University Policy on Education Records Pursuant to the Family Educational Rights and Privacy Act of 1974

The Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, 20 U.S.C. 1232g, and the regulations of the U.S. Department of Education, 34 C.F.R. Part 99, affords students attending, or who have attended, certain rights with respect to their education records. Students are considered to be “in attendance” once they have registered for courses for their initial term of enrollment.

The rights may be summarized as follows:

1. The right to inspect and review the student's educational records.

2. The right to request an amendment of the student's educational records to ensure they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

3. The right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.

> Baylor University may disclose personally identifiable information from the educational records of its students without the written consent of the student in some cases. See the "Cases When Prior Consent for Disclosure Is Not Required" section below for a listing of such exceptions.

4. The right to file with the U.S. Department of Education a complaint regarding an alleged violation under FERPA or its implementing regulations. The department's address is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-5920

Education Records
An education record is any record that is directly related to a student and maintained by the University or a party acting for the University. Exceptions to this definition include:

A. sole possession records or private notes held by a school official that are not accessible or released to other personnel;

B. law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;

C. records relating to individuals who are employed by the institution (unless the employment is contingent on their status as a student);

D. records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional and disclosed only to individuals providing treatment; and
E. records of an institution that contain information about an individual obtained only after that person is no longer a student at that institution (e.g., alumni records).

Student Conduct Records
To minimize risk of improper disclosure, student conduct records are kept separate from academic records. Transcripts of academic records shall contain only information relevant to academic performance and shall be available only to authorized persons. Students are free to examine copies of their own academic and student conduct records kept by the University. In all cases in which persons other than University officials request access to student conduct records, authorization shall be given only:

A. by the vice president for student life or the president of the University when such disclosure could be compelled by legal process, or

B. when the student consents or such consent can be implied, or

C. for other legitimate reasons.

Procedures to Inspect and Review Educational Records
Any student who desires to review his or her educational record in a University office may make a written request to the University custodian of the record. The custodian shall provide the opportunity to the student to inspect and review the record in not more than 45 days.

Procedures for Requesting Amendment to Educational Records
Any student who desires amendment of his or her record shall follow the procedure set forth below:

A. A student shall submit to the custodian of the record a written request asking that the record be amended if the student has reason to believe that the educational record contains information that is inaccurate, misleading, or in violation of the student's rights of privacy.
B. The custodian of the record shall decide whether to amend the record as requested within a reasonable time after receiving the request.
C. If the custodian decides not to amend the record, the student shall be informed of his or her right to a hearing regarding the amending of the record. In cases regarding academic records, a request for a hearing should be submitted in writing to the Provost. For all other educational records, a request for a hearing should be submitted in writing to the Vice President for Student Life.
D. If a hearing is requested, the University shall follow the procedure set forth below:
   1. A hearing shall be held within a reasonable time after the request has been received.

2. The student shall be given notice of the date, time, and place, reasonably in advance of the hearing.
3. The Provost or Vice President for Student Life will determine the school official who will conduct the hearing; the school official must be an official of the institution who does not have a direct interest in the outcome of the hearing.
4. The student may present relevant evidence and may be assisted by individuals of their choice at the hearing.
5. The official in charge of the hearing shall make his or her decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

Note: The above procedure shall not be available to challenge the validity of a grade given by a professor or any other decision of a University professor or official but only whether the recording of such grade or decision is accurate and complete.

Release of Student Information
FERPA requires that the student give written permission for the release of "any personally identifiable information" other than general "directory information." This permission should specify the records to be released, the purpose of the release, identify the party or class of parties to who the release should be made, and be signed and dated by the student.

Personally identifiable means that the data or information includes (a) the student's parent or other family member, (b) a personal identifier, such as the student's social security number or student number, (c) a list of personal characteristics that would make it possible to identify the student with reasonable certainty, or (d) other information which would make it possible to identify the student with reasonable certainty.

Directory Information
Directory information is that information that is customarily made public without the written consent of the student. However, under the provisions of the Family Educational Rights and Privacy Act of 1974, a student may ask Baylor University not to disclose directory information by making written notice to the Office of the Registrar. Request for nondisclosure will be honored by the University until notified in writing that information should no longer be withheld. **Directory information includes: name, address, telephone number, e-mail address, dates of attendance, level and classification, University ID card photograph, previous institution(s) attended, major field of study, awards, scholarships, honors, degree(s) conferred and date(s), full-time/part-time status, earned hours, expected graduation date or degree candidacy, thesis and dissertation titles and advisors, past and present participation in officially recognized sports and activities, physical factors of athletes (age, height, weight), and date and place of birth.**

(It is the practice of the University to not release a student’s date of birth except as required by law or as a means to validate positive identification of a student when furnished by a person making an inquiry.)

Modified 8-9-04; 12-21-05; 9-21-06; 5-29-08; 8-18-09; 9-30-09; 8-24-10

Cases When Prior Consent for Disclosure Is Not Required

In accordance with the Family Educational Rights and Privacy Act (FERPA), Baylor University may disclose personally identifiable information from the education records of one of its students without the written consent of the student if the disclosure meets the following exceptions.

Please note that the information below has been left in the regulation's original outline format to provide easy reference to the law. Some modifications to the content have been made to reference Baylor University or if the content was not applicable to Baylor University.

Section 99.31 Under what conditions is prior consent not required to disclose information?
(a) Baylor University may disclose personally identifiable information from the education records of one of its students without the written consent required by section §99.30 of FERPA if the disclosure meets one or more of the following conditions:

(1) (i) (A) The disclosure is to other Baylor officials, including faculty, whom the University has determined to have legitimate educational interests.

(1) School officials are those individuals who engage in the instructional, advisory, administrative, governance, public safety, and support functions of the University. They do not necessarily need to be paid employees of the University.

(2) Legitimate educational interest is when a school official requires a student's educational record in the course of performing his or her duties for the University.

(B) A contractor, consultant, volunteer, or other party to whom Baylor University has outsourced institutional services or functions may be considered a Baylor official under this paragraph provided that the outside party—

(*1*) Performs an institutional service or function for which Baylor University would otherwise use employees;

(*2*) Is under the direct control of Baylor University with respect to the use and maintenance of education records; and

(*3*) Is subject to the requirements of section §99.33(a) of FERPA governing the use and redisclosure of personally identifiable information from education records.

(ii) Baylor University must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

(2) The disclosure is, subject to the requirements of section §99.34 of FERPA, to officials of another school, school system, or institution of postsecondary education where the

student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

(3) The disclosure is, subject to the requirements of section §99.35 of FERPA, to authorized representatives of—

(i) The Comptroller General of the United States;

(ii) The Attorney General of the United States;

(iii) The Secretary of the Department of Education; or

(iv) State and local educational authorities.

(4) (i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(A) Determine eligibility of the student for the aid;

(B) Determine the amount of the aid;

(C) Determine the conditions for the aid; or

(D) Enforce the terms and conditions of the aid.

(ii) As used in paragraph (a)(4)(i) of this section, *financial aid* means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at Baylor University.

(5) (i) The disclosure is to state and local officials or authorities to whom this information is specifically—

(A) Allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

(B) Allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974, subject to the requirements of section §99.38 of FERPA.

(6) (i) The disclosure is to organizations conducting studies for, or on behalf of, Baylor University to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(ii) An educational agency or institution may disclose information under paragraph (a)(6)(i) of this section only if—

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of Baylor University that have legitimate educational interest in the information;

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted; and

(C) The Baylor University enters into a written agreement with the organization that—

(*1*) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

(*2*) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
(*3*) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests;
and
(*4*) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

(iii) Baylor University is not required to initiate a study or agree with or endorse the conclusions or results of the study.

(iv) If the Department of Education Office determines that a third party outside the educational agency or institution to whom information is disclosed under this paragraph (a)(6) violates paragraph (a)(6)(ii)(B) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(v) For the purposes of paragraph (a)(6) of this section, the term *organization* includes, but is not limited to, federal, state, and local agencies, and independent organizations.

(7) The disclosure is to accrediting organizations to carry out their accrediting functions.

(8) The disclosure is to parents, as defined in section §99.3 of FERPA, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.

(9) (i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) Baylor University may disclose information under paragraph (a)(9)(i) of this section only if Baylor University makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

(B) 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; or

(C) An *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

(iii) (A) If Baylor University initiates legal action against a parent or student, then Baylor may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.

(B) If a parent or eligible student initiates legal action against Baylor University, then the University may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the educational agency or institution to defend itself.

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in section §99.36 of FERPA

(11) The disclosure is information Baylor University has designated as "directory information," under the conditions described in section §99.37 of FERPA.

(12) The disclosure is to the student.

(13) The disclosure, subject to the requirements in section §99.39 of FERPA, 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 Baylor University with respect to that alleged crime or offense. Baylor University may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.

(14) (i) The disclosure, subject to the requirements in section §99.39 of FERPA, is in connection with a disciplinary proceeding at Baylor University. However, the University must not disclose the final results of the disciplinary proceeding unless it determines that—

(A) The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and

(B) With respect to the allegation made against him or her, the student has committed a violation of Baylor University's rules or policies.

(ii) Baylor University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

(iii) This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(15) (i) The disclosure is to a parent of a student at Baylor University regarding the student's violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if—

(A) Baylor University determines that the student has committed a disciplinary violation with respect to that use or possession; and

(B) The student is under the age of 21 at the time of the disclosure to the parent.

(16) The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to Baylor University under 42 U.S.C. 14071 and applicable Federal guidelines.

(b) Baylor University must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom Baylor University discloses personally identifiable information from education records.

(c) Paragraphs (a) and (b) of this section do not require Baylor University or any other party to disclose education records or information from education records to any party except for parties under paragraph (a)(12) of this section.
(d) Baylor University shall maintain a record, kept with the education records of each student, which will indicate all individuals, agencies, or organizations which have requested or obtained disclosure of a student's education records maintained by the University and the legitimate interests these parties had in requesting or obtaining the information..
A record need not be maintained of::

(i) Requests from or disclosures to a student
(ii) Requests or disclosures pursuant to the written consent of a student;
(iii) Requests or disclosures to school officials who have a legitimate educational interest;
(iv) Requests or disclosures of directory information; and
(v) Requests or disclosures made in compliance with a subpoena or court order issued for a law enforcement purpose that includes an order that the subject of the subpoena not be notified.

FERPA regulations may be viewed in their entirety at:

http://www2.ed.gov/policy/gen/guid/fpco/index.html

Modified 8-29-02; 4-1-03; 8-12-03; 8-9-04; 3-24-06; 8-25-09; 7-23-12

Student Privacy Information

In accordance with FERPA, offices in which student records are maintained, their location, and the official responsible for such records are

1. Academic Advisement-Sid Richardson Building, Paul L. Foster Success Center-Director (ACT and SAT scores, probation and suspension roster, advisor records)

2. Academic Scholarships and Financial Aid-Clifton Robinson Tower-Assistant Vice President (Student financial aid records, student employment records. Financial records of parents are exempt from provisions of FERPA.)

3. Admission Services-Clifton Robinson Tower-Director (Applications for admission, ACT and SAT scores, counselors' recommendations, etc.)

4. Athletic Department-Floyd Casey Stadium, north end zone-Athletic Director (Records of athletes who participate in intercollegiate athletics)

5. Baylor Bookstore-Fifth Street parking garage-Manager (Bookstore accounts)

6. Campus Living and Learning-Penland Hall-Director (Housing records)

7. Career Services-Sid Richardson Building, Paul L. Foster Success Center-Director (Placement records)

8. Cashier's Offices-Clifton Robinson Tower-Assistant Vice President (Student accounts and loan accounts records)

9. College of Arts and Sciences-Burleson Hall-Dean (Records of probations, suspensions, petitions, correspondence, degree plans, courses, grades, degree candidacy. Inquiries concerning degrees granted are referred to the Registration and Academic Records Office)

10. Counseling Services-McLane Student Life Center-Director (Counseling records of students)

11. Graduate School Office-Morrison Hall-Dean (Application; GMAT scores; GRE scores; GST reports; GPA; records of graduate assistantships; records of probations, dismissals, and petitions; recruitment reports; thesis and dissertation titles)

12. Health Services-McLane Student Life Center-Director (Medical and pharmacy records of students)

13. Honors College-Morrison Hall-Dean (Courses, grades, degrees granted)

14. Institutional Research and Testing Services-Clifton Robinson Tower-Director (Records of students' scores and credit hours earned on CLEP; also scores on GRE, URE, APP, GED, GMAT, College Board AP, SAT II: Subject tests)

15. Information Technology Services-Clifton Robinson Tower-Director (Data storage of students' names, biographical data, addresses, classification, classes, grades, etc.)

16. Judicial Affairs-Clifton Robinson Tower-Associate Dean (Student Conduct records)

17. Moody Memorial Library-Circulation Librarian (Records pertaining to books flow)

18. Office of Academic Integrtiy-Clifton Robinson Tower-Director (Honor Code violation records)

19. Office of Access and Learning Accommodation-Sid Richardson Building, Paul L. Foster Success Center-Director (Accommodation requests)

20. Paul L. Foster Success Center-Sid Richardson Building-Assistant Vice Provost (Records pertaining to student withdrawals)

21. Parking Services-Clifton Robinson Tower-Manager (Records pertaining to students who have cars registered on campus, parking citations)

22. Office of the Registrar-Clifton Robinson Tower-Registrar (Permanent records of courses, grades, degrees, transcripts, etc.)

23. School of Business-Hankamer School of Business Complex-Dean (Courses, grades, degrees granted)

24. School of Education-Burleson Hall-Dean (Courses, grades, degrees granted)

25. School of Engineering and Computer Science-Rogers Engineering and Computer Science Building-Dean (Courses, grades, degrees granted)

26. School of Law-Sheila and Walter Umphrey Law Center-Dean (Courses, grades, degrees granted)

27. School of Music-Roxy Grove Hall-Dean (Courses, grades, degrees granted)

28. School of Nursing-Mary Gibbs-Jones Building-Prenursing advisor; Louise Herrington School of Nursing-Harry Bass Educational Building, Baylor University Medical Center, 3700 Worth, Dallas, Texas-Dean (Grades, courses, degrees granted)

29. School of Social Work-Speight Avenue Plaza Building-Dean (Courses, grades, degrees granted)

30. Seminary--Dean (Courses, grades, degrees granted)

31. Student Life-Vice President for Student Life-McLane Student Life Center

Modified 8-12-03; 7-26-04; 7-22-05; 12-21-05; 7-9-07; 8-24-08; 8-18-09; 7-23-12

Parental Notification

Baylor University is committed to the total development of each student. The use of alcohol and other drugs is a significant problem at colleges and universities across the country. While we experience fewer problems at Baylor than other institutions our size, it is still of great concern for our campus. Because of our concern about the health and safety of students as well as their success at Baylor, the University has implemented parental notification.

The Family Educational Rights and Privacy Act ("FERPA") permits universities to notify the parents or guardians of students under the age of 21 if they have violated the University's alcohol or drug policy. This exception to the privacy rights of students was enacted because of the health and safety consequences of alcohol and illegal drug use. Baylor University is committed to the total development and success of each student. We believe that parents share the University's concern in such situations for their students' health, safety, and academic progress.

Therefore, Baylor University may notify parents or legal guardians of any student who is under the age of 21 and found responsible for a violation of any federal, state, and/or local law or University policy regarding alcohol and/or controlled substances or other dangerous drugs.

Modified 9-17-02; 8-12-03; 9-30-09; 7-23-12

Law Enforcement Records

Law enforcement concerns the violation of law or rules of conduct applicable to all individuals as opposed to internal rules applicable only to students. Records that are created and maintained by Baylor University Police Department (BUPD) for the purpose of law enforcement are exempt from Family Education Rights and Privacy Act (FERPA) guidelines for educational records. Law enforcement records created and maintained by the BUPD may therefore be disclosed without the consent of the student.

Student Conduct records created and maintained by Judicial Affairs that are the result of law enforcement records will only be released in accordance with the guidelines for educational records in FERPA.

Modified 3-21-07; 7-23-12