

TEXAS STATE TECHNICAL COLLEGE
STATEWIDE OPERATING STANDARD

No. GA 1.5.2	Page 1 of 10	Effective Date: 4/04/2019
DIVISION:	General Administration	
SUBJECT:	Student Records	
AUTHORITY:	Family Educational Rights and Privacy Act (FERPA) of 1974 as Amended (CFR, Title 34, Subtitle A, Part 99).	
PROPOSED BY:	Jeff Kilgore	
TITLE:	Vice Chancellor & Chief Academic Officer	Date: 4/04/2019
RECOMMENDED BY:	Jeff Kilgore	
TITLE:	Vice Chancellor & Chief Academic Officer	Date: 4/04/2019
APPROVED BY:	Mike Reeser	
TITLE:	Chancellor	Date: 4/04/2019

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I. STATEWIDE STANDARD

COMPLIANCE: Texas State Technical College (TSTC) shall, in its handling of student records, comply with the provisions of [CFR Title 34, Subtitle A, Part 99 - Family Educational Rights and Privacy Act](#) (FERPA).

II. PERTINENT INFORMATION

The [FERPA](#) deals specifically with the academic records of students, affording

students certain rights with respect to those records.

III. GENERAL GUIDELINES

TSTC shall comply with the [FERPA](#). Additionally, the College shall:

1. Inform students of their rights under the Act;
2. Permit students to inspect and review their academic records in accordance with the Act;
3. Not disclose personally identifiable information from the academic records of a student without the prior written consent of the student, except as provided under the Operating Requirements of this Statewide Operating Standard (SOS);
4. Record disclosures of personally identifiable information from the educational records of a student and permit a student to inspect that record; and
5. Provide a student with an opportunity to seek correction of academic records.

IV. DEFINITIONS

Academic Records: Any record (e.g., handwriting, print, tape, film, microfilm/microfiche, any form of electronic data storage, photographic images, or any other medium) maintained by TSTC for use by the College to include directory information. Academic records do not include the following:

1. The personal records of College personnel that are in the sole possession of and for the sole use of the maker thereof;
2. The records of law enforcement units that are maintained solely for law enforcement purposes; and
3. Records relating to an individual who is employed by TSTC that are made and maintained in the normal course of business and relate to the individual's capacity as an employee.

Custodian of Student Records: Individuals designated by the Chancellor, or his/her designee, to act as custodian of student records for their respective location.

Directory Information: Includes and is defined as the following information relating to a student: the student's name; preferred address; email address; preferred telephone number; major field of study; classification of coursework level; enrollment status; participation in officially recognized activities and sports; weight and height of members of athletic teams; photographic images; dates of attendance; degrees, certificates, and awards received; and the most previous educational agency or institution attended by the student.

Disclosure: Permitting access to or the release, transfer, or other communication of academic records of the student or the personally identified information contained therein to any party either by oral or written communication, by electronic means, or by any other means.

Law Enforcement Unit: Any individual or other component of an institution, including commissioned police officers and noncommissioned security guards, that

is officially authorized by the institution to enforce any local, state, or federal law and to maintain the physical security and safety of the institution.

Legitimate Educational Interest: The demonstrated need to know by those officials of an institution who act in the student's educational interest to include faculty, administration, clerical and professional employees, and other persons who manage student record information.

Parent: Includes a parent, a guardian, or an individual acting as a student's parent in the absence of a parent or a guardian.

Personally Identifiable Information (PII): Any data or information that relates a record to an individual. This includes the individual's name, the name of the individual's parents or other family members, the individual's address, the individual's Social Security number, any other number or symbol that identifies the individual, a list of the individual's personal characteristics, or any other information that would make the individual's identity known and can be used to label a record as the individual's.

Student: An individual who is receiving or has received instruction in an on- or off-campus program, including an activity that is evaluated toward a grade, such as a work study program, an academic internship, a student teaching assignment, or a student exchange program. The term does not apply to an individual prior to or subsequent to that individual's period of attendance at the College, such as a candidate for admission, an alumnus, or a postgraduate intern in another college.

V. DELEGATION OF AUTHORITY

The Chancellor, or his/her designee, has the authority and responsibility to establish operating procedures to implement this SOS.

The Chancellor delegates to the designated Custodian of Student Records the administration of this SOS and assures compliance with FERPA regulations affecting TSTC students.

VI. PERFORMANCE STANDARDS

1. TSTC follows provisions related to the non-disclosure of student records as required by the [FERPA](#).
2. Annual notification on student's privacy rights comply with the [FERPA](#) requirements and are made available to students in the [TSTC Catalog and Student Handbook](#).
3. Students are notified of records that are designated as directory information and are allowed to refuse directory information to be released.

4. Student records are secure.
5. Student records are maintained in accordance with the approved retention schedule.

APPENDIX

VII. RELATED STATEWIDE STANDARDS, LEGAL CITATIONS, OR SUPPORTING DOCUMENTS

[CFR, Title 34, Subtitle A, Part 99 - Family Educational Rights and Privacy Act \(FERPA\)](#)

[Student Privacy Authorization Form](#)

[TSTC Records Retention Schedule](#)

[TSTC Catalog and Student Handbook](#)

[CFR, Title 26, Internal Revenue Code, Section 152](#)

[Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C](#)

VIII. OPERATING REQUIREMENTS

1. TSTC shall annually notify each student of their rights under the [FERPA](#). The notice shall include, but not be limited to, the following:
 - a. The right of the student to inspect and review his/her education records within 45 days after the day TSTC receives a request for access.
 - b. The right of the student to provide written consent before TSTC discloses PII from the student's education records, except to the extent that FERPA authorizes disclosure without consent. TSTC shall limit the disclosure of information contained in the student's academic record to the following circumstances:
 - i. With the student's prior written consent;
 - ii. As an item of directory information that the student has not refused to permit the College to disclose; or
 - iii. Under the [FERPA](#) provisions which allow a college to disclose information without the student's prior written consent. This includes disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by TSTC in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of TSTC who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of the PII from education records, such as an attorney, auditor, collection agent, or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for TSTC.
 - c. The right of the student to request the amendment of the student's education records if a student believes it is inaccurate, misleading, or otherwise in

violation of the student's privacy rights under the [FERPA](#). Procedures include the following:

- i. A student who wishes to ask TSTC to amend a record must write the Custodian of Student Records, clearly identify the part of the record the student wants changed, and specify why it should be changed.
 - ii. If TSTC decides not to amend the record as requested, TSTC shall notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures shall be provided to the student when notified of the right to a hearing.
- d. The right of the student to file a complaint with the U.S. Department of Education concerning alleged failures by TSTC to comply with the requirements of the [FERPA](#). The name and address of the office that administers the FERPA is:
- Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
2. Student records, including academic records maintained by the College, must not be disclosed except for directory information. Student records include:
- a. Official College academic and personal records relating to scholastic, disciplinary, and fiscal matters. The College shall not permit access to or the release of PII contained in these records without the written consent of the student to any party other than the following:
 - i. Appropriate College officials who require access to records in order to perform their legitimate educational duties;
 - ii. Officials of other schools in which the student seeks or intends to enroll upon request of these officials, and upon condition that the student be notified and receive a copy if desired;
 - iii. Federal, state, or local officials or agencies as authorized by law;
 - iv. In connection with a student's application or receipt of financial aid;
 - v. Accrediting organizations conducting educational studies, providing these organizations do not release personally identifiable data;
 - vi. The parents of a student defined as a dependent in accordance with [Title 26, Internal Revenue Code, Section 152](#), provided a reasonable effort is made to notify the student in advance;
 - vii. In compliance with a judicial order or a lawfully issued subpoena, provided a reasonable effort is made to notify the student in advance; or
 - viii. Persons in an emergency if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
 - b. Medical and psychological records. These records shall be released only

as allowed by law.

3. Upon written request, the College shall provide a student access to his/her records within 45 days after the request with the following exceptions:
 - a. Financial records of the student's parents or guardian;
 - b. Confidential letters of recommendation; and
 - c. Academic records containing information about more than one student; however, in such cases the College shall permit access to that part of the record which pertains only to the inquiring student.

The College may charge a student for copies of his/her records. Fees shall be established for specific records. Other charges shall be limited to actual copying cost and shall not include the cost of search and retrieval.

4. TSTC shall reserve the right to deny transcripts or copies of records not required by the [FERPA](#) in any of the following situations:
 - a. The student has an unpaid financial obligation to the College;
 - b. There is an unresolved disciplinary action against the student; or
 - c. There is unresolved litigation between the student and the College.
5. A disciplinary record shall be maintained for every student who has received a disciplinary sanction. This record shall reflect the nature of the charge, the sanction assessed, and any other pertinent information. Disciplinary records shall be made available by the Custodian of Student Records to appropriate College officials who have a legitimate educational interest. The contents of the disciplinary record may be made available to persons outside the College only upon written request of the student or in response to a court order, provided a reasonable effort is made to notify the student.
6. TSTC may designate certain PII as "directory information." As allowed by the [FERPA](#), the College may, at its discretion, disclose the information without a student's prior written consent. Directory information at TSTC shall include the following information about the student:
 - a. Name;
 - b. Preferred address;
 - c. Email address;
 - d. Preferred telephone number;
 - e. Major field of study;
 - f. Classification of coursework level;
 - g. Participation in officially recognized extracurricular activities;
 - h. Degrees, certificates, awards and honors;
 - i. Weight and height if a member of an athletic team;
 - j. Dates of attendance;
 - k. Enrollment status (full-time, part-time, undergraduate, etc.)
 - l. Photographic image; and
 - m. Most recent educational agency or previous institution attended.

7. A prospective or currently-enrolled student may prohibit the release of directory information by completing a [Student Privacy Authorization Form](#) and submitting it to the local enrollment office. When the form to withhold directory information is received by the designated TSTC office, the appropriate code must be entered in the student database. This request to withhold directory information shall remain in effect until revoked in writing by the student
8. A record of disclosure shall be maintained for each request for and disclosure of PII from the educational records of a student which shall indicate:
 - a. The parties who have requested or obtained the PII from the educational record of the student;
 - b. The legitimate interest of these parties obtaining the information; and
 - c. The date of the request.
9. The record of disclosure requirement shall not apply to disclosures to the student of his/her own records, disclosures pursuant to a written consent of student, disclosures to school officials with legitimate educational interest, or disclosures of directory information. The record of disclosure may be inspected by the student, responsible institutional officials, and federal and state auditors.
10. All officials of TSTC must follow a strict policy that information contained in a student's educational record is confidential and may not be disclosed to third parties without the student's prior written consent except as otherwise provided under Operating Requirements No. 2 above.
11. The College shall maintain student academic records in order for the administrative staff and the faculty to perform their proper functions to serve the student body. To carry out their responsibilities, these officials shall have access to student academic records for legitimate educational purposes. To establish those College officials having access to academic records, TSTC shall apply the criteria listed below. Such an official may include any of the following:
 - a. A person appointed by the Governor and confirmed by the Texas Senate as a member of the TSTC Board of Regents;
 - b. A person approved by and employed by TSTC in an academic or research faculty position;
 - c. A person employed by TSTC to serve in an administrative position;
 - d. A person employed by TSTC as a temporary substitute for an administrative staff member or faculty member for the period of his/her performance as a substitute;
 - e. A person employed by TSTC to perform a special administrative task, such as a secretary, clerk, attorney, auditor, and consultant for the period of his/her performance as an employee or contractor; or
 - f. A volunteer or contractor outside of TSTC who performs an institutional

service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, an auditor, a collection agent, or a student volunteering to assist another school official in performing his/her tasks.

12. College officials who meet the criteria under Operating Requirements No. 11 above shall have access to PII contained in student academic records if they have a legitimate educational interest in doing so. A “legitimate educational interest” is the person’s need to know in order to:
 - a. Perform an administrative task outlined in the official’s position description or contract;
 - b. Perform a supervisory or instructional task directly related to the student’s education; or
 - c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

13. The contents of a student’s academic record may be challenged by the student on the grounds that the record is inaccurate, misleading, or otherwise in violation of privacy or other rights of the student. This may be accomplished by submitting a written statement to the Custodian of Student Records. If the dispute cannot be resolved by informal proceedings, then a formal grievance hearing shall be conducted. The hearing must be in compliance with Sections 99.20 through 99.22 of the [FERPA](#).

14. Academic records shall be listed on the [TSTC Records Retention Schedule](#) which is approved by the Records Management Officer, the State Auditor’s Office, and the Texas State Library and Archives Commission. This schedule shall allow for the destruction of records within a specific time frame and shall follow guidelines approved by the American Association of Collegiate Registrars and Admissions Officers as stipulated in [SOS GA 1.5.1](#).

An academic record shall not be destroyed if there is an outstanding request to inspect and review the file. Also, explanations attached to the record by the student and the mandatory record of people who have reviewed the file shall not be destroyed.

15. Paper, microfilm, or electronic student records must be kept in a secure location. A secure storage system must be a priority for the College, as a system that is not secure, ultimately, will fail to meet student privacy standards and may more easily be subjected to tampering. Records at TSTC shall be protected from unauthorized tampering by individuals and from fire, water, humidity, insects, and chemical damage.

16. The American National Standards Institute and the Association of Information and Image Management have established standards for microfilm processing,

storing, and testing. These standards must be followed when microfilming student records. If microfilming is selected as a means of archiving records, two sets of microfilmed records shall be maintained. One set shall be available on site and another set shall be stored in an off-site location to insure the security of the microfilmed records.

17. Electronic records must be secured in accordance with the provisions of [Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C.](#)