

# RIGHT TO PRIVACY

## FERPA

### Notification of Rights Under The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. Upon a request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the education record(s) to inspect and review. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the education 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.
2. A student whose education records are covered by this notification may ask the University to amend the student's education record if the student believes it contains information that is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed and specify why it should be changed. 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 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.
3. Personally identifiable information ("PII") in education records shall not be release without the written consent of the student, except to the following: (i) University officials who have legitimate educational interests, including a person employed by the University in an administrative, supervisory, academic, research, support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Regents; a student serving on an official committee (such as a disciplinary or grievance committee); an external volunteer or contractor who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII (such as an attorney, auditor, or collection agent or a student volunteering to assist another University official in performing his or her tasks) (see §99.31(a)(1)); (ii) officials of another postsecondary school in which a student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer (see §99.31(a)(2); and (iii) other categories under paragraph number 7.
4. The University may release directory information without consent upon public notice of: (i) the types of personally identifiable information that it has designated as directory information; (ii) the right of the student to refuse to permit the University to designate any or all of that information about the student as directory information; and (iii) the period of time within which the student must notify the University in writing that he or she does not want any or all of those types of information about the student designated as directory information.
5. Under FERPA, the University defines "directory information" as information contained in an education record of student that would not generally be considered harmful or invasion of privacy if disclosed. Directory information includes student's name, address, telephone number, electronic mail address, photograph, date and place of birth, weight and height of members of the athletic teams, participation in officially recognized activities and sports, enrollment status, dates of attendance, educational institution most recently attended, and (9) other information (such as major field of study, degrees earned, and awards received).
6. If a student objects to the release of directory information, the student must notify the Office of the Registrar, E.O. Bell Hall, 3100 Cleburne Avenue, Houston, TX 77004, in writing or by completing the Request to Withhold Public Information form, during the first twelve (12) days of class during a regular semester (fall or spring) or the first four (4) days of class during a summer term, to ensure that information is not released by the University or published in the Student Directory. Students are responsible for requesting the release of their information once a request for withholding "directory information" has been placed on record.
7. FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:
  - To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the University's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, 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. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35);
  - In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4));
  - To organizations conducting studies for, or on behalf of, the University, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6));
  - To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7));
  - To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8));
  - To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9));
  - To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10));

- Information the University has designated as “directory information” under §99.37. (§99.31(a)(11));
- The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13));
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the University determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14)); and
- 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 the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15)).

8. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Texas Southern University 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