



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 77.11, **Permanent Student Record and Procedures for Safeguarding and Disposal of Student Records**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center at El Paso (TTUHSC El Paso) Operating Policy and Procedure (HSCEP OP) is to define the permanent student record for students of TTUHSC El Paso and to establish procedures for the secure maintenance and retention of that record.

REVIEW: This HSCEP OP will be reviewed by January 8 of even-numbered years (ENY) by the Registrar, the Assistant Vice President for Student Services and Student Engagement (AVP SSSE) or designee, with recommendations for revisions forwarded to the President by March 1.

POLICY/PROCEDURE:

I. Definitions

Education Records: Records that are directly related to a student and maintained by TTUHSC El Paso, or by a party acting for or on behalf of TTUHSC El Paso, as defined by the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations. This term does not include records excluded from the definition of education records under applicable law.

Permanent Student Record: The core academic record of an admitted TTUHSC El Paso student that is permanently maintained by the University. It is part of the student's education records and includes records directly related to the student that are maintained by TTUHSC El Paso or by a party acting for or on behalf of TTUHSC El Paso, and designated for permanent retention under this policy.

Primary Copy: The one original or "primary" version of a document. Convenience Copy: Duplicate copies of a document. Convenience copies can be disposed of at any time and should not be kept longer than the primary copy's retention time.

FERPA: The Family Educational Rights and Privacy Act of 1974 is a federal law that protects the privacy of student education records.

Deceased Student: A person who was enrolled or formerly enrolled at TTUHSC El Paso and whose death has been verified by documentation acceptable to the Office of the Registrar.

Official Transcript: The institutionally certified academic record issued by the Office of the Registrar that reflects a student's coursework, grades, academic standing, degrees or certificates awarded, and other transcript notations maintained as part of the student's academic record.

Personal Representative or Executor: A person authorized under applicable law, court order, letters testamentary, letters of administration, or comparable legal authority to act on behalf of the estate of a deceased student.

Extenuating Circumstances: Rare and compelling circumstances in which the release of limited additional education records of a deceased student is determined by the Registrar, after consultation with the Office of General Counsel and the Office of the President, to be legally permissible, institutionally appropriate, and necessary to address a substantial University, legal, or family interest.

Satisfactory Documentation: Documentation deemed sufficient by the Office of the Registrar to verify death, identity, relationship, legal authority, or other facts necessary to evaluate a request under this policy.

II. Policy

- A. The Permanent Student Record of an admitted TTUHSC El Paso student is the permanently maintained core academic record and shall consist of the following: student name, social security number or student identification number, courses enrolled each term, cumulative grade point average (GPA), term GPA, hours attempted, hours earned, grades, grade points earned, degrees and certificates earned, and academic program(s). The Permanent Student Record may also include, but is not limited to, additional documentation such as Dean's Letters, honors, academic status, and transfer credit. All other student records, while they may be part of the student's Education Records, shall be maintained and retained in accordance with the State of Texas Records Retention Schedule for the Texas Tech University System (TTUS) and other applicable legal requirements.
- B. For purposes of this policy, Education Records do not include records excluded from the definition of education records under applicable law, including:
- 1) Sole possession records, meaning records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except as a temporary substitute for the maker;
 - 2) Law enforcement records;
 - 3) Employment records, except where employment is contingent upon the individual's status as a student;
 - 4) Medical and treatment records, as permitted by law; and
 - 5) Alumni or Institutional Advancement records that contain information about an individual after he or she is no longer a student and that are not directly related to the individual's attendance as a student.
- C. Processes for the retention of records must comply with the State of Texas Records Retention Schedule for the TTUS and approved by the State and Local Records Management Division of the Texas State Library and Archives Commission (TSLAC). The applicable retention periods apply to the primary copy, as provided in Chapter 441, Texas Government Code, regardless of format, including paper, micro-media, electronic records, or other materials that document the transaction of official state business.

TTUHSC El Paso regularly reviews the Education Records it maintains and periodically destroys records in accordance with applicable law and the approved records retention schedule. TTUHSC El Paso will not destroy records when prohibited by state or federal law. The Permanent Student Record is permanently maintained by the Office of the Registrar. Other student records, including disciplinary records and Accessibility Services records, shall be maintained by the appropriate office in accordance with the State of Texas Records Retention Schedule for the TTUS and other applicable legal requirements. Retention and disposition of records relating to a deceased student shall remain subject to applicable law and approved records retention requirements.

III. Procedures for the Secure Maintenance and Disposal of Records

- A. The Permanent Student Record shall be maintained electronically in the institutional student information system and/or in an indexed document imaging system.
- B. Electronic student record systems, digitized records, and document imaging systems shall be backed up at appropriate intervals and protected through disaster recovery and continuity procedures maintained by the TTUS Department of Technology Operations and

Systems Management (TOSM), or its successor office. Electronic records shall be maintained in a manner that supports accessibility, security, and migration to new technologies as appropriate.

- C. Records that have satisfied the applicable retention period and are not subject to a legal hold, audit requirement, investigation, or other prohibition on destruction shall be disposed of securely and in accordance with the State of Texas Records Retention Schedule for the TTUS and applicable law.
- D. Each office maintaining the primary copy of a student record is responsible for the secure maintenance, retention, and disposition of that record in accordance with this Operating Policy and Procedure, the State of Texas Records Retention Schedule for the TTUS, and other applicable legal requirements. Convenience copies may be disposed of at any time, provided they are not retained longer than the primary copy and are disposed of securely.

IV. Student's Rights Related to FERPA

- A. In most circumstances, TTUHSC El Paso must obtain written permission from a student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without student consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - 1) School officials with legitimate interests;
 - 2) Other schools to which the student is transferring;
 - 3) Specified officials for audit or evaluation purposes;
 - 4) Appropriate parties in connection with financial aid to a student;
 - 5) Organizations conducting certain studies for or on behalf of the school;
 - 6) Accrediting organizations;
 - 7) To comply with a judicial order or lawfully issued subpoena;
 - 8) Appropriate officials in cases of health and safety emergencies; and
 - 9) State and local authorities, pursuant to specific State law.
- B. Students who desire that all of their directory information not be released must submit a written request to the Office of the Registrar.
- C. Students who wish to review their education records should contact the Office of the Registrar. The Office of the Registrar or designee will make the needed arrangements for access and notify the student of the time and place where the records may be inspected. When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.
- D. TTUHSC El Paso is not required to provide copies of educational records unless distance prevents the student from access. Reasonable fees for copies of records may be charged by the University.

Students have a right to request an amendment to their educational records to ensure their accuracy. These requests should be made in writing by email to the University's Registrar's Office.
- E. The right to file with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue, SW, Washington, DC 20202-8520.
- F. FERPA rights apply to all students in attendance and former students. FERPA rights do not apply to deceased students or persons who have applied but not attended.

G. FERPA rights begin on the first day of enrollment in a TTUHSC El Paso academic program.

V. Access to Educational Records of Deceased Students

A. FERPA rights apply to all students in attendance and former students. FERPA rights do not apply to deceased students or persons who have applied but not attended. Upon the death of a student, TTUHSC El Paso will handle requests for education records in accordance with applicable federal and state law, including Texas law governing access to records of a deceased individual. To the extent permitted by law, the education records of a deceased student are generally closed and will not be released, except as provided below.

B. A deceased student's official transcript may be released, upon written request and submission of documentation reasonably required by the Office of the Registrar, to the personal representative or executor of the deceased student's estate, or to such other person(s) as may be authorized under applicable law.

C. Except as otherwise required by law, no additional education records of a deceased student will be released. However, under extenuating circumstances, the Registrar, in consultation with the Office of General Counsel and the Office of the President, may authorize the release of limited additional education records to the personal representative or executor of the deceased student's estate when the release is determined to be legally permissible, institutionally appropriate, and necessary to serve a substantial University or family interest. Any such release shall be narrowly tailored to the specific circumstances presented, limited to the minimum records necessary, and subject to documentation and identity/authority verification requirements established by the Office of the Registrar.

D. TTUHSC El Paso reserves the right to deny any request for records of a deceased student that is not authorized by law, that is unsupported by sufficient documentation, or that the University determines is not appropriate for release.