



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”)

OP 10.05: ~~Student Records Policies and Procedures~~ Family Educational Privacy and Rights Act (“FERPA”)

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| Approval Authority: | President |
| Policy Type: | University Operating Policy and Procedure |
| Policy Owner: | Provost and Vice President for Academic <u>Enrollment Management and Student Affairs</u> |
| Responsible Office: | Vice President Enrollment Management <u>Office of the Registrar</u> |
| Next Scheduled Review: | <u>01/01/2027. This OP will be reviewed every two years by the Office of the Registrar and the Office of General Counsel with substantive revisions forwarded to the Vice President for Enrollment Management and Student Affairs and on to the Provost and Senior Vice President and President for approval.</u> |

I. Policy Statement

The objective of this OP is for Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, to comply with FERPA - the Family Educational Rights and Privacy Act of 1974 - as amended. FERPA is a federal law that pertains to the release of and access to educational records. The law, also known as the Buckley Amendment, applies to all schools that receive funds under an applicable program of the U.S. Department of Education. More information may be obtained at [Family Educational Rights and Privacy Act \(FERPA\)](#).

II. Reason for OP

The purpose of this OP is to establish a University policy to provide FERPA training requirements and establish procedures for processing grievance complaints.

III. Application of OP

This OP applies to all students and employees of MSU.

IV. Definitions

For purposes of this OP:

A. Directory Information – FERPA identifies certain information, called directory information, which may be disclosed without the student’s permission, as long as the student has not requested confidentiality. The University has designated the following information as directory information:

- Student name
- Major field of study
- Classification
- Degrees, awards, and honors received
- Specific enrollment status (full-time, part-time, half-time or undergraduate, graduate, law)
- Local and permanent address
- Place of birth
- Participation in officially recognized activities and sports
- Dates of attendance
- Previous institutions attended
- Height/weight (if a member of an athletic team)

B. Education Records – Education records are all records that contain information directly related to a student and are maintained by an educational agency or institution or by a party acting on its behalf. A record means any information recorded in any medium, including handwriting, print, tape, film, microfilm, microfiche, and digital images.

Education records do not include the following:

- (1) Sole Possession Records – Records kept in the sole possession of the maker which are used only as a personal memory aid and are not accessible or reviewed by any other person except a temporary substitute for the maker of the record;
- (2) Medical or Psychological Treatment Records – Records maintained by physicians, psychiatrists, and psychologists for treatment of patients;
- (3) Employment Records – Records regarding employees except where employment is contingent upon being a student;
- (4) Law Enforcement Records – Records created by a law enforcement unit for a law enforcement purpose and maintained by the law enforcement unit; and
- (5) Post Attendance Records – Records collected about an individual after that person is no longer a student at MSU.

C. Authorization to Release Student Information Forms – Students may place a FERPA release authorization on file designating an individual(s) access to information within the student’s education record. This is an information release only and does not grant the designated party the right to act on behalf of the student.

- D. Legitimate Educational Interest** – A *legitimate educational interest* means that the official has a need to access student education records for the purpose of performing an appropriate educational, research, or administrative function of the institution.
- E. School Official** – A person employed by the university; a person or entity, including a governmental entity, with whom the university has contracted; a person serving on the university’s governing board; or a student serving on an official committee or assisting another school official in performing their duties.

V. Procedures and Responsibilities

A. General Information

1. Record Confidentiality Designations

Student records are automatically marked as non-confidential. Students may enable the confidential flag via the **Banner** system or in person at the Office of the Registrar. Records marked confidential indicate that no information (including directory information) is to be released without the prior written authorization of the student.

2. Training

Employees are informed of the FERPA policy through new employee orientations, FERPA training sessions, the distribution of the Student Handbook, and the Office of the Registrar website. Information about the MSU FERPA policy may also be obtained from the Office of the Registrar or the MSU Office of General Counsel.

All faculty and staff members who require access to student records must successfully complete, with an 80% or higher score, the online FERPA training. To retain access and be FERPA compliant, faculty and staff members will be required to repeat the training every two years.

3. Annual Notification

Annual notification of a student’s rights under FERPA is distributed to all enrolled students by institutional e-mail as of the 12th class day of the fall and spring long terms. Additionally, students may receive FERPA information in the *Student Handbook* and on the [Office of the Registrar website](#).

4. Disclosure of Education Record Information with Student Consent

Students must provide consent to release information via the [Authorization to Release Student Information](#) form. If consent is on file, the University may release appropriate information as authorized related to academic, business, student conduct, housing, or financial aid accounts. The University reserves the right to consult with the student prior to release of any information.

5. Disclosure of Education Record Information without Student Consent

The University may disclose personally identifiable information from an education record without the student’s consent if one of the following conditions is met:

- a. The disclosure is to a school official who has a legitimate educational interest.
- b. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
- c. The disclosure is to comply with a judicial order or lawfully issued subpoena and the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action. If the disclosure is to comply with a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed and university legal counsel has determined that the subpoena is valid, then the University shall not notify the student. A subpoena for student information should be immediately forwarded to the Office of the Registrar for vetting and compliance procedures.
- d. The disclosure is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This shall be strictly construed. The factors to be taken into account in determining whether this exception applies shall include the following:
 - (1) The seriousness of the threat to the health or safety of the student or other individual;
 - (2) The need for the information to meet the emergency;
 - (3) Whether the individuals to whom the information is disclosed are in a position to deal with the emergency; and
 - (4) The extent to which time is of the essence in dealing with the emergency.
- e. The disclosure is information the university has designated as directory information and the student has marked their directory information as non-confidential.
- f. The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the university with respect to that alleged crime or offense.
- g. The disclosure is in connection with a disciplinary proceeding at the university and the University determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has committed a violation of the University's rules or policies with respect to the allegation made against him or her. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This subsection applies only to

disciplinary proceedings in which the final results were reached on or after October 7, 1998.

- h. The disclosure is otherwise in compliance with the Act or other applicable law.

6. Limitations on Re-disclosure of Information

Except as permitted in FERPA, the University may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student.

Except where exempt under the Act, the University shall inform a party to whom disclosure is made of the Act's nondisclosure requirements.

7. Complaints

MSU students may file FERPA-related complaints or grievances with the Office of the Registrar. When a complaint is filed, a representative of the Office of the Registrar will research the information provided in the complaint and review with FERPA guidance. The review will be conducted as thoroughly and expeditiously as possible, and a course of action determined or recommended to appropriate parties, including, but not limited to, the Provost's Office, the Dean of Students, or the college dean.

Maintaining training and adhering to best practices to protect student information is a primary responsibility of MSU faculty and staff who have been trained and entrusted with access to that information. In the event that a FERPA violation is upheld, the MSU employee will be subject to additional training and disciplinary action as determined appropriate and agreed to by the Offices of the Provost and Registrar.

An appeal by either party will be directed to the Office of the Registrar. Appeals must be made in writing and filed within 10 working days of the parties' being notified of the finding. The resolution of the appeal will rest with the Provost, or his/her designee, and his/her ruling will be the final ruling on the matter.

- B. See also [MSU OP 52.33: Information Privacy and Confidentiality Statements](#).

VI. Related Statutes, Rules, Policies, Forms, and Websites

Federal

[Family Educational Rights and Privacy Act \(FERPA\)](#)

MSU

[MSU OP 52.33: Information Privacy and Confidentiality Statements](#)

VII. Responsible Office

Contact: Office of the Registrar

Phone: (940) 397- 4327

E-mail: amanda.raines@msutexas.edu

VIII. Revision History

- 02/10/1995: MSU Board of Regents adopted and approved Policy/Procedure 4.184: Student Records Policies and Procedures. It is required by the U. S. Department of Education and is modeled after that recommended by the Department of Education and reviewed and approved by the Office of the Attorney General.
- 08/02/1996: Revised to include a slight wording change to reflect the deadline for requests submitted to the Registrar’s Office by students enrolled during a trimester.
- 05/13/2011: A detailed revision consistent with best practices nationwide and to make certain the wording was consistent in all University publications.
- 08/05/2021: In anticipation and preparation for joining TTU System effective September 1, 2021, MSU Board of Regents perform comprehensive revision and renumbering of *MSU Policies and Procedures Manual* which is renamed *Operating Policies and Procedures Manual of Midwestern State University*. Former Policy/Procedure 4.184: Student Records Policies and Procedures is renamed and renumbered MSU Operating Policy/Procedure (“OP”) 10.05: Student Records Policies and Procedures.
- __/__/2026: Completely revised and renamed to align with the TTU System as MSU OP 10.05: Family Educational Rights and Privacy Act (“FERPA”), and adopted and approved by MSU President Stacia Haynie.

 Stacia Haynie, President
 Midwestern State University

Date Signed: _____

Current MSU OP 10.05: Student Records Policies and Procedures

A. Definitions

For the purpose of this policy, Midwestern State University (MSU) has used the following definitions of terms.

1. **Student:**

Any individual who is or has been in attendance at MSU and regarding whom MSU maintains education records.

2. **Education Records:**

Any records (in handwriting, printing, tapes, film, or other medium) maintained by MSU or an agent of the university which are directly related to a student, except:

- a. A personal record kept by a school official if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- b. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment
- c. Records maintained by the MSU Police Department if the record is maintained separately from education records, is maintained solely for law enforcement purposes, and is revealed only to law enforcement agencies of the same jurisdiction.
- d. Records maintained by the MSU Vinson Health Center which are considered to be privileged and confidential. Information cannot be released without written consent of the person identified in the record, or the release of information is otherwise permitted by law.
- e. Records maintained by the MSU Counseling Center which are considered to be privileged and confidential. Information cannot be released without written consent of the person identified in the record, or the release of information is otherwise permitted by law.
- f. Alumni records which contain information about a student after they are no longer in attendance at the university and which do not relate to the person as a student.

3. **Areas in which student records are maintained:**

- a. Academic Records – Registrar’s Office
- b. Admissions Records -Admissions Office, Office of the Graduate School, and Office of International Services
- c. Financial Records - Business Office
- d. Financial Aid Records - Financial Aid Office
- e. Graduate School Records - Office of the Graduate School
- f. Placement Records - Career Management Center
- g. Progress Records - Faculty Offices and Academic Advising Office
- h. Disciplinary Records - Dean of Student’ Office and Housing & Residence Life
- i. Athletic Records - Athletic Office
- j. Occasional Records - University staff person who maintains minutes of faculty or committee meetings or copy of correspondence.

4. **Directory Information**

This is information which may be released to the general public without the written consent of the student. A student may request that the Directory Information be withheld from the public by making written request to the Office of the Registrar during the first 12 class days of a fall or spring semester or the first four class days of a summer term. This request will remain in effect the remainder of the academic year. (Must be renewed each fall.) The following items have been designated as Directory Information:

- a. Name
- b. Date and Place of Birth
- c. Current and Permanent Address
- d. Telephone Listing
- e. Major and Minor Fields of Study
- f. Student Enrollment Status (full-time/part-time)
- g. Classification
- h. Participation in Officially Recognized Activities and Sports
- i. Weight and Height of members of Athletic Teams
- j. Dates of Attendance
- k. Degrees and Awards Received
- l. All Previous Educational Agencies or Institutions Attended
- m. Photographs

B. **Annual Notification**

Students will be notified of their Family Educational Rights and Privacy Act of 1974 (FERPA) rights by publication in the class schedules which are published three (3) times each year, in the *MSU Undergraduate Catalog* and *MSU Graduate Catalog* which are published biennially, and in the *MSU Student Handbook* which is published annually.

C. **Review of Record**

Students who desire to review their records may do so upon written request of the appropriate record custodian. The Review Request Form must identify as precisely as possible the records to be reviewed.

1. Procedure to Inspect Education Records
 - a. Students may inspect and review their education records upon request to the appropriate record custodian.
 - b. Students should submit to the records custodian or an appropriate university staff person a written request which identifies as precisely as possible the record or records they wish to inspect.
 - c. The records custodian or an appropriate university staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five (45) days or less from the receipt of the request.
 - d. When a record contains information about more than one (1) student, the student may inspect and review only the records which relate to him/her personally

D. **Right of University to Refuse Access**

MSU reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975. This exception applies as long as the letters or statements of recommendation are used only for the purposes for which they were specifically intended.
3. Those records which are excluded from the FERPA definition of education records unless those records are available under the Texas Public Information Act.

E. **Refusal to Provide Copies**

MSU reserves the right to deny transcripts or copies of records not required to be made available by the FERPA in any of the following situations:

1. The student has an unpaid financial obligation to MSU or other holds which would prohibit the release of transcripts/records.
2. There is an unresolved disciplinary action against the student.

F. **Fees for Copies of Records**

The guidelines contained in Policy 4.185, which deals with charges for public records, will be followed with regard to fees for copies of educational records requested and approved for release to individuals other than the student. Students requesting their own educational records will be charged in accordance with transcript fee requests in the Office of the Registrar.

G. **Challenge to Accuracy of Record-keeping**

Students who desire to challenge the accuracy of their records should follow the procedure outlined below:

1. **Informal Review.** Follow the procedure as outlined for Review of Record. The Official will summarize action taken on Review Request form. This should be signed and dated by review official and maintained with student's record. If the Informal Review does not clarify the question of accuracy of record-keeping, the student may request a Formal Review.
2. **Formal Review.** The Provost/Vice President for Academic Affairs will chair and appoint a committee to hear challenges concerning records of offices reporting to him or her. The Vice President for Administration and Institutional Effectiveness will chair and appoint a committee to hear challenges concerning records of offices reporting to him or her. The Vice President for Student Affairs and Enrollment Management will chair and appoint a committee to hear challenges concerning other records. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

The Provost and Vice President for Academic Affairs, Vice President for Administration and Institutional Effectiveness, or Vice President for Student Affairs and Enrollment Management will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons

for the decision. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified that he has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If MSU discloses the contested portion of the record, it must also disclose the student's statement. If MSU decides that the information is inaccurate, misleading, or in violation of the student's rights of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

H. Disclosure of Education Records

Students have a right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent. The following exceptions permit disclosure without consent:

1. Disclosure without consent is permitted to school officials with legitimate educational interests. A school 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, collection agent, or enrollment or loan and degree verification service); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
2. The Higher Education Amendments of 1998 allow disclosure of the final results of a student disciplinary proceedings involving students found to have committed a disciplinary offense that would constitute a "crime of violence" (or a non-forcible sex offense) under federal law, specifically the name of the student found to have committed the offense, the violation committed, and any sanction imposed.
3. The 1998 FERPA amendments also allow institutions of higher education to disclose to a parent or legal guardian of a student under the age of 21 years information regarding the student's violation of any federal, state, or local law, or any institutional rule or policy, related to the use or possession of alcohol or a controlled substance.
4. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR - 99.31):
 - a. School officials with legitimate educational interest;
 - b. Other schools to which a student is transferring (seeks or intends to enroll);
 - c. Specified officials for audit or evaluation purposes;
 - d. Appropriate parties in connection with financial aid to a student;
 - e. Organizations conducting certain studies for or on behalf of the school;

- f. Accrediting organizations;
- g. To comply with a judicial order or lawfully issued subpoena;
- h. Appropriate officials in cases of health and safety emergencies; and
- i. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Midwestern State University to comply with the requirements of FERPA.

FERPA allows the Texas Higher Education Coordinating Board (the State of Texas educational governing entity), with student consent, to disclose to higher education institutions the number of credit hours taken previously.

I. **Record of Requests for Disclosures**

MSU will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, the legitimate interest the party had in requesting or obtaining the information, and the legitimate interest of any additional parties to whom the requesting party may disclose this information. The record may be reviewed by the student, unless the records were provided in response to a lawfully issued subpoena which stated that disclosure to the student was not permitted.

Responsible Office

Contact:
Phone:
Email:

Revision History

05/13/2011: MSU Policy 4.184 (Student Records Policies and Procedures is adopted by the MSU Board of Regents as MSU Policy and Procedure. 4.184)

05/13/2005

11/06/1998

05/08/1998

08/02/1996

02/10/1995 Adopted and approved by the MSU Board of Regents.

Texas Tech University Operating Policy and Procedure

OP 30.30: Family Educational Rights and Privacy Act (FERPA)

DATE: December 7, 2023

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish a university policy to provide FERPA training requirements and establish procedures for processing grievance complaints.

REVIEW: This OP will be reviewed every two years after publication by the Office of the Registrar and the Office of General Counsel with substantive revisions forwarded to the Provost and Senior Vice President.

POLICY/PROCEDURE**1. Policy****a. Objective**

The objective of the university is to comply with FERPA, the Family Educational Rights and Privacy Act of 1974, as amended. FERPA is a federal law that pertains to the release of and access to educational records. The law, also known as the Buckley Amendment, applies to all schools that receive funds under an applicable program of the U.S. Department of Education. More information may be obtained at [Family Educational Rights and Privacy Act \(FERPA\)](#).

b. Definitions

(1) Education Records – Education records are all records that contain information directly related to a student and are maintained by an educational agency or institution or by a party acting on its behalf. A record means any information recorded in any medium, including handwriting, print, tape, film, microfilm, microfiche, and digital images.

Education records do not include the following:

- (a) Sole Possession Records – Records kept in the sole possession of the maker which are used only as a personal memory aid and are not accessible or reviewed by any other person except a temporary substitute for the maker of the record;
- (b) Medical or Psychological Treatment Records – Records maintained by physicians, psychiatrists, and psychologists for treatment of patients;
- (c) Employment Records – Records regarding employees except where employment is contingent upon being a student;

(d) Law Enforcement Records – Records created by a law enforcement unit for a law enforcement purpose and maintained by the law enforcement unit; and

(e) Post Attendance Records – Records collected about an individual after that person is no longer a student at TTU.

(2) Directory Information – FERPA identifies certain information, called directory information, which may be disclosed without the student’s permission, as long as the student has not requested confidentiality. The university has designated the following information as directory information:

- Student name
- Major field of study
- Classification
- Degrees, awards, and honors received
- Specific enrollment status (full-time, part-time, half-time or undergraduate, graduate, law)
- Local and permanent address
- Place of birth
- Participation in officially recognized activities and sports
- Dates of attendance
- Previous institutions attended
- Height/weight (if a member of an athletic team)

(3) FERPA Release Forms – Students may place a FERPA release authorization on file designating an individual(s) access to information within the student’s education record. This is an information release only and does not grant the designated party the right to act on behalf of the student.

(4) Legitimate Educational Interest – A *legitimate educational interest* means that the official has a need to access student education records for the purpose of performing an appropriate educational, research, or administrative function of the institution.

(5) School Official – A person employed by the university; a person or entity, including a governmental entity, with whom the university has contracted; a person serving on the university’s governing board; or a student serving on an official committee or assisting another school official in performing their duties.

2. General Information

a. Record Confidentiality Designations

Student records are automatically marked as non-confidential. Students may enable the confidential flag via the Raiderlink system or in person at the Office of the Registrar. Records marked confidential indicate that no information (including directory information) is to be released without the prior written authorization of the student.

b. Training

Employees are informed of the FERPA policy through new employee orientations, FERPA training sessions, the distribution of the *Student Handbook*, and the Office of the Registrar website. Information about the Texas Tech FERPA policy may also be obtained from the Office of the Registrar or the Texas Tech University System Office of General Counsel.

All faculty and staff members who require access to student records via the university's electronic systems must successfully complete, with an 80% or higher score, the online FERPA training prior to attendance of system-specific trainings. To retain access and be FERPA compliant, faculty and staff members will be required to repeat the training every two years.

c. Annual Notification

Annual notification of a student's rights under FERPA is distributed to all enrolled students by institutional email as of the 12th class day of the fall and spring long terms. Additionally, students may receive FERPA information in the *Student Handbook* and on the Office of the Registrar website.

d. Disclosure of Education Record Information with Student Consent

Students must provide consent to release information via the Registrar Student Dashboard or the FERPA authorization form. If consent is on file, the university may release appropriate information as authorized related to academic, admission, business, or financial accounts. The university reserves the right to consult with the student prior to release of any information.

e. Disclosure of Education Record Information Without Student Consent

The university may disclose personally identifiable information from an education record without the student's consent if one of the following conditions is met:

- (1) The disclosure is to a school official who has a legitimate educational interest.
- (2) The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(3) The disclosure is to comply with a judicial order or lawfully issued subpoena and the university makes a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action. If the disclosure is to comply with a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed and university legal counsel has determined that the subpoena is valid, then the university shall not notify the student. A subpoena for student information should be immediately forwarded to the Office of the Registrar for vetting and compliance procedures.

(4) The disclosure is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This shall be strictly construed. The factors to be taken into account in determining whether this exception applies shall include the following:

- (a) The seriousness of the threat to the health or safety of the student or other individual;
- (b) The need for the information to meet the emergency;
- (c) Whether the individuals to whom the information is disclosed are in a position to deal with the emergency; and
- (d) The extent to which time is of the essence in dealing with the emergency.

(5) The disclosure is information the university has designated as directory information and the student has marked their directory information as non-confidential.

(6) The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the university with respect to that alleged crime or offense.

(7) The disclosure is in connection with a disciplinary proceeding at the university and the university determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has committed a violation of the university's rules or policies with respect to the allegation made against him or her. The university may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This subsection applies only to disciplinary

proceedings in which the final results were reached on or after October 7, 1998.

(8) The disclosure is otherwise in compliance with the Act or other applicable law.

f. Limitations on Re-disclosure of Information

Except as permitted in FERPA, the university may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student.

Except where exempt under the Act, the university shall inform a party to whom disclosure is made of the Act's nondisclosure requirements.

g. Complaints

Students of Texas Tech University may file FERPA-related complaints or grievances with the Office of the Registrar. When a complaint is filed, a representative of the Office of the Registrar will research the information provided in the complaint and review with FERPA guidance. The review will be conducted as thoroughly and expeditiously as possible, and a course of action determined or recommended to appropriate parties, including, but not limited to, the Provost's Office, the Dean of Students, or the college dean.

Maintaining training and adhering to best practices to protect student information is a primary responsibility of Texas Tech faculty and staff who have been trained and entrusted with access to that information. In the event that a FERPA violation is upheld, the TTU employee will be subject to additional training and disciplinary action as determined appropriate and agreed to by the Offices of the Provost and Registrar.

An appeal by either party will be directed to the Office of the Registrar. Appeals must be made in writing and filed within 10 working days of the parties' being notified of the finding. The resolution of the appeal will rest with the Provost, or his/her designee, and his/her ruling will be the final ruling on the matter.

3. See also OP 70.40, Information Privacy and Confidentiality Statements.

4. Right to Change Policy

Texas Tech University reserves the right to interpret, amend, or rescind this policy, in whole or in part, at any time.

Texas Tech University Operating Policy and Procedure

OP 70.40: Information Privacy and Confidential Statements

DATE: August 14, 2024

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish procedures and safeguards for the protection of all information made confidential by law or TTU policy.

REVIEW: This OP will be reviewed every two years after publication by the Associate Vice President for Human Resources, the Chief Information Officers, the Assistant Vice President and Chief Procurement Officer, and the Vice Chancellor and General Counsel with substantive revisions presented to the Vice President for Administration and Chief of Staff.

POLICY/PROCEDURE

1. General Policy

a. Anyone who has access to confidential and/or personally identifiable information concerning university faculty, staff, students, affiliates, or others, including donors or vendors, or who has access to any information made confidential by TTU policies or law (including, but not limited to the Family Educational Rights and Privacy Act of 1974 and the Gramm-Leach-Bliley Act of 1999), will take reasonable and necessary steps to ensure the privacy of such information.

(1) For the purposes of this OP, "access" is defined as "any person who has been given an account to access any TTU-provided information system, regardless of location or method of access."

(2) "Confidential and/or personally identifiable information" includes, but is not limited to, social security numbers, birth dates, driver's license numbers, unpublished home addresses or phone numbers, personal account numbers, usernames, passwords and accounts, protected health information (e.g., patient records and information), and financial information.

b. Each department administrator, within their respective area of responsibility, shall be responsible for notifying faculty, staff, students, and affiliates, or others, including vendors and certain donors, of the requirements of this policy and shall be responsible for scheduling faculty, staff, and students for any training required

under the provisions of this policy and shall be responsible for ensuring that such training has been completed.

c. All faculty, staff, and student employees are required to sign a *Confidentiality Statement* (Attachment A) and a *Confidentiality of Student Information Systems Records Agreement* (Attachment B) during their new hire onboarding process. The properly executed statements will become a permanent part of the employee record, as appropriate.

d. As part of the purchasing requisition process (TechBuy), the requesting department is responsible for notifying Procurement Services of any privacy or confidential information risks with vendors on the *Contract Routing Sheet* or the *Intended Use of Technology Form*, as appropriate, including, but not limited to, social security numbers, birth dates, driver's license numbers, unpublished home addresses or phone numbers, personal account numbers, usernames and passwords, R#s, protected health information (e.g., patient records and information), student data, and financial information. Procurement Services will assist the department in negotiating a contract with the vendor that mitigates the risks and ensures proper procedures and liability of the vendor.

e. Certain donors identified by the TTU Office of University Advancement or the Texas Tech University System (TTUS) Office of Institutional Advancement as eligible to access confidential donor information in conjunction with serving on advisory or governing boards or other committees shall be required to sign a *Confidentiality Statement* (Attachment A). *Confidentiality Statements* will be maintained by Legal Counsel for the TTUS Office of Institutional Advancement and disposed of in accordance with OP 10.10, Records Retention. Donors shall not have access to student records unless access is a part of their normal job function as described in paragraphs c or d above.

f. Use or disclosure of any financial information that is covered by any state or federal financial regulation or law, including, but not limited to, the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801, et. Seq., implemented by 16 C.F.R. Part 314, FTC Red Flag Rules, etc., shall be governed by the TTU *Information Security Plan for Financial Information* (Attachment C). "Financial information" includes, but is not limited to, information obtained in connection with the award and issuance of student aid and billing.

g. With the exception of those parts of this policy governed by other TTU operating policies/procedures, responsibility for ensuring the implementation of and compliance with this policy shall rest with the Provost and the vice presidents within their areas of responsibilities.

2. Departmental Safeguards

Each department is responsible for establishing procedures necessary to implement this OP. When appropriate, departments should utilize the following practices to protect confidential and/or personally identifiable information.

a. General

Each department must maintain records listing employees who have access to files with sensitive information and the names of the types of files to which they have access.

b. Printed Copies

Use – Records containing confidential and/or personally identifiable information must be secured when not in use; e.g., the records may be locked in a desk drawer or filing cabinet.

Disposal – When discarding documents containing confidential and/or personally identifiable information, use cross-cut shredders or a comparable method designed to ensure privacy. Disposal must be in accordance with OP 10.10, Records Retention.

c. Electronic Data

Persons with access to electronic data containing confidential and/or personally identifiable information should take adequate steps to ensure that such information is not captured by, used by, accessible to, or released to unauthorized sources or unauthorized information technology systems. When deleting files containing such information, the files should be securely deleted so that the information contained in the files cannot be recovered.

d. Review of Departmental Processes

A department should be aware of the types of information being gathered within the department such as sign-in sheets, forms of identification, retrieval and use of records, and posting/storing of information. A department should determine the necessity of obtaining confidential and/or personally identifiable information and revise processes where appropriate.

e. Remote Access

Remote access to sensitive/confidential TTU information is subject to all applicable TTU OPs and IT security policies and procedures, including, but not limited to, the Remote Access Security policy.

f. Third Party Release of Information

Each department should also evaluate the potential risk for misuse when releasing any confidential and/or personally identifiable information to any internal or external third party.

g. Other

Safeguarding confidential and/or personally identifiable information should not be limited to the above categories. Changing technologies or laws may make additional safeguards necessary.

3. Reporting Violations

a. Administration, faculty, staff, or students at TTU who know of or suspect a violation of this policy shall report that incident promptly to their immediate supervisor, the appropriate department administrator, the Registrar, or, when appropriate, in accordance with the TTU *Information Security Plan for Financial Information* and/or OP 52.04, Information Technology (IT) Security. In cases where the immediate supervisor is the known or suspected violator, employees shall report the known or suspected violation to the next higher administrative supervisor.

b. All information acquired in the investigation of any known or suspected violation of this policy shall be confidential unless disclosure is authorized by law.

4. Corrective Action

a. Employees

Employees (faculty, staff, or student employees) found to be in violation of this policy will be subject to corrective action up to and including termination and may be subject to additional legal action.

The procedures set forth in TTU OP 70.31, Employee Conduct, Coaching, Corrective Action, and Termination, shall apply to non-faculty employees.

The procedures set forth in OP 32.04, Conduct of University Faculty; OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation; and Sections 04.03 and 04.04, *Regents' Rules* shall apply to faculty employees.

b. Students

For the purpose of this policy, "students" refers to all students enrolled at TTU, TTUHSC, or an affiliated institution who, as part of their curriculum, attend or participate in classes at TTU. Additional policies and procedures concerning students are set forth in the TTU *Student Handbook*.

c. Affiliates

For the purposes of this policy, “affiliates” refers to volunteers or other non-student or non-employee individuals working in TTU facilities. Violation of this policy will result in loss of privileges, removal from institutional facilities, and possible legal action in accordance with the terms of the contract.

5. Authoritative References

Texas Government Code, Section 552.002

Regents' Rules, Section 04.03 and 04.04

Family Education Rights and Privacy Act

Gramm-Leach-Bliley Act

6. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

Attachment A: Confidentiality Statement

Attachment B: Confidentiality of Student Information System Records Agreement

Attachment C: Information Security Plan for Financial Information