



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 in August of odd-numbered years 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.