Family Educational Rights & Privacy Act

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General Description

Policy Summary:

All Trinity University students, faculty, and staff.

Purpose:

To define the process by which the University will protect the privacy and records access rights that apply to records maintained by or for the University about its current and former students in accordance with the Family Educational Rights and Privacy Act ("FERPA").

Policy Content

Student Rights under FERPA

The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g and 34 CFR Part 99 are a federal law and regulations that provide students with the following rights with respect to their educational records:

1. To inspect and review the student's education records;

2. To consent to disclosure of the student's education records to third parties, except to the extent that FERPA authorizes disclosure without consent;

3. To request amendment of the student's education records to ensure that they are not inaccurate or misleading, or otherwise in violation of the student's privacy rights under FERPA;

4. To be notified of the student's privacy rights under FERPA; and

5. To file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

University Commitment to Protecting Educational Records

It is the policy of Trinity University to protect the privacy and records access rights that apply to records maintained by or for the University about its current and former students by complying with FERPA at all times.

Notice of Rights under FERPA

The University will provide Annual Notice to each Student of his/her/their rights under FERPA and this policy by publishing the information that is provided in this policy as Appendix A, Notice of Student Rights under FERPA and Notice Concerning Directory Information, in this policy, in all general information University's catalogues for undergraduate and graduate Students published by the University.

Consent Requirements for Access to Education Records by Third Parties

1. Generally Required for Disclosures of Education Records. The University will not discloseEducation Records or Personally Identifiable Information from an Education Record Page 4 of 2 without prior Consent of the Student to a third party, except as authorized by FERPA and this policy.

2. Exceptions to the Consent Requirement. The University pursuant to FERPA, will release Education Records without the Student's Consent as follows:

    a. Directory Information. Personally-identifiable student information which the U.S. Department of Education has concluded is permissible for institutions to release without a student's consent. Directory Information is defined in the definitions section of this policy.

    b. University Officials with a Legitimate Educational Interest. To other University officials, including professors, within the University. This includes contractors, consultants, volunteers, insurance companies, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in 99.31(a)(1)(i)(B)(1)- (a)(1)(i)(B)(3) are met.

    c. Other Institutions. The University may release a student's education records to officials of other educational institutions in which that Student seeks or intends to enroll or is enrolled.

    d. Audit or Evaluation of Federal or State education programs. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State

postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State- supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)

e. Financial Aid. The University may release an Education Record to persons or organizations in connection with that student's application for, or receipt of, financial aid to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions of such financial aid.

f. State and Local Officials Pursuant to Statutes Concerning Juvenile Justice. The University may release education records to state and local officials that are authorized by statute to access Student Education Records to efficiently serve the student.

g. Organizations Conducting Studies. Organizations conducting studies for, or on behalf of the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, may access Education Records for such studies provided that the study is conducted in a manner which will not permit the personal identification of Students and/or their parents by individuals other than representatives of the Page 5 of 2 organization; and the information will be destroyed when no longer needed for the purposes of the study was conducted. The term "organizations" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

h. Accrediting Organizations. Accrediting organizations may access an Education Record required to carry out their accrediting functions.

i. Designated Parents of a Tax Dependent. A parent of a Student who is a dependent for federal tax purposes, as defined by Section 152 of the Internal Revenue Code of 1954, if the Student has indicated in writing to the University that his/her parents may access the Student' Education Records in accordance with the designation. If a tax dependent Student's parents are divorced, both parents may have access to the Student's Education Records, so long as at least one parent is designated by the student.

j. Judicial Order or Subpoena. Information concerning a Student will be released in

response to a judicial order or lawfully issued subpoena. However, the University must make reasonable efforts to notify the Student of an order or subpoena before complying with it, except that the University will not notify a student of a subpoena if it is from a federal grand jury or is for law enforcement purposes, and the subpoena or order provides that the University will not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena. In addition, education records may be disclosed to the U. S. Attorney General or his/her designee in response to an ex parte order concerning an authorized investigation or prosecution of domestic or international terrorism, without prior notice to the student.

k. Health and Safety. The University may disclose student information deemed by the University as appropriate persons in connection with an emergency in order to protect the health and safety of the student or others individuals.

l. Disciplinary Hearing Results

   Disclosure to Victims: The University may disclose to an alleged victim of any crime of violence (as that term is defined in Chapter 1, Section 16 of Title 18, United States Code), or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies with respect to such crime or offense.

   Disclosure to Third Parties: The University may disclose the final results of any disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or nonforcible sex offense (as those terms are defined in 34 C.F.R. 99.39), if the student is found responsible for violating the University's rules or policies with respect to such crime or offense. Such disclosure will include only the name of the student, the violation committed, and any sanction imposed by the University on that student.

m. Defense of Litigation or Complaints against the University. If a Student initiates legal action against the University, the University may disclose to the court or agency with jurisdiction over the complaint, without a court order or subpoena, the Student's Education Records that are relevant for the University to defend itself.

n. Status as a Registered Sex Offender. The University may disclose information concerning a Student's status as a sex offender or other individual required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, if the information was provided to the University under 42

U.S.C. 14071 and applicable Federal guidelines.

o. To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.

3. Consent of the Student. The University will release an Education Records to or allow access to those records by a third party if the Student provides a valid Consent capable of verification that it was provided by the Student that permits access by the third party.

Disclosure to Students

1. A Student has the right, upon request, to review all materials that are in the student's education records, except:

    a. Financial information submitted by the Student's parents;

    b. Confidential letters and recommendations associated with admissions, employment or job placement, or honors, to which the Student has waived rights of inspection and review or which were made part of the Student's Education Records prior to January 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected;

    c. Education records containing information about more than one Student, in which case, the University will permit access only to that part of the record that pertains to the inquiring student; and

    d. Records that are subject to an attorney-client privilege which belongs to the University.

2. Process for Students Requesting Access to Their Education Record.

    a. Students have the right to inspect and review their education records within forty five (45) days of the day the University receives a request for access. Students should submit to the Registrar, Dean, Department Chair, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University will make arrangements for access and notify the student of the time and place where the records may be inspected.

Record of Disclosures

The University will maintain with the Student's Education Records a record for each disclosure request and each disclosure, except disclosures:

a. To the Student;

b. Pursuant to the written consent of the Student;

c. Pursuant to the exception for University officials with a Legitimate Educational Interest;

d. Pursuant to a law enforcement subpoena and the issuing 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 the order is concerning an authorized investigation or prosecution of domestic or international terrorism; or

e. Of directory information.

Request to Amend Records

A Student who believes that an Education Record maintained about the Student is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA, may request amendment of the record. However, substantive judgment of a faculty member about a student's work, expressed in grades and/or evaluations, is not within the purview of this right.

Complaints

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202-8520. Questions regarding Student Rights under FERPA may be directed to the Registrar.

Parental Access to Student Records

With the exception of disclosures permitted by FERPA, education records will not be released without the prior consent of the student. Parents or guardians who would like to receive grade reports or access to other protected education records should request that their student sign a Student Consent to Release Educational Records form (available through the Office of the Registrar). If this form is completed, parents may receive grade reports and other information, but a separate written request from the parent or guardian is required each time. Although certain exceptions apply under FERPA, grades, financial information, and other education records are not to be disclosed to parents or anyone else outside the University without a student's prior permission.

Appendix A - Notice of Student Rights under FERPA and Notice Concerning Directory Information

a. Notice of Student Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA), a federal law, affords students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The Right to Inspect and Review the Student's Education Records.
2. The Right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
3. The right to provide written consent to disclosures of personally identifiable information contained in the student's education records, except to the text that FERPA authorizes a disclosure without consent.
4. The Right to be notified of the student's privacy rights under FERPA.
5. The Right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA by contacting the office that administers FERPA:

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

Exceptions to the Consent Requirement

FERPA permits the disclosure of personally identifiable information (PII) from students' education records without consent of the student if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to University Officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

The University Official Exception permits disclosure without consent when disclosure is to University officials with legitimate educational interests. A University Official is:

- any person employed by the University in an administrative, supervisory, academic, or support staff position, including law enforcement unit and health staff;
- a person or company with whom the University has a contract to provide services on behalf of the University or an affiliation (such as a System attorney or auditor, or a clinical facility where a student is participating in an internship) for the provision of services;
- a person employed by Trinity University Administration; or another person assisting another University Official in performing his or her tasks (such as a System attorney or auditor, or a clinical facility where a student is participating in an internship).

A University Official has a "legitimate educational interest" in an education record if that person or contractor requires access an education record in order to fulfill his or her official duties on behalf of the University

The University may also disclose PII from a student's education records without obtaining prior written consent of the student in the following situations as permitted by FERPA:

- To officials of another school in which a student seeks or intends to enroll or is already enrolled if the disclosure relates to purposes of enrollment or transfer.
- To the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, and other state and local educational authorities who are authorized by law to audit and evaluate Federal or State supported education programs, or to enforce Federal law which relates to such education programs may access an Education Record as required for the audit, evaluation or enforcement purpose, or their authorized representatives.
- To organizations conducting studies for or on behalf of the school to: develop, validate, or administer predictive testing; administer student aid programs; or improve instruction.
- To accrediting organizations to carry out accrediting functions.
- To parents of an eligible student if the student is a dependent for IRS tax purposes and the student has notified the University that the student agrees to the release of his/her education records under this exception.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate individuals in connection with a health or safety emergency.

b. Notice Concerning Directory Information

As described in the Notice of Student Rights under FERPA, above, the University, with certain exceptions, is required to written consent from a student prior to publishing or disclosing of personally identifiable information from student education records. However, the University may publish or publicly disclose the information listed below as "directory information" without the student's consent, unless the student has notified the University, using the process described below, that the student wishes to opt out of such disclosures.

The following information about a Student has been designated by the University as Directory Information:

- Student name;
- Trinity ID number;
- Local, permanent and temporary addresses;
- Electronic mail address;
- Photograph;
- Video of participation in University activities or events;
- Major/minor field(s) of study;
- Dates of attendance;
- Previous educational institutions attended;
- Degrees and awards received;
- Enrollment status;
- Participation in officially recognized activities and sports; and
- Height and weight of members of athletic teams.

The University will consider your Directory Information to be publicly available unless you affirmatively opt out of the Directory Information exception. If you do not want the University to disclose directory information from your education records without your prior written consent, you must opt out by submitting a written request to the Office of the Registrar.

Directory information may appear in public documents and may otherwise be disclosed under the Directory Exception unless the opt out request is received, as applicable, within the first thirty (30) days of the fall semester. If no request is filed, directory information may be released.

A request to opt out of the release of Directory Information about you will remain in place until you affirmatively rescind it. Upon graduation or termination of your enrollment for any reason, the directory information selection in place at that time will remain in place unless you notify the University. A request to opt out of the Directory Information exception does not affect the University's ability to disclose information from your education records under another exception permitted by FERPA.

Terms & Definitions

Terms and Definitions:

Term:	Definition:
Annual Notice	The notices that Trinity University will provide each Student in attendance at the University at least annually of their rights pursuant to FERPA and the procedures for exercising their rights; information about the Directory Information Exception and the process by which a Student may elect to opt out of the Student's Directory Information under that exception. The Annual Notice is attached as Appendix A to this policy.
Consent	Written or electronic consent, signed by the Student or otherwise verified by the Student if electronic, that is dated and specifies the specific records to be disclosed, the party to whom the recordsare to be disclosed, and the purpose of the disclosure.
De-identified Record	An Education Record that has been stripped of all identifiers and/or aggregated such that it is not possible to re-identify an individual who is the subject of the record. An Education Record that has been de-identified is no longer an Education Record and is not subject to this policy or FERPA.
Directory Information	Information in a Student's Education Record that would not generally be considered harmful or an invasion of privacy if disclosed. The following information has been designated by the University as Directory Information: • Student name • Trinity ID number • Local, permanent, and temporary addresses • Electronic mail address • photograph • Video of participation in University activities and events • Major/minor field(s) of study • Dates of attendance • Previous educational institutions attended • Degrees and awards received • Enrollment status • Participation in officially recognized activities and sports • Height and weight of members of athletic teams A student may request in writing that directory information be withheld. This option may be exercised by filing a written request to the Office of the Registrar; please note that such requests are binding for all information to

Term:	Definition:
	all parties other than for those exceptions allowed under the Act. Students should consider all aspects of a Directory Hold prior to filing such a request. The request will remain in effect until revoked by the student. The student's name, addresses, telephone numbers, and e-mail address may be published in the Faculty, Staff and Student Directory if the Registrar has not received a request to withhold the information within the first 30 days of the fall semester. If no request is filed, directory information may be released upon inquiry
Education Records	Records directly related to a Student that are maintained by or on behalf of the University. Education records do not include: • Records of instructional, administrative, and educational personnel that are: in the sole possession of the maker (i.e. file notes of conversations); used only as a personal memory aid; not intended to be accessible or revealed to any individual except, in the case of an instructor, a temporary substitute; • Law enforcement records of the University campus police; • Medical records and mental health records, including counseling records created, maintained, and used only in connection with provision of medical treatment or mental health treatment or counseling to the student, that are not disclosed to anyone other than the treatment facility. • Employment records unrelated to the student's status as a student; or • Alumni records.
Personally Identifiable Information	Information obtained from or contained in an Education Record that may be alone, or in combination with other information known to or available to the requestor, or that would permit the requestor or a member of the University community with reasonable knowledge, to identify a Student or another Student. Unless the context of this policy indicated otherwise, a reference to an Education Records includes Personally Identifiable Information contained in or obtained from an Education Record.
Student	An individual, regardless of age, who is or who has been in attendance at University. It does not include persons who have been admitted but did not attend University. For the purposes of this policy "Attendance" includes attendance in person, or by correspondence or on-line or distance learning and the period during which a person is working in a position that requires student status, such as a under a work study program position.

Term:	Definition:
University Official with a Legitimate Educational Interest	Any person employed by the University in an administrative, supervisory, academic, or support staff position, including law enforcement and health staff; a person or company with whom the University has a contract or affiliation; or a person assisting another University Official in performing his/her tasks (such as a volunteer or committee member), if that person or contractor requires access to an Education Record in order to fulfill his/her official responsibilities on behalf of the University.

Related Documents

Related Content:

All Registrar's Office forms can be found here.

Revision Management

Revision History Log:

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v3.3	9/3/2025 3:41 PM	Pamela Mota
v3.2	8/18/2025 11:26 AM	Pamela Mota
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Vice President Approval:

Name:	Title:
Megan Mustain	Vice President for Academic Affairs