FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Texas A&M University informs students annually of the Family Educational Rights and Privacy Act. This Act, with which the University intends to comply fully, is intended to protect the privacy of education records, to establish the rights of students to inspect and review their education records and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with the Student Privacy Policy Office of the Department of Education in Washington, D.C. concerning alleged failures by the University to comply with the Act.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that provides minimum standards for the management of student education records for universities receiving funds made available under any federal program administered by the U.S. Secretary of Education. The Act provides, among other things, that an institution will maintain the confidentiality of student education records, and students will have the right to inspect their own education records.

This Policy is designed to meet FERPA provisions. Texas A&M University is committed to the good faith implementation of this Policy. Questions may be emailed to ferpa@tamu.edu.

If a student, the parent of a student, or any other individual has a complaint that an official of the University is violating FERPA, and the complaint cannot be satisfactorily resolved within the University, that person has the right to file a complaint with the Department of Education by contacting:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202

For the purposes of this Policy, Texas A&M University has used the following definitions of terms:

Student. An individual who has been in attendance at the University and for whom the University maintains education records.

Education Records. Any records (in handwriting, print, tapes, film or other medium) maintained by the University, an employee of the University or agent of the University that are directly related to a student.

Directory Information. Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The University has designated the following items as directory information, thus they may be made public unless the student submits a request to withhold any or all of this information: the student's name; UIN (Universal Identification Number); local address; permanent address; email address; local telephone number; permanent telephone number; dates of attendance; program of study; classification; previous institution(s) attended; degrees, honors and awards received; participation in officially recognized activities and sports; medical residence location (Health Science Center students); and medical residence specialization (Health Science Center students).

Currently-enrolled students may request to withhold any or all directory information by logging into the Howdy (https://howdy.tamu.edu/) portal, and searching "Directory Holds". The student may select directory information to be withheld by clicking the box next to the associated directory item and then clicking "Submit" to save the selection.

Directory information may be released unless a Withhold Directory Information request is submitted by the student. The request remains in effect until the student revokes it or is deceased. Only currently-enrolled students may request directory information be withheld.

Directory holds will not prevent information from student education records from being released to University officials, authorized agents acting on behalf of the University, and to others with a legitimate educational interest under certain conditions (e.g., for the receipt of financial aid, to other institutions to which a student has applied, in connection with health and safety emergencies) without prior consent. Additionally, students may not use directory holds to remain anonymous in a class.

Statement of Rights

Texas A&M University encourages students to exercise all of their rights under the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). Operating under the premise that the educational process is a cooperative venture between a student and the University, we emphasize the following rights of eligible students:

1. The right to inspect and review, with certain limited exceptions, the student's education records, including the right to receive explanations and interpretations of the records and to obtain copies of the records when such are needed to allow the student to effectively exercise their right of inspection and review. Conduct files maintained by the Student Conduct Office will be administered under its rules. Students who want to inspect and review their education records should submit a written request that identifies the record(s) to the appropriate record custodian (https://rules-saps.tamu.edu/wp-content/uploads/2024/08/13.02.99.M0.01-Attachment-A.pdf). (https://rules-saps.tamu.edu/wp-content/uploads/2020/10/13.02.99.M0.01-Attachment-A-2016.pdf) The custodian will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the custodian to whom the request was submitted, that custodian will advise the student of the correct school official to whom the request should be addressed.
2. The right to seek amendment of a student's education records when the records are inaccurate, misleading or otherwise in violation of FERPA. A student wishing to seek amendment of education records should notify the appropriate record custodian (https://rules-saps.tamu.edu/wp-content/uploads/2024/08/13.02.99.M0.01-Attachment-A.pdf). The notice must be written and specifically identify the desired amendment and the basis for the request. If the university decides not to amend the record as requested, the university will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

   One exception which permits disclosure without consent is disclosure to *school officials with legitimate educational interests*. A *school official* is a person or entity: (a) employed by the university or the university system in an administrative, supervisory, academic,

research, or support staff position; (b) serving on a university governing body or duly authorized panel or committee; or (c) not employed by the university who performs an institutional task, function, or service for which the university would otherwise use its own employees and who is under the direct control of the university with respect to the use and maintenance of education records. A school official has a *legitimate educational interest* if the information requested is necessary for that official to fulfill their professional responsibility, such as to (a) perform appropriate tasks that are specified in their position description or in the performance of regularly assigned duties by their supervisor; (b) fulfill the terms of a contractual agreement; (c) perform a task related to a student's education; (d) perform a task related to the discipline of a student; or (e) provide a service or benefit relating to the student or student's family, such as health care, counseling, financial aid, job placement, or former student-related activities.

The university, in accordance with FERPA, also discloses education records without consent to officials of another school where the student seeks or intends to enroll or where the student is already enrolled if the disclosure is requested by the other school and for purposes related to the student's enrollment or transfer.

4. The right to file a complaint with the Department of Education concerning alleged failures by the university to comply with the requirements of FERPA.

All the rights and protections given students under FERPA belong to the student. However, information in student records may be provided to parents/legal guardians without the written consent of the student if the eligible student is a financial dependent of their parents/legal guardians as defined under Section 152 of the Internal Revenue Code of 1954.

Records Not Available for Information and Review

Students shall have access to all education records concerning them maintained by the University with the exception of the following:

1. A personal record kept by a university faculty or staff member which meets the following tests:
   a. It is in the personal possession of the individual who made it.
   b. Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
2. An employment record which is used in relation to a student's employment by the University, except where an individual in attendance at the University is employed as a result of their status as a student.
3. Records relating to a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or para-professional acting in their professional or para-professional capacity or assisting in that capacity which are used in connection with the provision of treatment to a student and are not disclosed to anyone other than the individuals providing the treatment.
4. Financial records and statements of a student's parents.
5. Confidential letters and statements of recommendation which were placed in the education records of a student prior to January 1, 1975.
6. Confidential letters and statements of recommendation which were placed in the education records of a student on or after January 1, 1975, if the student has waived their right to inspect and review the letters or statements.
7. Records concerning admissions to an academic component of the University which the student has never attended.

Any questions concerning FERPA should be directed to the Office of the Registrar.