student Records

Original Implementation: 1974

Last Revision: ~~February 2, 2021~~ April 12, 2022

The purpose of this policy is to comply with federal law which: (1) grants to students the right of access to their education records, (2) protects students from illegal use of their education records and (3) restricts the disclosure of the social security numbers of students.

I. Definitions

For the purposes of this policy, the university adopts the following definitions:

- A. Student means any person who attends or who has attended the university.

- B. Education records means any record (in handwriting, print, digital, tapes, film, or other medium) maintained by the university or an agent of the university which is directly related to a student, except:
 - 1. a personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute;
 - 2. an employment record of an individual whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment;
 - 3. records maintained by the University Police Department if the records are maintained solely for law enforcement purposes, are revealed only to law enforcement agencies of the same jurisdiction, and the department does not have access to education records maintained by the university;
 - 4. records maintained by University Health Services if the records are used only for treatment of a student and made available only to those persons providing the treatment;
 - 5. records maintained by University Counseling Services if the records are used only for treatment of a student and made available only to those persons providing the treatment; and,
 - 6. alumni records that contain information about a student after he/she is no longer in attendance at the university and the records do not relate to the person as a student.

- C. A school official is a person employed by the university in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has

contracted as its agent to provide a service instead of using university employees or officials (such as an attorney, auditor or collection agent); a person serving on the Board of Regents; a scholarship committee, for the sole purpose of evaluating scholarship recipients; an outside individual/entity involved in the financial aid process reviewing information regarding financial aid eligibility; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

- II. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the university. University employees, including student employees, and others designated by the Registrar will annually complete Family Educational Rights and Privacy Act (FERPA) training. Initial training must be completed no later than thirty (30) days from start of employment or granting of access. If training is not completed as required, access to any system containing student information may be removed.

Annual notification is published on the SFA website and in the annual Welcome Edition of the Pine Log. Specific information may be obtained by consulting with administrative officials listed in this policy.

III. Student Rights

Each student has the right to:

- A. receive a list of the types of education records maintained by the university;
- B. inspect and review the contents of his/her records, excluding the exceptions included in this policy;
- C. obtain copies of his/her records at personal expense if failure to provide such copy would effectively prevent the student from inspecting or reviewing the record;
- D. receive explanations and interpretations of his/her records; and,
- E. request a hearing to challenge the contents of his/her records.

IV. Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the appropriate record custodian.

Students should submit to the record custodian or an appropriate university staff person a written request that identifies as precisely as possible the record or records they wish to inspect.

The record custodian or an appropriate university staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place

where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records that relate to him/her.

V. Types and Custodians of Student Records

Type of Record	Content	Custodian
Academic	Grades, classification, academic standing, application for admission and admissions scores.	Registrar, Executive Director of Enrollment Management
Academic	Student Work products or artifacts	Instructor of Record, Department, or College
Financial	Amount of financial assistance given by university and type of assistance.	Director of Financial Aid and Scholarships, <i>Student Business Services</i> Controller
Disciplinary	Nature of offense and type of university action.	Director of Student Rights and Responsibilities
Placement	Academic record and documents of recommendations	Director of the Center for Career and Professional Development.
Health	Medical history to include all treatment by university physicians.	Director of Health Services
Counseling	Test scores and counseling sessions.	Director of Counseling Services

VI. Fees for Copies of Records

The fee for copies of education records will be ten (10) cents per page.

VII. Right of University to Refuse Access

The university reserves the right to refuse to permit a student to inspect the following records:

A. the financial statement of the student's parents;

- B. letters and statements of recommendation for which the student has waived his/her right of access, or that were placed on file before January 1, 1975;
- C. records connected with an application to attend the university if that application was denied; and,
- D. those records that are excluded from the definition of education records.

VIII. Refusal to Provide Copies

The university reserves the right to deny transcripts or copies of records not required to be made available by law 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.

IX. Disclosure of Education Records

The university will disclose information from a student's education records only with the written consent of the student, except:

- A. to school officials who have a legitimate educational interest in the records;
- B. to officials of another school, upon request, in which a student seeks or intends to enroll;
- C. to certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs;
- D. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- E. in compliance with a state law requiring disclosure that was adopted before November 19, 1974;
- F. to organizations conducting certain studies for or on behalf of the university;
- G. to accrediting organizations to carry out their functions;
- H. to parents of an eligible student who claim the student as a dependent for income tax purposes, unless the student has a confidentiality request on file;
- I. to comply with a judicial order or a lawfully issued subpoena;
- J. to appropriate parties in a health or safety emergency; and
- K. other disclosures that the Family Educational Rights and Privacy Act (FERPA) authorizes without consent.

Proof of status from the requesting individual or organization will be required to gain access to education records.

X. Record of Requests for Disclosure

The university will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record of requests may be reviewed by the student.

XI. Directory Information

The university designates the following items as directory information:

- A. name,
- B. all addresses, including university issued email addresses,
- C. all telephone numbers,
- D. major field of study,
- E. academic classification,
- F. participation in officially recognized activities and sports,
- G. weight and height of members of athletic teams,
- H. dates of attendance and enrollment status,
- I. degrees and awards received,
- J. previous schools attended,
- K. photograph, and
- ~~L. class roster.~~

The university may disclose any of these items without prior written consent, unless the student files a Request to Prevent Disclosure of Directory Information form with the Registrar's Office. Students have until the twelfth-class day of a regular semester or the fourth-class day of a condensed semester to file the form before information may be released by the university for that semester.

XII. Review and Destruction of Education Records

The university may destroy obsolete records provided the right to access has been followed as outlined in Section 3 of FERPA.

XIII. Correction of Education Records

A student has the right to request a correction on his/her education records that he/she believes is inaccurate, misleading or in violation of his/her privacy rights. The university shall attempt to settle the disputed contents of an education record by informal proceedings. If informal proceedings fail to achieve a satisfactory settlement, the student may request a formal hearing using the following procedures.

- A. To receive a hearing, a student must file a written request with the president of the university. In so doing, the student should identify the part of the education record he/she wants amended and specify why he/she believes it is inaccurate, misleading or in violation of his/her privacy rights.
- B. Within 10 working days of receiving the request, the president will arrange for a hearing, and notify the student at least five working days in advance of the date, place and time of the hearing.
- C. The hearing will be conducted and the decision rendered by a hearing officer, appointed by the president, who does not have a direct interest in the outcome of the case. The president shall name the hearing officer in the written notice sent to the student.
- D. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues listed in the original request to amend his/her education records.
- E. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing.
- F. If the hearing officer decides that the disputed contents of the education record are inaccurate, misleading or in violation of the student's right to privacy, the officer will amend the record and notify the student in writing that the record has been amended.
- G. If the hearing officer decides that the disputed contents of the education record are not inaccurate, misleading or in violation of the student's right to privacy, the officer will notify the student of his/her right to place a statement in the education record commenting on the disputed contents and/or a statement setting forth the student's reasons for disagreeing with the decision.
- H. The student's statement will be maintained as part of the student's education record as long as the disputed contents are maintained by the university. If the university discloses the disputed contents of the education record to any person, it must also disclose the student's statement to the person.

XIV. Disclosure of Social Security Number

Federal law requires that when any federal, state or local government agency requests an individual to disclose his/her social security number (SSN), that individual must also be advised whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it. Accordingly, students, or applicants for admission as students, are advised that disclosure of a student's SSN is mandatory as a condition for participation in certain activities at the university.

Under the mandatory category, the SSN is used to verify the identity of the student, and as an identifier to record necessary data accurately for activities such as admissions; housing and food services; determining and recording eligibility for student financial assistance to include loans, scholarships, and grants; student employment; recording entitlement to and

disbursement and repayment of loans; recording entitlement to and payment of scholarships, grant allowances, and official student travel and per diem; determining and recording eligibility for and participation in athletic and similar events; and other related requirements which may arise.

Disclosure of a student's SSN is voluntary for certain other activities. Under the voluntary category, the SSN is used to verify the identity of the student and to record data accurately for such activities as testing, reporting and evaluation of the ACT and the SAT; recording and reporting student grades and related academic data; registering for placement services to include preparation of resumes and furnishing information to prospective employers and such other related uses which may arise.

Authority for requiring the disclosure of a student's SSN is grounded in federal law that provides that an agency may continue to require disclosure of an individual's SSN as a condition for the granting of a right, benefit or privilege provided by law where the agency required this disclosure under statute or regulation prior to January 1, 1975, in order to verify the identity of an individual.

Pursuant to statutes passed by the state of Texas and the federal government and to regulations adopted by agencies of the state of Texas and the federal government, and by the Board of Regents of the university, the disclosure of the SSN may be required on student application forms and other necessary student forms and documents.

Cross Reference: Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 C.F.R. Part 99; 5 U.S.C. § 552a

Responsible for Implementation: Executive Director of Enrollment Management

Contact for Revision: Executive Director of Enrollment Management; General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs