

Memo To: All UH-Downtown/PS Holders

UH-Downtown/PS 03.A.22

From: Loren J. Blanchard, President

Issue No. 5

Effective date: 09/01/2022

Subject: Access to Student Academic Records/Information

Page 1 of 6

1. PURPOSE

This PS outlines the policy of the University of Houston-Downtown (UHD) on the release of information from student records in compliance with the [Family Educational Rights and Privacy Act of 1974](#).

2. DEFINITIONS

- 2.1 **Access** is defined by The Family Educational Rights and Privacy Act (FERPA), which affords students certain rights with respect to their education records.
- 2.2. **“Education records”** are records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution outlined by the [U.S. Department of Education](#).

3. POLICY

- 3.1 FERPA Provisions
Students’ rights with respect to their education records are defined by FERPA and are as follows:
 - 3.1.1 Students have the right to consent to disclosures of personally identifiable information in their education records, except to the extent that FERPA authorizes disclosure without consent.
 - 3.1.2 Students have the right to inspect and review their education records within 45 days of the day the University receives the request.
 - 3.1.3 Students have the right to request amendment of their education records that they believe are inaccurate or misleading. If the University denies a student’s requested amendment, the student has the right to a hearing regarding the requested amendment to his/her education record.
 - 3.1.4 Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with therequirements of FERPA. Such complaints may be sent to the Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

3.2 Directory Information

3.2.1 Some information in student records and files is considered directory information. UHD may, without the consent of the student, release information designated as directory information. Directory information is defined by FERPA as follows:

1. Student's name
2. Mailing Address & Primary Telephone number
3. University assigned e-mail address
4. Classification
5. Enrollment Status
6. Major and minor fields of study
7. Degrees, certificates, awards and honors received
8. Dates of attendance
9. Graduation Date
10. Expected graduation date
11. The most recent previous educational agency or institution attended by the student
12. Participation in officially recognized activities and sports
13. Weight and height of members of athletic teams

3.2.2 If a student does not want directory information to be released, he/she/they is responsible for notifying the Registrar's office in writing during the first week of each semester to ensure that information is not released 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.

3.3 Disclosure of Education Records

UHD will not disclose information from a student's education records without the written consent of the student, except in the following instances in which FERPA authorizes disclosure without prior student consent:

3.3.1 To school officials who have a legitimate educational or administrative interest in the records. A school official is defined as a person employed by the University who holds an administrative, supervisory, academic, or support staff position (including the University's police department and health care staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Regents; or a person assisting another school official in performing his or her official duties. A school official has a

legitimate educational interest if the official needs to review an educational record in order to fulfill their professional responsibilities.

- 3.3.2 To other schools in which the student seeks to enroll.
- 3.3.3 To authorized representatives of the U. S. Secretary of Education, the U.S. Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs; and the U.S. Attorney General for law enforcement purposes.
- 3.3.4 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.
- 3.3.5 To state and local officials or authorities in accordance with state law.
- 3.3.6 To organizations conducting studies for or on behalf of the University to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- 3.3.7 To accrediting organizations to carry out their functions.
- 3.3.8 To parents of a “dependent” student as defined under the federal tax laws.
- 3.3.9 To comply with a judicial order or a lawfully issued subpoena.
- 3.3.10 To appropriate parties in connection with a health or safety emergency.
- 3.3.11 As it relates to “directory information,” unless the student restricts “directory information.”
- 3.3.12 To an alleged victim of any crime of violence or non-forcible sex offense regarding the final results of any disciplinary proceeding conducted against the alleged perpetrator of that crime or offense with respect to that crime or offense, regardless of whether the student was found to have committed the violation.
- 3.3.13 To the public regarding the final results of any disciplinary proceeding in which the student was alleged to have committed a crime of violence or non-forcible sex offense and pursuant to the disciplinary proceeding the student was found to have violated a University disciplinary rule or policy.
- 3.3.14 To parents of a student who is under the age of 21 regarding the student’s

violation of federal, state, or local law, or any University rule or policy, governing the use or possession of alcohol or a controlled substance.

3.3.15 To the court where the student has initiated legal action against the University or the University has initiated legal action against the student.

3.3.16 To the Attorney General or designee pursuant to the [USA Patriot Act of 2001](#).

4. PROCEDURES

4.1 Procedure to Inspect Education Records

A student has the right to inspect his or her educational records and to challenge the contents. To review records, a student must make a request in writing to the Custodian of those records (See Custodians of Records, 3.0 below.). The written request must identify as precisely as possible the record or records he or she wishes to inspect.

4.2 Procedure to Amend Education Records

If a student believes the information in his or her education record contains information that is inaccurate, misleading, or in violation of the student's rights of privacy, the student should submit a written request for amendment to the appropriate Custodian of the record (See Custodians of Records, 3.0 below). The written request should clearly identify the part of the record the student wants changed and specify why it is inaccurate, misleading, or in violation of the student's rights of privacy. The University will notify the student within a reasonable time regarding whether or not the record will be amended. If the university denies the student's request for amendment of his or her record, the student has the right to a hearing regarding the requested amendment. This procedure does not govern grade appeals.

4.3 Procedures for a Hearing Under FERPA

4.3.1 To request a hearing pursuant to the University's denial of a student's request to amend information in his or her education record that the student believes is inaccurate, misleading, or in violation of the student's rights of privacy, the student should submit to the appropriate custodian of record a written request for a hearing that clearly identifies the part of the record the student wants changed and specifying why it is inaccurate, misleading, or in violation of the student's rights of privacy.

- 4.3.2 The University will hold a hearing within a reasonable time after receiving the student's written request for a hearing.
- 4.3.3 The University will give the student notice of the date, time, and place, of the hearing reasonably in advance of the hearing.
- 4.3.4 The hearing will be conducted by an individual who does not have a direct interest in the outcome of the hearing. The hearing official will be appointed by the Vice President to whom the custodian of the records in question reports.
- 4.3.5 The student will be provided the opportunity to present evidence supporting his or her allegation that his or her education record contains information that is inaccurate, misleading, or in violation of the student's rights of privacy. The student may, at his or her own expense, be assisted during the hearing by one individual, including an attorney. The student must notify the hearing official no later than three (3) business days before the hearing that he or she will have an attorney present at the hearing.
- 4.3.6 The custodian of the record in question and the author of that record (if appropriate) will also be provided an opportunity to respond to the student's allegations.
- 4.3.7 Upon hearing all of the evidence, the hearing official will render a written determination within a reasonable time after the hearing. The written determination will include a summary of the evidence and the reasons for the hearing official's determination.
- 4.3.8 Any information in the student's education record that is determined to be inaccurate, misleading, or a violation of the student's rights of privacy will be amended with the correct information and the student will be notified in writing of the change.
- 4.3.9. If it is determined that the student record is correct and does not merit amendment, the University will notify the student of his or her right to place a statement in the education record commenting on the information in the record, and/or presenting any reasons for disagreeing with the University's decision.
- 4.3.9 Any statement placed by the student in his or her education record shall remain part of the record for as long as the record is maintained by the University.

4.4 Custodians of Records

The following individuals are designated by the University as custodians of records: Registrar's Office, Director of Scholarships and Financial Aid, Director of the Career Development Center, Director of Counseling and Health Services, Dean of Students, Dean of each College.

4.5 Miscellaneous Provisions

4.5.1 Directory information will be updated annually.

4.5.2 The University must publish this policy once each year.

4.5.3 A copy of this Policy Statement must be made available to a student upon request to the Registrar.

5. EXHIBITS

There are no exhibits associated with this policy.

6. REVIEW PROCESS

Responsible Party (Reviewer): Senior Vice President for Academic Affairs and Provost

Review: Every five years, or as necessary.

Signed original on file in the Office of Human Resources

7. POLICY HISTORY

Issue #1: 07/21/1984

Issue #2: 03/01/1986

Issue #3: 12/15/1987

Issue #4: 06/22/2015

8. REFERENCES

[Family Educational Rights and Privacy Act of 1974](#)
[USA Patriot Act of 2001](#)
[U.S. Department of Education](#)