



**University of Dallas**

**Data and Records Policy**

**Amendment of Education  
Records**

**POLICY ADA-A**

Responsible Executive:  
Provost  
Responsible Office:  
Office of Provost  
Issued: 7.1.21  
Revised: n/a

**1. PURPOSE**

This Policy guides the University of Dallas in providing students with the opportunity to request amendment of education records. This Policy is intended as part of the University’s compliance with 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act), [Subpart C](#) (§§ 99.20-.22).

**2. AMENDING EDUCATION RECORDS**

If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student’s rights of privacy, he or she may ask the University to amend the record.

- 2.1. **Response time.** The University will decide whether to amend the record as requested within a reasonable time after the University receives the request.
- 2.2. **Notice of right to hearing.** If the University decides not to amend the record as requested, it will inform the student of its decision and of his or her right to a hearing under this Policy.
- 2.3. **Right to hearing.** The University will give a student, on request, an opportunity for a hearing to challenge the content of the student’s education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.
  - 2.3.1. If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will:
    - 2.3.1.1. Amend the record accordingly; and
    - 2.3.1.2. Inform the student of the amendment in writing.
  - 2.3.2. If, as a result of the hearing, the University decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it will inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the University, or both.
    - 2.3.2.1. If the student places a statement in his or her education records, the University will:
      - 2.3.2.1.1. Maintain the statement with the contested part of the record for as long as the record is maintained; and

2.3.2.1.2. Disclose the statement whenever it discloses the portion of the record to which the statement relates.

2.4. **Hearing requirements.** A hearing pursuant to this Policy will meet, at a minimum, the following requirements:

- 2.4.1. The University will hold the hearing within a reasonable time after it has received the request for the hearing from the student.
- 2.4.2. The University will give the student notice of the date, time, and place, reasonably in advance of the hearing.
- 2.4.3. The hearing may be conducted by any individual, including an official of the University, who does not have a direct interest in the outcome of the hearing.
- 2.4.4. The University will give the student a full and fair opportunity to present evidence relevant to the issues raised under Section 2.3 of this Policy. The student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- 2.4.5. The University will make its decision in writing within a reasonable period of time after the hearing.
- 2.4.6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

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### 3. DEFINITIONS

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[34 C.F.R. §§ [99.3](#)].

3.1. **“Attendance”** includes, but is not limited to -

- 3.1.1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
- 3.1.2. The period during which a person is working under a work-study program.

3.2. **“Biometric records,”** as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

3.3. **“Disciplinary action or proceeding”** means the investigation, adjudication, or imposition of sanctions by the University with respect to an infraction or violation of the internal rules of conduct applicable to students of the University.

- 3.4. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.
- 3.5. **“Education records”** means
- 3.5.1. **General definition.** Those records that are -
- 3.5.1.1. Directly related to a student; and
- 3.5.1.2. Maintained by the University or by a party acting for the University.
- 3.5.2. **Exclusions.** Education records does not include -
- 3.5.2.1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- 3.5.2.2. Records of a law enforcement unit of the University.
- 3.5.2.3. Records relating to an individual who is employed by the University that -
- 3.5.2.3.1. Are made and maintained in the normal course of business;
- 3.5.2.3.2. Relate exclusively to the individual in that individual’s capacity as an employee; and
- 3.5.2.3.3. Are not available for use for any other purpose.
- 3.5.2.3.3.1. Records relating to an individual in attendance at the University who is employed as a result of his or her status as a student are education records and not excepted under Section 3.6.2.3 of this Policy.
- 3.5.2.4. Records on a student that are:
- 3.5.2.4.1. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
- 3.5.2.4.2. Made, maintained, or used only in connection with treatment of the student; and
- 3.5.2.4.3. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the University.
- 3.5.2.5. Records created or received by the University after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
- 3.5.2.6. Grades on peer-graded papers before they are collected and recorded by a teacher.

- 3.6. **“Hearing examiner”** means an individual, including a University official, who conducts, alone or with other hearing examiners, a hearing on a student’s request for amendment of an education record.
- 3.7. **“Law enforcement unit”** means any individual, office, department, division, or other component of the University, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by the University to -
- 3.7.1. Enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or Federal law against any individual or organization other than the University itself; or
- 3.7.2. Maintain the physical security and safety of the University.
- 3.8. **“Legitimate educational interest”** means an education record is relevant to a University official’s fulfillment of his or her professional responsibilities for the University.
- 3.9. **“Parent”** means a parent of a student and includes a natural parent, a guardian, or an individual acting as a part in the absence of a parent or a guardian.
- 3.10. **“Personally identifiable information”** includes, but is not limited to -
- 3.10.1. The student’s name;
- 3.10.2. The name of the student’s parent or other family members;
- 3.10.3. The address of the student or student’s family;
- 3.10.4. A personal identifier, such as the student’s social security number, student number, or biometric record;
- 3.10.5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
- 3.10.6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- 3.10.7. Information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.
- 3.11. **“Record”** means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- 3.12. **“Record holder”** means a University office or official that may retain a copy, whether official or unofficial, of a record.
- 3.13. **“Records of a law enforcement unit”** means those records, files, documents, and other materials that are -
- 3.13.1. Created by a law enforcement unit;

- 3.13.2. Created for a law enforcement purpose; and
- 3.13.3. Maintained by the law enforcement unit.
- 3.13.4. Records of a law enforcement unit does not include -
  - 3.13.4.1. Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the University other than the law enforcement unit; or
  - 3.13.4.2. Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the University.
- 3.14. **“Student,”** except as otherwise specifically provided in this Policy, means any individual who is or has been in attendance at the University and regarding whom the University maintains education records.
- 3.15. **“University”** and **“the University”** mean the University of Dallas, which is an institution of postsecondary education.
- 3.16. **“University official”** means -
  - 3.16.1. A person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health center and counseling center staff);
  - 3.16.2. A person, company, or organization with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent);
  - 3.16.3. A person serving on the Board of Trustees of the University; or
  - 3.16.4. A student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

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#### 4. RESPONSIBILITIES

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Responsible Party	List of Responsibilities
Office of General Counsel	1. Monitor compliance with this Policy.
Record Holder	1. Receive requests for amendment of education record. 2. In accordance with University policy, make an initial determination on requests for amendment of education record and notify student of right to a hearing if the request for amendment is rejected by the record holder. Only the record holder for an official copy of a record, or an alternative person appointed by the Provost, can make an initial determination as to whether an official copy of an education record should be amended.

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	<ol style="list-style-type: none"> <li>3. Provide information to the hearing examiner(s), as needed, so as to permit the hearing examiner(s) to determine any appeal.</li> <li>4. Include a student's statement contesting the education record when provided by this Policy.</li> </ol>
Hearing Examiner(s)	<ol style="list-style-type: none"> <li>1. Conduct hearing in accordance with this Policy.</li> <li>2. Issue written decision in a reasonable period of time after the hearing.</li> <li>3. Rely solely on University policy and the evidence presented at the hearing in issuing a written decision, and include a summary of the evidence and the reasons for the decision.</li> <li>4. Notify student and relevant record holder(s) of decision.</li> </ol>
Office of Provost	<ol style="list-style-type: none"> <li>1. Receive requests for hearings under this Policy.</li> <li>2. Assign a hearing examiner to conduct a hearing in accordance with this Policy.</li> <li>3. Monitor compliance with this Policy.</li> </ol>

## 5. PROCEDURES

Task	Procedure
Request for Amendment of Education Record	<ol style="list-style-type: none"> <li>1. When a record holder receives a request from a student for amendment of an education record, the record holder will make an initial determination as to whether the record should be amended. (Only the record holder for an official copy of a record, or alternative person appointed by the Provost, can make an initial determination as to whether an official copy of an education record should be amended.)</li> <li>2. Notify the student within a reasonable period of time (typically no more than ten business days from the date of the request) as to the record holder's decision. If the record holder does not grant the request, the record holder must also notify the student of the student's right to request a hearing on the request.</li> </ol>
Hearing on Request for Amendment of Education Record	<ol style="list-style-type: none"> <li>1. A student may submit a request for a hearing on a request for amendment of an education record that is not fully granted.</li> <li>2. A student's request for a hearing must be submitted online within five business days of the decision by the record holder.</li> <li>3. The Provost's Office will select one or more hearing examiners to hear the student's request.</li> <li>4. The hearing examiner(s) will conduct a hearing on the request within a reasonable period of time (typically within ten business days of the request for hearing).</li> <li>5. The hearing examiner(s) will issue a written decision on the request within a reasonable period of time (typically within ten business days from the close of the hearing).</li> </ol>
Inclusion of Contested Statement	<ol style="list-style-type: none"> <li>1. If the request for amendment of an education record is not fully granted by the hearing examiner(s), the student may submit a written statement contesting the decision or disputing the education record.</li> </ol>

2. The student must submit, to the record holder, any written statement contesting the decision or disputing the education record within five days of the written decision by the hearing examiner(s).
3. The record holder must retain any such written statement for however long the education record is retained, and must include it with the education record.

## 6. POLICY ENFORCEMENT

Enforcement	The Office of General Counsel or the Office of the Provost will investigate suspected violations of this Policy, and take appropriate action in accordance with University policy.
Reporting Violations	Report suspected violations of this Policy to the Office of General Counsel or the Office of the Provost.

## 7. RELATED DOCUMENTS

Policy or Document	Web Address
Hearing Request Form	<a href="https://forms.gle/6W3AVyCEWNcGxM5G6">https://forms.gle/6W3AVyCEWNcGxM5G6</a>
Policy ADA - Data and Records Policy - Access to University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADA-S - Data and Records Policy - Student Right of Access to Education Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADA-D - Data and Records Policy - Disclosure of Education Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADS - Data and Records Policy - Security and Storage of University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADR - Data and Records Policy - Retention of University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADD - Data and Records Policy - Disposal of University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>

## 8. CONTACTS

Subject	Office or Position	Telephone Number	Office Email or URL
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Policy Clarification	Office of General Counsel	(972) 721-5363	<a href="mailto:hlachenauer@udallas.edu">hlachenauer@udallas.edu</a>
Implementation	Office of Provost	(972) 721-5226	<a href="mailto:provostoffice@udallas.edu">provostoffice@udallas.edu</a>
Web Address for this Policy		<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>	