

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 Texas at Dallas 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 are 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 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 volunteer, committee member, 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 to 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.
- 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 [UTDSP5010](#).

More information regarding FERPA can be found at <http://www.ed.gov/policy/gen/guid/fpco/index.html>