



UNIVERSITY OF THE INCARNATE WORD

University of the Incarnate Word FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) POLICY

Effective Date: June 1, 2016
Contact: Marisol Scheer, Registrar
Office of the Registrar

PURPOSE

The Family Educational Rights and Privacy Act of 1974 (FERPA) provides students with certain rights of access, privacy, and protection of Education Records. This policy provides information relating to the rights of Students under FERPA and the University of the Incarnate Word's (UIW) policies and procedures for complying with FERPA.

SCOPE

This policy applies to anyone who maintains, accesses, or otherwise uses Education Records maintained by the University, including faculty, staff, and other University representatives with access to Student Education Records and all Students.

DEFINITIONS

Directory Information: Directory Information is information contained in an Education Record of a Student that would not generally be considered harmful or an invasion of privacy if disclosed. For a list of the items the University treats as Directory Information, see Section 3.4(B) below.

Education Records: Education Records are those records that are directly related to a Student and maintained by the University, or a party acting on behalf of the University.

Personally Identifiable Information (PII): Information that can be used to distinguish or trace a Student's identity either directly or indirectly through linkages with other information.

Student: FERPA defines a Student as a student who has reached 18 years of age or is attending an institution of postsecondary education at any age. The term "student" does not include an individual who has not attended the institution. Attendance includes in-person or distance education.

INSPECTION, REVIEW AND DISCLOSURE OF EDUCATION RECORDS

Inspection and Review of Education Records

A Student has the right to inspect and review their Education Records maintained by the University within forty-five days of the date the appropriate University office receives a request. Procedures for making a request to review or inspect a Student's Education

Record are posted to the Registrar's website. Similarly, some Education Records are accessible to current Students through Banner and related technology systems. Students seeking to review or inspect their Education Records should follow the procedures outlined by the Registrar's Office and identify explicitly the Education Record(s) they wish to inspect and review. Note that a request to inspect and review "all records" is not sufficient to identify records for inspection and review. The Office of the Registrar will work with the Student and the applicable record-holding department(s) to facilitate arrangements for the date, time, and place where the Education Records may be inspected.

Education Records

Education Records under this policy are those records that are 1) directly related to a Student; and 2) maintained by the University or on behalf of the University. Education Records may include, but are not limited to, grades, transcripts, class lists, course schedules, and student financial information. Education Records may be stored in a variety of mediums and are not limited to an individual file.

Documents Excluded from the Right of Access

Certain records and documents are excluded from the right of access and are not considered Education Records. Documents excluded from the right of Student access under FERPA include, but are not limited to, records of members of the faculty and administration that are kept in their sole possession; records created and maintained by the Department of Public Safety for law enforcement purposes which are not maintained by other units of the University; employment records relating exclusively to an individual's capacity as an employee of the University; and records that only contain information about a Student after the Student has graduated, withdrawn, or been permanently separated from the University. Furthermore, the University is not required by FERPA to provide an eligible Student with access to information that is not maintained by the University, that is not directly related to the individual Student, or that does not meet the definition of an Education Record. Additionally, UIW will not create an Education Record in response to an eligible Student's request.

Amendment of Student Education Records

A Student may request the University amend an Education Record that they believe is inaccurate, misleading, or otherwise in violation of a Student's privacy rights. However, the FERPA amendment procedure may not be used to challenge a grade, opinion, or substantive decision made about a Student. FERPA does not override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations.

A Student seeking to amend their Educational Record should follow the procedures outlined by the Registrar's Office. For a request to be considered, a Student shall specifically identify the part of the record the Student wants amended and provide evidence as to why that part of the Education Record is inaccurate, misleading, or in violation of the Student's privacy rights. Note that the basis for amending an Education Record must relate to the Record at the time it was made—later changes in circumstances

may not be used as a basis for retroactively changing an Education Record.

Once the University receives a properly made request, the University will consider the request within a reasonable timeframe. The University will not consider an improper request. Additionally, the University is not required to amend an Education Record simply because a request was made. Should the University decide not to amend an Education Record, the University will notify the Student of the decision and inform the Student of their right to a hearing. The hearing may be conducted by any University official who does not have a direct interest in the outcome of the hearing. The University will not assign as the hearing officer either the individual who originally determined not to amend the Education Record or someone who is in a direct reporting relationship with that individual or otherwise has a conflict of interest in the discretion of the University.

If, after the hearing, the University still decides not to amend the record, the University will inform the Student of their right to insert a statement in the record commenting on the contested information or stating why they disagree with the decision of the University. The University will maintain that statement with the contested part of the Student's record for as long as the record is maintained at the University.

Disclosure of Education Records With and Without Consent

A Student's Education Records may only be disclosed to third parties with the prior written consent of the Student; however, certain information may be disclosed without the prior written consent of a Student at the University's discretion, pursuant to specific exceptions under FERPA that include, but are not limited to, the following:

1. Disclosures to University officials with legitimate educational interests. A University official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health 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; or a Student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing their tasks. A University official has a legitimate educational interest if the official needs to review an Education Record to fulfill their professional responsibility.
 - Individuals whom UIW deems as having legitimate educational interest and requiring access to information systems with FERPA data, such as the Canvas Learning Management System (LMS), will be required to follow appropriate onboarding and tracking mechanisms such as account setup in Banner, FERPA training, and other items as specified by Human Resources. "One-off" and out-of-policy manual user account creation violates information security guidelines.
2. At the University's discretion, the University may disclose Directory Information which includes a Student's name; participation in officially recognized activities and sports; address; telephone listing; weight and height of members of athletic teams; electronic mail address; photograph; degrees, honors, and awards received; date and

place of birth; major field of study; dates of attendance; grade level; and the most recent educational agency or institution attended. Additionally, the University may disclose in the following instances:

- Disclosure to comply with a judicial order or a lawfully issued subpoena. In such cases, the University will make a reasonable effort to notify the Student in advance of compliance unless prohibited by the terms of the subpoena or court order;
- Disclosure in connection with financial aid for which the Student has applied or which the Student has received, as necessary to determine eligibility, amounts, or conditions of the financial aid or to enforce the terms and conditions of the aid;
- Disclosure, upon request, to officials of another educational institution where the Student seeks or intends to enroll or is already enrolled;
- Disclosure in connection with a health or safety emergency;
- Disclosure of the results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence may be released to the alleged victim of that crime with respect to that crime;
- Disclosure of the final results (name, violation committed, and sanction imposed) of a disciplinary proceeding against a Student who is an alleged perpetrator of any crime of violence or a non-forcible sex offense if, as a result of the proceeding, it is determined that the Student violated University rules or policies with respect to such crime or offense; and
- Disclosure to parents or guardians of information concerning violations of law or University policies or rules regarding the use or possession of alcohol or controlled substances if the Student has been found to have committed a disciplinary violation regarding that use or possession and the Student is under the age of 21 at the time of disclosure.

Restrictions on the Disclosure of Directory Information

The University has discretion regarding when to permit review or access to Directory Information. Protection of student information is of utmost importance to the University, and Directory Information will only be released in limited circumstances to be determined by the Registrar's Office.

A Student may restrict the release of Directory Information to third parties by initiating a Request to Withhold Directory Information by following the directions outlined by the Registrar's Office.

Should a Student decide to withhold Directory Information, the Student's record will be marked as confidential, which will bar the University from responding to any requests for information about the Student except where permitted, required by law, or required under FERPA, such as when the University receives a subpoena. Implications of invoking a directory block include, but are not limited to:

1. The Student's name and email will not appear in the public directory on the UIW website and Outlook address book;

2. The University will be unable to verify enrollment or degrees conferred (this includes potential employers who want verification of degree(s));
3. The University will not acknowledge any record of the Student to any person or entity who inquires; and
4. The Student's name will not be released to honor societies and award programs even if honors criteria are met.

Any changes to a directory withhold may not be effective immediately and may take up to three business days to process. A directory withhold will remain in effect until the Student revokes it. The University will honor a Student's request to restrict Directory Information but cannot assume responsibility for contacting the Student for subsequent permission to release the block. The University assumes no liability for honoring Student instructions for withholding such information.

Please note that a directory withhold does not include the right to remain anonymous in class and may not be used to impede routine classroom communications and interactions, whether class is held in a specified physical location or online through electronic communications.

For more information regarding the placement of directory withholds, please contact the [Office of the Registrar \(registrar@uiwtx.edu\)](mailto:registrar@uiwtx.edu).

Prior Written Consent

Prior written consent is required for the University to disclose information from a Student's Education Record to third parties outside of the allowable methods described above. The University requires that prior written consent contain the following elements:

1. The Student's name (including as it appeared during their attendance at the University) and Student identification number (if possible);
2. That the record may be disclosed by the University;
3. To whom the record may be disclosed;
4. The exact description of the record to be disclosed (the University does not accept consent for "any and all records" or that appears global or blanket in nature);
5. The purpose for the disclosure of the record; and
6. Signed by the Student and dated within the past year.

Please note that the University does not share official transcripts through third-party requests for information. Students may request official transcripts through the Office of the Registrar's website. Students are responsible for changing or revoking any consents or authorizations granted. The University does not accept verbal consent as valid consent. The University does not maintain blanket releases, authorizations, or power of attorney forms for purposes of FERPA.

Proxy Access

When a Student reaches the age of 18, is no longer a "dependent" of the parent(s) or guardian(s) for federal income tax purposes, or attends a postsecondary institution,

regardless of age, all FERPA rights belong to the Student. Prior written consent from the Student is required before the University can disclose information from a Student's Education Record to a parent or legal guardian outside of the allowable methods listed above.

Students own their academic records, but there are times in which they may wish to grant access to certain aspects of their records to others, particularly in the case of a parent or legal guardian. In such cases, students can designate a third party as a 'Proxy' to share their internal academic records. In doing so, a Student may authorize the Proxy to access educational information including unofficial academic transcript, grades, class schedules, account summary for charges, and financial aid information. Please visit the [Proxy Access](#) section on the Office of the Registrar's website for more information.

COMPLAINTS

Complaints concerning alleged failures by the University to comply with the requirements of FERPA may be filed with the U.S. Department of Education at:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC, 20202-4605

or

by visiting the [Department of Education's website](#).

FERPA TRAINING

All UIW employees must complete comprehensive FERPA training to ensure familiarity and understanding of FERPA, and UIW's application of FERPA guidelines through this policy. Refresher training after hiring will be completed on an as-needed basis in alignment with employee roles and developed guidance.

FERPA CONSIDERATIONS FOR CLASSROOM RECORDING, LECTURE CAPTURE, AND SIMILAR ACTIVITIES

Any audio or video of a class meeting or part of a class assignment or project that can be viewed live or recorded for later distribution containing the name, image, video, or audio of one or more students may be subject to FERPA. Some examples of FERPA restrictions include:

1. Links to live class meetings should not be posted on a public website or in a way that allows access by individuals not enrolled in the course.
2. Recordings created for one class cannot be used as part of another class.
3. Recordings should not be shared publicly (e.g., via YouTube or other services that do not require authentication).
4. Recordings should not be shared in a way that allows viewers to directly obtain a copy of the source files (e.g., sharing as an email attachment or as a downloadable file); and

5. Recordings should not be used for other non-UNM, non-educational purposes.

All affected individuals should refer to the [UIW Teleconferencing and Recording Policy for more information](#).

EXPIRATION OF RIGHTS UNDER FERPA

A Student's rights under FERPA lapse or expire upon the death of a student. Accordingly, FERPA does not protect the Education Record of a deceased Student, and the University may disclose such records at its discretion and consistent with other, applicable laws.

OVERSIGHT RESPONSIBILITIES FOR THIS POLICY

1. Oversight of this policy is assigned to the Registrar and divisional oversight shall be by the Office of the Provost.
2. The policy will be published to the UIW Policy Library and linked on the website for the Office of the Registrar.
3. The Provost will assure its compliance and report results as outlined in the policy.
4. This policy will be reviewed annually for possible updates.

Effective Date: **June 1, 2016**
Revision: **March 8, 2024**