



University of Dallas

Data and Records Policy

Student Right of Access to Education Records

POLICY ADA-S

Responsible Executive:
Provost
Responsible Office:
Office of the Provost
Issued: 7.1.21
Revised: n/a

1. PURPOSE

This Policy guides the University of Dallas in providing students with access to education records. This Policy is intended as part of the University's compliance with 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act), Subpart B (§§ 99.10-.12).

2. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

Except as limited under Section 3 of this Policy, a student will be given the opportunity to inspect and review the student's education records.

- 2.1. **Request to inspect and review.** A student who would like to make a request, pursuant to this Policy, to inspect and review the student's education records must do so online at <https://forms.gle/w1oVdhMXpws3xr9f6>.
 - 2.1.1. The online request will be transmitted to the Compliance Officer, who will coordinate with the record holder of the education record being requested.
- 2.2. **Response time.** The University will comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.
- 2.3. **Explanations.** The University will respond to reasonable requests for explanations and interpretations of the records.
- 2.4. **Alternative arrangements.** If circumstances effectively prevent the student from exercising the right to inspect and review the student's education records, the University will -
 - 2.4.1. Provide the student with a copy of the records requested; or
 - 2.4.2. Make other arrangements for the student to inspect and review the requested records.
- 2.5. **Preservation of requested records.** The University will not destroy any education records if there is an outstanding request to inspect and review the records under this Policy.
- 2.6. **Treatment records.** While the University is not required to give a student access to treatment records (because they are outside the definition of "education records"), the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

3. LIMITS ON THE RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

While a student generally must be given the opportunity to inspect and review the student's education records, there are certain exceptions to that such rights.

3.1. **Records of more than one student.** If the education records of a student contain information on more than one student, the student may inspect and review or be informed of only the specific information about that student.

3.2. **Confidential records.** The University does not have to permit a student to inspect and review education records that are:

- 3.2.1. Financial records, including any information those records contain, of his or her parents;
- 3.2.2. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
- 3.2.3. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:
 - 3.2.3.1. The student has waived his or her right to inspect and review those letters and statements; and
 - 3.2.3.2. Those letters and statements are related to the student's:
 - 3.2.3.2.1. Admission to an educational institution;
 - 3.2.3.2.2. Application for employment; or
 - 3.2.3.2.3. Receipt of an honor or honorary recognition.

3.3. **Waiver of right to inspect and review.**

3.3.1. **Validity.** A waiver under Section 3.2.3.1 of this Policy -

- 3.3.1.1. May not be a condition for admission to or receipt of a service or benefit from the University; and
- 3.3.1.2. The waiver must be made in writing and signed by the student, regardless of age.

3.3.2. **Limitations.** If a student has waived his or her rights under Section 3.2.3.1 of this Policy, the University will:

- 3.3.2.1. Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and
- 3.3.2.2. Use the letters and statements of recommendation only for the purpose for which they were intended.

3.3.3. **Revocation.** A waiver under Section 3.2.3.1 of this Policy may be revoked with respect to any actions occurring after the revocation. The revocation must be in writing.

4. FEES FOR EDUCATION RECORDS

- 4.1. **Copy fees permitted.** Unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's education records, the University may charge a fee for a copy of an education record which is made for the student.
- 4.2. **Retrieval fees prohibited.** The University does not charge a fee to search for or to retrieve the education records of a student.

5. ANNUAL NOTIFICATION

The University will annually notify students currently in attendance of their rights under the Family Educational Rights and Privacy Act of 1974 (FERPA), as follows:

- 5.1. **Notice of rights.** The notice must inform students that they have the right to –
 - 5.1.1. Inspect and review the student's education records;
 - 5.1.2. Seek amendment of the student's education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - 5.1.3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that this Policy and Policy ADA-D - Disclosure of Education Records authorize disclosure without consent; and
 - 5.1.4. File with the Department a complaint concerning alleged failures by the University to comply with the requirements of the FERPA or its administrative regulations.
 - 5.1.5. A student may file a complaint with the Department at

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

- 5.2. **Notice of procedures.** The notice specified in Section 5 of this Policy must include all of the following:

- 5.2.1. The procedure for exercising the right to inspect and review education records.
- 5.2.2. The procedure for requesting amendment of records under Policy ADA-A - Amendment of Education Records.

5.2.3. A specification of criteria for determining who constitutes a University official and what constitutes a legitimate educational interest for purposes of disclosure of personally identifiable information under Policy ADA-D - Disclosure of Education Records.

5.3. **Reasonable notice.** The University will make reasonable effort to provide this notice by a means that is reasonably likely to inform students of their rights.

6. DEFINITIONS

[34 C.F.R. § [99.3](#)].

6.1. **“Attendance”** includes, but is not limited to -

6.1.1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and

6.1.2. The period during which a person is working under a work-study program.

6.2. **“Biometric records,”** as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

6.3. **“Department”** means the United States Department of Education.

6.4. **“Disciplinary action or proceeding”** means the investigation, adjudication, or imposition of sanctions by the University with respect to an infraction or violation of the internal rules of conduct applicable to students of the University.

6.5. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

6.6. **“Education records”** means

6.6.1. **General definition.** Those records that are -

6.6.1.1. Directly related to a student; and

6.6.1.2. Maintained by the University or by a party acting for the University.

6.6.2. **Exclusions.** Education records does not include -

6.6.2.1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

6.6.2.2. Records of a law enforcement unit of the University.

6.6.2.3. Records relating to an individual who is employed by the University that -

- 6.6.2.3.1. Are made and maintained in the normal course of business;
- 6.6.2.3.2. Relate exclusively to the individual in that individual's capacity as an employee; and
- 6.6.2.3.3. Are not available for use for any other purpose.

- 6.6.2.3.3.1. Records relating to an individual in attendance at the University who is employed as a result of his or her status as a student are education records and not excepted under Section 6.6.2.3 of this Policy.

6.6.2.4. Records on a student that are:

- 6.6.2.4.1. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
- 6.6.2.4.2. Made, maintained, or used only in connection with treatment of the student; and
- 6.6.2.4.3. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the University.

6.6.2.5. Records created or received by the University after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.

6.6.2.6. Grades on peer-graded papers before they are collected and recorded by a teacher.

6.7. **"Law enforcement unit"** means any individual, office, department, division, or other component of the University, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by the University to -

- 6.7.1. Enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or Federal law against any individual or organization other than the University itself; or
- 6.7.2. Maintain the physical security and safety of the University.

6.8. **"Legitimate educational interest"** means an education record is relevant to a University official's fulfillment of his or her professional responsibilities for the University.

6.9. **"Parent"** means a parent of a student and includes a natural parent, a guardian, or an individual acting as a part in the absence of a parent or a guardian.

6.10. **"Personally identifiable information"** includes, but is not limited to -

- 6.10.1. The student's name;
- 6.10.2. The name of the student's parent or other family members;
- 6.10.3. The address of the student or student's family;
- 6.10.4. A personal identifier, such as the student's social security number, student number, or biometric record;
- 6.10.5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- 6.10.6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- 6.10.7. Information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.

6.11. **“Record”** means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

6.12. **“Records of a law enforcement unit”** means those records, files, documents, and other materials that are -

- 6.12.1. Created by a law enforcement unit;
- 6.12.2. Created for a law enforcement purpose; and
- 6.12.3. Maintained by the law enforcement unit.

6.12.4. Records of a law enforcement unit does not include -

- 6.12.4.1. Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the University other than the law enforcement unit; or
- 6.12.4.2. Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the University.

6.13. **“Student,”** except as otherwise specifically provided in this Policy, means any individual who is or has been in attendance at the University and regarding whom the University maintains education records.

6.14. **“University”** and **“the University”** mean the University of Dallas, which is an institution of postsecondary education.

6.15. **“University official”** means -

- 6.15.1. A person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health center and counseling center staff);
- 6.15.2. A person, company, or organization with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent);
- 6.15.3. A person serving on the Board of Trustees of the University; or
- 6.15.4. 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.

7. RESPONSIBILITIES

Responsible Party	List of Responsibilities
Office of General Counsel	<ul style="list-style-type: none"> 1. Monitor compliance with this Policy. 2. Develop annual notification and make available online.
Office of the Provost	<ul style="list-style-type: none"> 1. Monitor compliance with this Policy.
Compliance Officer	<ul style="list-style-type: none"> 1. Receive all formal student requests for access to an education record. 2. Coordinate with the record holder regarding formal requests. 3. Assist record holders to determine how to respond to requests.
Record holder	<ul style="list-style-type: none"> 1. Receive a student request for access to an education record. 2. Determine whether a request for access should be granted and notify the student.
Office of the Registrar	<ul style="list-style-type: none"> 1. Receive and maintain waiver of a student's right of access to an education record. 2. Receive and maintain revocation of waiver of a student's right of access to an education record.
Office of Student Affairs	<ul style="list-style-type: none"> 1. Distribute annual notification to students.
Office of Admissions	<ul style="list-style-type: none"> 1. Distribute annual notification to prospective students.

8. PROCEDURES

Task	Procedure
Request for Access	<ul style="list-style-type: none"> 1. A student may submit a request for access to the student's education record. 2. An informal request for access should be submitted to a record holder. 3. A formal request for access should be submitted to the Compliance Officer via the University's online form: https://forms.gle/w1oVdhMXpws3xr9f6

Determination on Request	1. The record holder will provide the student with access to the education record, unless it is subject to an exemption or access is otherwise prohibited by law or University policy.
Waivers of Right of Access	<ol style="list-style-type: none"> 1. A student may submit a written waiver of the student's right of access to an education record. 2. The written waiver should be submitted to the Office of the Registrar, where it will be maintained. 3. The Office of the Registrar will notify other offices or departments of the waiver, as appropriate.
Revocation of Waiver	<ol style="list-style-type: none"> 1. A student may revoke the student's written waiver of the right of access to an education record. 2. The revocation, which must be in writing, should be submitted to the Office of the Registrar, where it will be maintained. 3. The Office of the Registrar will notify other offices or departments of the revocation, as appropriate.
Annual Notification of Rights	<ol style="list-style-type: none"> 1. The Office of the General Counsel will develop the annual notification of student privacy rights as specified in this Policy. 2. The Office of the General Counsel will provide the annual notification to the Office of Student Affairs and the Office of Admissions. 3. The Office of Student Affairs will provide the annual notification to all current students. 4. The Office of Admissions will provide the annual notification to all prospective students.

9. POLICY ENFORCEMENT

Enforcement	The Office of General Counsel or the Office of the Provost will investigate suspected violations of this Policy, and take appropriate action in accordance with University policy.
Reporting Violations	Report suspected violations of this Policy to the Office of General Counsel or the Office of the Provost.

10. RELATED DOCUMENTS

Policy or Document	Web Address
Student Request to Inspect or Review Education Record (online form)	https://forms.gle/w1oVdhMXpws3xr9f6
Policy ADA - Data and Records Policy - Access to University Records	https://udallas.edu/about/university-policies/index.php

Policy ADA-A - Data and Records Policy - Amendment of Education Records <https://udallas.edu/about/university-policies/index.php>

Policy ADA-D - Data and Records Policy - Disclosure of Education Records <https://udallas.edu/about/university-policies/index.php>

Policy ADS - Data and Records Policy - Security and Storage of University Records <https://udallas.edu/about/university-policies/index.php>

Policy ADR - Data and Records Policy - Retention of University Records <https://udallas.edu/about/university-policies/index.php>

Policy ADD - Data and Records Policy - Disposal of University Records <https://udallas.edu/about/university-policies/index.php>

11. CONTACTS

Subject	Office or Position	Telephone Number	Office Email or URL
Policy Clarification	Office of General Counsel	(972) 721-5363	hlachenauer@udallas.edu
Implementation	Office of Provost	(972) 721-5226	provostoffice@udallas.edu
Formal Requests to Inspect and Review	Compliance Officer	(972) 721-5120	hlachenauer@udallas.edu
Web Address for this Policy		https://udallas.edu/about/university-policies/index.php	