

## 16.01.02.K1 Privacy

Approved: July 10, 2023  
Next Scheduled Review: July 10, 2028



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### Rule Summary

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Texas A&M University-Kingsville (TAMUK) is committed to protecting the privacy of education records, as defined by the Family Educational Rights and Privacy Act (FERPA) and must maintain education records and the student's privacy in compliance with federal and state privacy laws.

This rule is required by System Regulation *16.01.02, Privacy*.

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### Rule

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#### 1. FERPA OFFICIAL

The Registrar will serve as the university's FERPA Official. The FERPA Official is responsible for overseeing and ensuring compliance with FERPA and all other applicable system, state and federal requirements.

#### 2. FERPA TRAINING

2.1 TAMUK employees who are serving in the capacity of faculty, administrators, staff, and student workers will be required to complete the FERPA TrainTraq training as a new hire. All employees will be required to retake training on an annual basis.

2.2 TAMUK employees (faculty, administrators, staff, and student workers) requesting software access to student records will be required to provide verification of up-to-date FERPA training by submitting a copy of their TrainTraq transcript with access request form(s).

2.3 The Office of the Registrar will receive a monthly report from the Office of Employee Services of non-compliance of FERPA Training by faculty, administrators, staff, and/or students.

2.3.1 Employees in non-compliance of FERPA training will be notified by the Office of The Registrar. If not completed within a 48-hour timeline, access to any student education records will be denied.

2.3.2 Immediate supervisors will be notified of employee's non-compliance. It is the responsibility of the immediate supervisor to ensure the individual does not have access to student education records.

### 3. STUDENT ANNUAL FERPA NOTIFICATIONS

3.1 Students currently enrolled at TAMUK will receive the following email notifications:

- (a) Prior to the start of the fall semester, an email notification will be sent to students informing them of FERPA, and their rights.
- (b) Additional FERPA email notification will be sent to students at the start of the spring semester and summer session.

### 4. FACULTY AND STAFF FERPA NOTIFICATIONS

Official email notification regarding federal law relating to FERPA will be sent in the fall and the spring semesters to all faculty and staff currently employed at TAMUK to inform them of a student's rights under FERPA, and their responsibility to protect the privacy of student education records.

### 5. EDUCATION RECORD REQUESTS

5.1 Students have the following rights with respect to their education records:

5.1.1 The right to inspect and review their education records within 45 days of the day the university receives a request for access.

- (a) A student should submit to the registrar, dean, head of the academic department, or other appropriate university official, written requests that identify the record(s) the student wishes to inspect. The university official will make arrangements for access to the record(s) and notify the student of the time and place where the records may be inspected.
- (b) If the records are not maintained by the university official to whom the request was submitted, that official must advise the student of the correct official to whom the request should be addressed.

5.1.2 The right to request an amendment to their education record if they believe the record is inaccurate, misleading, or otherwise in violation of student privacy rights under FERPA.

- (a) A student who wishes to ask the university to amend a record should write the university official responsible for the record, clearly identify the part of the record they want amended and specify why it should be amended.
- (b) If the university decides not to amend the record as requested, the university official responsible for the record 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.

5.1.3 The right to provide written consent before the university discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

- (a) One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests in order to fulfill their professional responsibilities for the university. A school official is considered, but is not limited to, the following:
  - (1) employed by the university or the university system in an administrative, supervisory, academic or research, or support staff position;
  - (2) serving on a university governing body or duly authorized panel or committee; or
  - (3) employed by or under contract to the university to perform a special task, function, or service for the university.
- (b) Upon request, the university discloses education records, without consent, to officials of another school in which a student seeks or intends to enroll. The annual notification sent by the Office of the Registrar will notify eligible students of their rights and is also included in the student handbook.

5.2 The university and the Office of the Registrar will exercise discretion in the release of all directory information. No one outside the university must have access to, nor will the university disclose any information other than, directory information from a student's education records without the written consent of the student, except as specified in Section 5.1.3 of this rule.

5.2.1 The university FERPA official is responsible for determining the categories of information that constitute directory information. Directory information may only include information that would not generally be considered harmful or an invasion of privacy if disclosed. The following categories are prohibited from being designated as directory information: social security numbers, grades, grade point average, race, gender, religion, and/or national origin.

5.2.2 Only currently enrolled students may request or restrict that their directory information not be made public by completing the FERPA Release Form. Once a student has left the university, the student can no longer set restrictions on directory information at the university. If a student restricts directory information and leaves the university, the restriction continues until the student removes it.

5.3 Requests for student education records from another institution or third party must be submitted to the Office of the Registrar. The Office of the Registrar may permit another member or third party, after entering into a written agreement that protects the privacy and security of the education records in accordance with FERPA, to access or maintain education records with a legitimate education interest.

## 6. FERPA VIOLATIONS

6.1 Suspected FERPA violations must be reported to the university FERPA Official in writing. The Office of the Registrar will investigate the reported violation and determine if any action is necessary.

6.1.1 The university FERPA Official will contact an employee's direct supervisor if it has been determined a FERPA violation has occurred. The direct supervisor, after consulting with the employee, will discuss with appropriate college dean or vice president the course of action to be taken.

6.2 Students have the right to report violations of FERPA to the U.S. Department of Education.

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## **Related Statutes, Policies, or Requirements**

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

[Gramm-Leach-Bliley Act \(GBLA\)](#)

[System Regulation 16.01.02, Privacy](#)

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## **Appendix**

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[Office of the Registrar Forms](#)

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## **Contact Office**

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Office of the Registrar  
(361) 593-2811