# APPENDIX A

# NOTICE OF STUDENT RIGHTS UNDER FERPA AND NOTICE CONCERNING DIRECTORY INFORMATION

**A. Notice of Student Rights under FERPA**

The Family Educational Rights and Privacy Act (FERPA), a federal law, affords students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

**The Right to Inspect and Review the Student's Education Records.** FERPA requires The University of [ ] to permit a student to inspect most education records maintained about them within 45 days of the day the University receives a request for access. The Texas Open Records Act also provides students with the right to access records maintained about them except to the extent that FERPA pre-empts the Act. Students should submit to the Office of the Vice President of Business Affairs, written requests that identify the record(s) they wish to inspect. The Office will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

**The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA**. Students may ask the University to amend a record that they believe is inaccurate. They may request an amendment informally by contacting the University official responsible for the record in writing and clearly identifying the part of the record they want changed, and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to request a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

**The right to provide written consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes a disclosure without consent.**

**The Right to be notified of the student's privacy rights under FERPA.**

**The right to file a complaint** with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA by contacting office that administers FERPA:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

**Exceptions to the Consent Requirement**

FERPA permits the disclosure of personally identifiable information (PII) from students’ education records without consent of the student if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to University Officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

**The University Official Exception** permits disclosure without consent, is disclosure to University officials with legitimate educational interests.  A University Official is:

* any person employed by the University in an administrative, supervisory, academic, or support staff position, including law enforcement unit and health staff;
* a person or company with whom the University has a contract to provide services on behalf of the University or an affiliation (such as a System attorney or auditor, or a clinical facility where a student is participating in an internship ) for the provision of services;
* the University of Texas System Board of Regents;
* a person employed by The University of Texas System Administration; or another person assisting another University Official in performing his or her tasks (such as a System attorney or auditor, or a clinical facility where a student is participating in an internship).

A University Official has a “legitimate educational interest” in an education record if that person or contractor requires access an education record in order to fulfill his or her official duties on behalf of the University

The University may also disclose PII from a student’s education records without obtaining prior written consent of the student in the following situations as permitted by FERPA:

* To officials of another school in which a student seeks or intends to enroll or is already enrolled if the disclosure relates to purposes of enrollment or transfer.
* To The University of Texas Board of Regents, the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education and other state and local educational authorities who are authorized by law to audit and evaluate Federal or State supported education programs, or to enforce Federal law which relates to such education programs may access an Education Record as required for the audit, evaluation or enforcement purpose, or their authorized representatives .
* To organizations conducting studies for or on behalf of the school to: develop, validate, or administer predictive testing; administer student aid programs; or improve instruction.
* To accrediting organizations to carry out accrediting functions.
* To parents of an eligible student if the student is a dependent for IRS tax purposes and the student has notified the University that the student agrees to the release of his/her education records under this exception.
* To comply with a judicial order or lawfully issued subpoena.
* To appropriate individuals in connection with a health or safety emergency.
* To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense.  The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense.
* To the general public, the final results of a disciplinary proceeding, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and has committed a violation of the school’s rules or policies with respect to the allegation.
* To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines that the student committed a disciplinary violation and is under the age of 21.
* If the disclosure concerns sex offenders and other individuals required to register under section 17010 of the Violent Crime Control and Law Enforcement Act of 1994.
* Under the Directory Information exception as explained below.
* To defend the University against litigation or complaints filed by the student against the University**.**

The University’s Policy on Student Rights under the Family Educational Rights and Privacy Act is published in the University Handbook of operating Procedures at [need hyperlink].

**[Optional if University is publishing additional information about FERPA elsewhere**- More information about FERPA can be found at [list locations and/or links**]**

**B. NOTICE CONCERNING DIRECTORY INFORMATION**

As described in the Notice of Student Rights under FERPA, above, the University, with certain exceptions, is required to written consent from a student prior to publishing or disclosing of personally identifiable information from student education records.

However, the University may publish or publically disclose the information listed below as “directory information” without the student’s consent, unless the student has notified the University, using the process described below, that the student wishes to opt out of such disclosures.

The following information about a Student has been designated by University as Directory Information:

• name;

• local and permanent postal addresses;

• email address;

• telephone number;

• place of birth;

• field of study; dates of attendance;

• enrollment status;

• student classification (example: freshman, first year law school student)

• degrees awarded;

• certificates and awards (including scholarships) received;

• photographs;

• participation in officially recognized activities and sports;

• weight and height of members of athletic teams; and

• most recent previous educational agency or institution attended.

The University will consider your Directory Information to be publically available unless you affirmatively opt out of the Directory Information exception. If you do not want the University to disclose [any or all**- University needs to decide if students will be permitted to elect to opt out of certain categories of directory information but not others**] information directory information from your education records without your prior written consent, you must opt out by [**insert description of how students will be able to opt out of the directory information exception- could be link to a form or a link to a site that allows them to opt out electronically.**]

Directory information may appear in public documents and may otherwise be disclosed under the Directory Exception unless your opt out request is received, [as applicable, during the first twelve (12) days of class of a fall or spring semester, the first four (4) class days of a summer semester, or the first three days of any quarter to withhold such information from disclosure. **If some colleges will be operating classes in some other configuration- include a description and cut off date for those colleges**.]

A request to opt out of the release of Directory Information about you will remain in place until you affirmatively rescind it. Upon graduation or termination of your enrollment for any reason, the directory information selection in place at that time will remain in place unless you notify the University.

A request to opt out of the Directory Information exception does not affect the University’s ability to disclose information from your education records under another exception permitted by FERPA.