I. 2.2.3 Family Educational Rights and Privacy

Chapter 2 - General	Original Effective Date: April 2000
Section: 2.2 Information Management	Date Last Reviewed: May 2026
Responsible Entity: Vice President for Academic, Faculty and Student Affairs	Date Last Revised: May 2026

II. Purpose

The *Family Educational Rights and Privacy Act* (FERPA), 20 U.S.C. §1232g, its implementing regulations at 34 C.F.R Part 99, and the *Texas Public Information Act, Texas Government Code* § 552.001 et seq., are respectively a federal and state law that provide for the review and disclosure of student educational records. In accordance with these laws UT Health San Antonio has adopted the following policy. Individuals are informed of their rights under these laws through this policy which is included in the Institutional Handbook of Operating Policies (IHOP) and Catalog. The Catalog is available at: http://catalog.uthscsa.edu.

III. Scope

This policy applies to current and former UT Health San Antonio students for which education records are maintained by the university; and personnel, including contractors, with access to the education records maintained by the university.

IV. Policy

A. Requirements

1. UT Health San Antonio students have the right of confidentiality under the federal *Family Educational Rights and Privacy Act* (FERPA) of 1974. Generally, no one outside the institution shall have access to, nor will the institution disclose any information from students' educational records without the student's written consent.
2. UT Health San Antonio affords all the rights under the law to students who are declared independent. However, student education records may be released without written consent for legitimate educational interest. Legitimate educational interest is access to educational records by appropriate UT Health San Antonio administrators, faculty members, staff members or contractors acting on behalf of UT Health San Antonio, who require such access in order to perform their legitimate educational and business purposes of the student or UT Health San Antonio. Examples include:

a. to appropriate UT Health San Antonio official who require access to educational records in order to perform their legitimate educational duties;

b. to officials of other institutions in which students seek to enroll;

c. to federal, state, or local officials or agencies authorized by law;

d. to persons or organizations providing students financial aid provided that such disclosure is necessary to determine eligibility, amount, conditions or enforcement of terms and conditions of the financial aid;

e. to accrediting agencies carrying out their accreditation function;

f. to the parents of a dependent student as defined in Section 152 of the *Internal Revenue Code of 1986*, as amended, provided a reasonable effort is made to notify the student in advance;

g. in compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs UT Health San Antonio not to disclose the existence of a subpoena;

h. in an emergency situation if the information is necessary to protect the health or safety of the students or other persons; or

i. to an alleged victim of any crime of violence, the results of the alleged perpetrator's disciplinary proceeding may be released;

j. to organizations conducting studies for, or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student financial aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted; and,

k. to authorized agents, vendors, or contractors of the university acting on behalf of the University who have a written agreement requiring compliance with FERPA and restricting use and redisclosure of education records consistent with 34 C.F.R. §99.31(a)(1)(i)(B).

3. UT Health San Antonio will release information in student education records to appropriate University officials, as indicated above, when there is a legitimate educational interest. Education records maintained in electronic systems, including cloud-based platforms and third-party vendor systems, are subject to the same FERPA protections as paper records and must be safeguarded in accordance with institutional information security standards and applicable data protection requirements.

   A University official is:

   a. a person employed by UT Health San Antonio in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff);

b. a person or company with whom UT Health San Antonio has contracted (such as an attorney, auditor, or collection agent); and,

c. a person serving on the Board of Regents, a student serving on an official committee or assisting another University official in performing his or her tasks.

4. A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility; perform a task related to a student's education; perform a task related to the discipline of a student; provide a service or benefit to the student such as health care, counseling, job placement, or financial aid; provide educationally related information to the student concerning extracurricular activities and student organizations; or maintain safety and security of the campus.

5. A legitimate educational interest is determined by the appropriate administrator from the Office of the University Registrar in consultation with the vice president for academic, faculty and student affairs and the appropriate school-specific dean. Release of information to a school official having a legitimate educational interest does not serve as permission to share that information with a third party without the student's written permission.

6. Where required by regulations, a record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the Office of the University Registrar for each student and will also be made available for inspection pursuant to this policy.

B. Student Information

1. Students may request that directory information not be disclosed ("privacy restriction") by updating the Privacy Restrictions section within My Student Center. When a privacy restriction is in place, UT Health San Antonio will not release directory information without the student's prior written consent, except as otherwise permitted by law. A request for non-disclosure will remain in effect until the student removes the restriction in writing or updates their privacy settings.

2. At its discretion, UT Health San Antonio may release student and directory information which shall include:

a. name, address, telephone number, email address;

b. photograph;

c. date and place of birth;

d. major field of study;

e. participation in officially recognized activities and sports;

f. dates of attendance;

g. most recent previous educational institution attended;

h. classification, level, or year of study;

i. degrees and awards received;

j. date of graduation; and,

k. enrollment status.

3. Students may withhold directory information by making changes to the Privacy Restrictions section of their Profile within My Student Center; withholding part of the directory information will automatically exclude the release of all directory information. Request for non-disclosure will be honored by UT Health San Antonio until the student requests, in writing, for the restriction to be removed or updates the Privacy Restrictions section in My Student Center.
4. Requests by external agencies for directory information shall be made to the Office of Institutional Research. Costs for preparing the information shall be borne by the requesting parties.

C. FERPA Training

UT Health San Antonio requires that all students, staff, and faculty complete online FERPA training every two years through the institution's learning management system (LMS). Notice of required training reaches students, staff, and faculty through their UT Health San Antonio email accounts, at which time they are prompted to complete online training. Training covers the purpose of FERPA, directory information, and scenarios of potential FERPA violations.

D. Access to Records

1. Students who wish to inspect their records should fill out the Request to Review Education Records form from the Office of the University Registrar. The Registrar or other designated record custodian will make the needed arrangements and advise the student when and where the records will be available. The procedure will be completed as promptly as possible, but in all cases the student will be permitted to inspect the record within forty-five (45) days after the custodian receives the student's request. Any records that contain personally identifiable information about more than one student, a student may inspect only that information which relates to them.
2. The list of education records and custodial officials responsible for the records includes:
    a. Academic Records
        i. Admissions Records: Registrar, School-specific Admissions Office
        ii. Cumulative Academic Records: Registrar, School, Department and Faculty offices
        iii. Disciplinary Records: School, Department and Faculty offices
    b. Student Services Records
        i. Counseling Records: Director of Counseling Services
        ii. Student Activity Records: Director of Student Life
        iii. Health Records: Clinical Director of Student Health Center
    c. Financial Records

i. Financial and Tuition Records: Bursar

ii. Financial Aide Records: Director of Financial Aid

3. Educational records do not include:

a. financial records of the student's parents or guardian;

b. confidential letters of recommendation which were placed in the educational records of a student prior to January 4, 1975;

c. records of instructional, administrative and educational personnel which are kept in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker;

d. records of law enforcement units;

e. employment records related exclusively to an individual's employment capacity;

f. medical and psychological records;

g. thesis or research papers; or

h. records that only contain information about an individual after the individual is no longer a student at the institution.

E. Challenge to Record

1. Students may challenge the accuracy of their educational records. Students who believe that their education records contain information that is inaccurate, misleading or is otherwise in violation of their privacy may discuss the discrepancy informally with the Office of the University Registrar.

2. If agreement is reached with respect to the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the Office of the University Registrar of their right to a formal hearing.

3. Student requests for a formal hearing must be made in writing to the vice president for academic, faculty, and student affairs for non-academic records or the applicable dean for academic records. The hearing and decisions shall be made by a panel of university faculty and professional staff who do not have a direct interest in the outcome of the hearing. The hearing officer that will adjudicate such challenges will be appointed by the vice president for academic, faculty and student affairs in non-academic matters and by the dean of the school in academic matters.

4. The hearing shall be conducted within twenty (20) days following the request for hearing. The student shall be afforded notice of the date, place, and time at least five (5) days in advance of the hearing and shall be afforded a full and fair opportunity to present evidence relevant to the issue pertinent to his or her challenge. The student may be assisted or represented by individuals of their choice at the student's expense, including an attorney. The decision shall be rendered in writing within twenty (20) days following the conclusion of the hearing and shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

5. Decisions of the hearing officer will be final, will be based solely on the information presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.
6. The education records will be corrected or amended in accordance with the decision of the hearing officer if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing officer, or both.
7. The statements will be placed in the education records, maintained as part of the student's records and released whenever the records in question are disclosed.

F. Copies

1. UT Health San Antonio provides students with an opportunity to inspect and review their education records. Arrangements shall be made by the Office of the University Registrar upon written request from the student.
2. In certain situations, such as the student not living within commuting distance of the school, which prevents the students from viewing the student records at the designated physical location then copies of the education record will be provided. However, if the student is within commuting distance and would like to obtain copies of the education record, then the copies will be made at the student's expense at rates authorized in the *Texas Public Information Act* except for official transcripts. The student may ask for an itemized cost estimate in advance of the records being released.

G. Privacy of Records for Deceased Students

Records of deceased students will be managed in accordance with applicable state law and the University's approved records retention schedule. While FERPA rights terminate upon a student's death, the University will continue to exercise discretion in releasing education records consistent with the Texas Public Information Act and institutional policy.

Personal information from student educational records shall not be released to third parties except as authorized in writing by the deceased student's spouse, executor/executrix or parents. Written requests for such information should be directed to the vice president/chief financial officer, who serves as the public information officer for the university.

H. Complaints

Complaints regarding alleged failures to comply with the provisions of the FERPA may be submitted in writing to: Federal Student Privacy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5901.

V. Definitions

When used in this document, the following words have the meaning set forth below unless a different meaning is required by context.

Directory Information – information designated by the University that may be disclosed without prior written consent unless the student has restricted such disclosure.

Education Record – records that are directly related to a student maintained by the University or a party acting on its behalf, as defined by FERPA.

Legitimate Educational Interest – the need to review an education record in order to fulfill professional responsibilities on behalf of the University.

Personally Identifiable Information (PII) – information that can be used to identify a student, as defined in 34 C.F.R §99.3.

University Official – an individual employed by or contracted with the University who meets FERPA's criteria for access to educational records.

VI. Related References

There are no related documents associated with this Policy.

VII. Review and Approval History

The approving authority of this policy is the University Executive Committee.

Effective Date	Action Taken	Approved By	Approved Date
04/2000	Policy Origination		
07/2019	Policy Revision		
03/2022	Policy Revision	VPAFSA/ICPO	03/07/2022
05/2026	Policy Revision/Discretionary Edit	VPAFSA/ICPO	05/19/2026