



University of Dallas

Data and Records Policy

**Disclosure of Education
Records**

POLICY ADA-D

Responsible Executive:
Provost
Responsible Office:
Office of the Provost
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1. PURPOSE

This Policy guides the University of Dallas in the disclosure of education records and personally identifiable information derived from such 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 D](#) (§§ 99.30-.39).

2. DISCLOSURE OF EDUCATION RECORDS

- 2.1. **Permissive disclosure.** This Policy does not require the University to disclose education records or information from education records to any party, except as explicitly stated (e.g., Sections 3.2, 7.1.1.2, and 9.5). This Policy does not limit any rights of access to education records explicitly provided by law or policy. [34 C.F.R. § [99.31\(d\)](#)].
- 2.2. **Reasonable efforts to authenticate.** When the University discloses information pursuant to this Policy, the University will use reasonable methods to identify and authenticate the identity of parents, students, University officials, and any other parties to whom the University discloses personally identifiable information from education records. [34 C.F.R. § [99.31\(c\)](#)].

3. WRITTEN CONSENT TO DISCLOSURE GENERALLY REQUIRED

Except as otherwise provided by University policy or applicable federal, state, or local law, the University will not disclose personally identifiable information from a student's education records unless the student has provided a signed and dated written consent prior to the disclosure. [34 C.F.R. § [99.30](#)].

- 3.1. The written consent must:
 - 3.1.1. Specify the records that may be disclosed;
 - 3.1.2. State the purpose of the disclosure; and
 - 3.1.3. Identify the party or class of parties to whom the disclosure may be made.
- 3.2. If a student so requests, the University shall provide him or her with a copy of records disclosed pursuant to Section 3 of this Policy.
- 3.3. "Signed and dated written consent" under this part may include a record and signature in electronic form that -
 - 3.3.1. Identifies and authenticates a particular person as the source of the electronic consent; and

- 3.3.2. Indicates such person's approval of the information contained in the electronic consent.

4. DISCLOSURE TO UNIVERSITY OFFICIALS

The University may disclose personally identifiable information from an education record of a student without the consent required by Section 3 of this Policy if:

- 4.1. **Legitimate educational interest.** [34 C.F.R. § [99.31\(a\)\(1\)](#)]. The disclosure is to other University officials, including professors and instructors, within the University whom the University has determined to have legitimate educational interests.
- 4.1.1. A contractor, consultant, volunteer, or other party to whom the University has outsourced institutional services or functions may be considered a University official under this paragraph provided that the outside party -
- 4.1.1.1. Performs an institutional service or function for which the University would otherwise use employees;
- 4.1.1.2. Is under the direct control of the University with respect to the use and maintenance of education records; and
- 4.1.1.3. Is subject to the requirements of Section 8 of this Policy governing the use and redisclosure of personally identifiable information from education records.
- 4.2. **Restricting access.** The University will use reasonable methods to ensure that University officials obtain access to only those education records in which they have legitimate educational interests.

5. DISCLOSURE OF DIRECTORY INFORMATION

The University may disclose personally identifiable information from an education record of a student without the consent required by Section 3 of this Policy if:

- 5.1. **Directory information.** [34 C.F.R. §§ [99.31\(a\)\(11\)](#) and [99.37](#)]. The disclosure is information the University has designated as “directory information,” and
- 5.2. **Procedural requirements.** One of the following circumstances applies:
- 5.2.1. **Prior notice of right to opt out.** The University may disclose directory information if it has given public notice to students in attendance at the University of:
- 5.2.1.1. The types of personally identifiable information that the University has designated as directory information;
- 5.2.1.2. A student's right to refuse to let the University designate any or all of those types of information about the student as directory information; and

5.2.1.3. The period of time within which a student has to notify the University in writing that he or she does not want any or all of those types of information about the student designated as directory information.

5.2.2. **Former students.** The University may disclose directory information about former students without complying with the notice and opt out conditions in Section 5.2.1 of this Policy. However, the University must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt out request.

5.3. **Limitations on opt out.** A student may not use the right under Section 5.2.1 of this Policy to opt out of directory information disclosures to -

5.3.1. Prevent the University from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled; or

5.3.2. Prevent the University from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information under 34 C.F.R. § [99.3](#) and that has been properly designated by the University as directory information in the public notice provided under Section 5.2.1 of this Policy.

5.4. **Limitations in public notice.** In its public notice to students in attendance at the University that is described in Section 5.2.1 of this Policy, the University may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. When the University specifies that disclosure of directory information will be limited to specific parties, for specific purposes, or both, the University must limit its directory information disclosures to those specified in its public notice that is described in Section 5.2.1 of this Policy.

5.5. **Non-directory information.** The University may not disclose or confirm directory information without meeting the written consent requirements in Section 3 of this Policy if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

6. DE-IDENTIFIED RECORDS AND INFORMATION

The University may release education records or information without the consent required by Section 3 of this Policy after the removal of all personally identifiable information provided that the University has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. [34 C.F.R. § [99.31\(b\)](#)].

6.1. The University may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that -

6.1.1. The University does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;

- 6.1.2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
- 6.1.3. The record code is not based on a student's social security number or other personal information.

7. OTHER DISCLOSURES

The University may disclose personally identifiable information from an education record of a student without the consent required by Section 3 of this Policy if:

- 7.1. **Outside educational institutions.** [34 C.F.R. §§ [99.31\(a\)\(2\)](#) and [99.34](#)]. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

- 7.1.1. If the University discloses an education record pursuant to Section 7.1 of this Policy, it will
 - 7.1.1.1. Make a reasonable attempt to notify the student at the last known address of the student, unless:
 - 7.1.1.1.1. The disclosure is initiated by the student; or
 - 7.1.1.1.2. The annual notification of the University under Section 5 of Policy ADA-E – Student Access to Education Records includes a notice that the University forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
 - 7.1.1.2. Give the student, upon request, a copy of the record that was disclosed; and
 - 7.1.1.3. Give the student, upon request, an opportunity for a hearing under Policy ADA-A – Amendment of Education Records.

- 7.1.2. The University may disclose an education record of a student in attendance to another educational agency or institution if:

- 7.1.2.1. The student is enrolled in or receives services from the other agency or institution; and
- 7.1.2.2. The disclosure meets the requirements of Section 7.1.1 of this Policy.

- 7.2. **Federal or State audit or evaluation.** [34 C.F.R. §§ [99.31\(a\)\(3\)](#) and [99.35](#)].

- 7.2.1. **Authorized representatives.** The disclosure is to authorized representatives of -

- 7.2.1.1. The Comptroller General of the United States;

7.2.1.2. The Attorney General of the United States;

7.2.1.3. The Secretary; or

7.2.1.4. State and local educational authorities.

7.2.2. **Purpose of disclosure.** Authorized representatives of the officials or agencies headed by officials listed in Section 7.2.1 of this Policy may have access to education records 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.

7.2.3. **Responsibility of receiving entity.** The State or local educational authority or agency headed by an official listed in Section 7.2.1 of this Policy is responsible for using reasonable methods to ensure to the greatest extent practicable that any entity or individual designated as its authorized representative -

7.2.3.1. Uses personally identifiable information only to carry out an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements related to these programs;

7.2.3.2. Protects the personally identifiable information from further disclosures or other uses, except as authorized in 34 C.F.R. § [99.35\(b\)\(1\)](#); and

7.2.3.3. Destroys the personally identifiable information in accordance with the requirements of 34 C.F.R. § [99.35\(b\)](#) and [\(c\)](#).

7.3. **In connection with financial aid.** [34 C.F.R. § [99.31\(a\)\(4\)](#)].

7.3.1. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

7.3.1.1. Determine eligibility for the aid;

7.3.1.2. Determine the amount of the aid;

7.3.1.3. Determine the conditions for the aid; or

7.3.1.4. Enforce the terms and conditions of the aid.

7.3.2. As used in Section 7.3 of this Policy, financial aid means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at the University.

7.4. **Juvenile justice system.** [34 C.F.R. §§ [99.31\(a\)\(5\)](#) and [99.38](#)]. The disclosure is to State or local officials or authorities to whom this information is specifically -

7.4.1. Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

7.4.2. Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the following requirement:

7.4.2.1. The reporting or disclosure allowed by State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released; and

7.4.2.2. The officials and authorities to whom the records are disclosed certify in writing to the University that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

7.5. **Research to benefit education.** [34 C.F.R. § [99.31\(a\)\(6\)](#)].

7.5.1. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

7.5.1.1. Develop, validate, or administer predictive tests;

7.5.1.2. Administer student aid programs; or

7.5.1.3. Improve instruction.

7.5.2. The University may disclose personally identifiable information under Section 7.5.1 of this Policy only if -

7.5.2.1. It appears that the study will be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;

7.5.2.2. It appears that the information will be destroyed when no longer needed for the purposes for which the study was conducted; and

7.5.2.3. The University enters into a written agreement with the organization that -

7.5.2.3.1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

7.5.2.3.2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;

7.5.2.3.3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this Policy, by anyone other than representatives of the organization with legitimate interests; and

- 7.5.2.3.4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
- 7.5.3. The University's disclosure of information does not constitute agreement with or endorsement of the conclusions or results of the study.
- 7.5.4. For purposes of Section 7.5 of this Policy, the term organization includes, but is not limited to, Federal, State, and local agencies, and independent organizations.
- 7.6. **Accreditation.** [34 C.F.R. § [99.31\(a\)\(7\)](#)]. The disclosure is to accrediting organizations to carry out their accrediting functions.
- 7.7. **Parents of a dependent student.** [34 C.F.R. § [99.31\(a\)\(8\)](#)]. The disclosure is to parents of a dependent student.
- 7.8. **Court order or subpoena.** [34 C.F.R. § [99.31\(a\)\(9\)](#)]. The disclosure is to comply with a judicial order or lawfully issued subpoena.
 - 7.8.1. The University will make a reasonable effort to notify the student or the order or subpoena in advance of compliance, unless the disclosure is in compliance with -
 - 7.8.1.1. A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
 - 7.8.1.2. Any other subpoena issued for a law enforcement purpose and the 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
 - 7.8.1.3. An *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § [2332b\(g\)\(5\)\(B\)](#) or an act of domestic or international terrorism as defined in 18 U.S.C. § [2331](#).
 - 7.8.2. If the University initiates legal action against a parent or student, the University may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the University to proceed with the legal action as plaintiff.
 - 7.8.3. If a student initiates legal action against the University, the University may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the University to defend itself.
- 7.9. **Health or safety emergency.** [34 C.F.R. §§ [99.31\(a\)\(10\)](#) and [99.36](#)]. The disclosure is in connection with a health or safety emergency.

- 7.9.1. The University may disclose personally identifiable information from an education record to appropriate parties, including parents of a student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- 7.9.2. Nothing in this Act or this part shall prevent the University from -
- 7.9.2.1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
 - 7.9.2.2. Disclosing appropriate information maintained under Section 7.9.2.1 of this Policy to teachers and University officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or
 - 7.9.2.3. Disclosing appropriate information maintained under Section 7.9.2.1 of this Policy to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- 7.9.3. In making a determination under Section 7.9.1 of this Policy, the University may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the University determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the University in evaluating the circumstances and making its determination.
- 7.9.4. A University official who makes a disclosure pursuant to the exception in Section 7.9 of this Policy must also notify the Office of Institutional Effectiveness or the Compliance Officer of the disclosure and provide the information necessary for maintaining a record of the disclosure.
- 7.10. **Disclosure to victim of violence or sex offense.** [34 C.F.R. § [99.31\(a\)\(13\)](#)]. The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure will only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense. The University may disclose the final results of the disciplinary proceeding, regardless of whether the University concluded a violation was committed.
- 7.11. **Disciplinary proceedings.** [34 C.F.R. § [99.31\(a\)\(14\)](#)]. The disclosure is in connection with a disciplinary proceeding at the University.
- 7.11.1. The University will not disclose the final results of the disciplinary proceeding unless it determines that -

- 7.11.1.1. The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
- 7.11.1.2. With respect to the allegation made against him or her, the student has committed a violation of the University's rules or policies.
- 7.11.2. The University will not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
- 7.11.3. This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.
- 7.12. **Drug and alcohol violations.** [34 C.F.R. § [99.31\(a\)\(15\)](#)]. The disclosure is to a parent of a student at the University regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance if -
 - 7.12.1. The University determines that the student has committed a disciplinary violation with respect to that use or possession; and
 - 7.12.2. The student is under the age of 21 at the time of the disclosure to the parent.
- 7.13. **Disclosures of sex offenders.** [34 C.F.R. § [99.31\(a\)\(16\)](#)]. The disclosure concerns sex offenders and other individuals required to register under the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program, 34 U.S.C. § [20913](#), and applicable federal guidelines.

8. REDISCLOSURE LIMITATIONS

When the University discloses personally identifiable information from an education record pursuant to Sections 4, 5, or 7 of this Policy, it is on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student. [34 C.F.R. § [99.33](#)].

- 8.1. **Use of disclosed information.** The officers, employees, and agents of a party that receives information under Sections 4, 5, or 7 of this Policy may use the information, but only for the purposes for which the disclosure was made.
- 8.2. **Intent of disclosure.** Section 8 of this Policy does not prevent the University from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the University if -
 - 8.2.1. The disclosures meet the requirements of this Policy or Policy ADA-S – Student Right of Access to Education Records; and
 - 8.2.2. At least one of the following -
 - 8.2.2.1. The University has complied with Section 9.4 of this Policy; or

8.2.2.2. One of the authorities, officials, or agencies listed in Section 7.2.1 of this Policy has complied with [34 C.F.R. § 99.32\(b\)\(2\)](#).

8.3. **Exceptions to redisclosure limitations.** Section 8 of this Policy does not apply to disclosures under the following circumstances:

8.3.1. Disclosures to parents of a dependent student (Section 7.7);

8.3.2. Disclosures pursuant to court order or subpoena (Section 7.8);

8.3.3. Disclosures of directory information (Section 5);

8.3.4. Disclosures to the student (Policy ADA-S – Student Right of Access to Education Records);

8.3.5. Disclosures in connection with certain disciplinary proceedings (Section 7.11); and

8.3.6. Disclosures relating to drug and alcohol violations (Section 7.12).

8.4. **Notice of redisclosure limitations.** The University will inform a party to whom disclosure is made of the redisclosure limitations in 34 C.F.R. § [99.33\(a\)](#), unless the party is exempted from the redisclosure limitations under Section 8.3 of this Policy.

9. RECORDKEEPING CONCERNING REQUESTS AND DISCLOSURES

The University will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, as well as the names of State and local educational authorities and Federal officials and agencies listed in Section 7.2.1 of this Policy that may make further disclosures of personally identifiable information from the student’s education records without consent under 34 C.F.R. § [99.33\(b\)](#) (Section 8.2 of this Policy). [34 C.F.R. § [99.32](#)]

9.1. **Retention period.** The University will maintain the record with the education records of the student as long as the records are maintained.

9.1.1. The Office of Institutional Effectiveness, in collaboration with the Compliance Officer, is responsible for maintaining the record of requests and disclosures required by Section 9 of this Policy.

9.2. **Contents.** For each request or disclosure, the record must include:

9.2.1. The parties who have requested or received personally identifiable information from the education records; and

9.2.2. The legitimate interests (for records or personally identifiable information disclosed) the parties had in requesting or obtaining the information.

9.3. **Health and safety emergency.** The University will record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in Section 7.9 of this Policy:

9.3.1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and

9.3.2. The parties to whom the University disclosed the information.

9.4. Governmental authorities and officials.

9.4.1. If the University discloses personally identifiable information from education records with the understanding authorized under Section 8.2 of this Policy, the record of the disclosure required under this section must include:

9.4.1.1. The names of the additional parties to which the receiving party may disclose the information on behalf of the University; and

9.4.1.2. The legitimate interests under this Policy which each of the additional parties has in requesting or obtaining the information.

9.4.2. The University's disclosure will also request that the authority or official to whom the disclosure is made provide the University with any copy of any further disclosures of that information that are made by the authority or official.

9.4.2.1. Any record of further disclosures will be maintained with the record of the disclosure made by the University.

9.5. Right to inspect. The following parties may inspect the record relating to each student:

9.5.1. The student.

9.5.2. The University official or his or her assistants who are responsible for the custody of the records.

9.5.3. Those parties authorized in Section 4 and Section 7.2 for the purposes of auditing the recordkeeping procedures of the University.

9.6. Exceptions to record-keeping. The record-keeping requirements under Section 9 of this Policy do not apply if the request was from, or the disclosure was to:

9.6.1. The parent or student;

9.6.2. A University official under Section 4 of this Policy;

9.6.3. A party with written consent from the student;

9.6.4. A party seeking directory information; or

9.6.5. A party seeking or receiving records in accordance with Section 7.8.1.1, .2, or .3 of this Policy.

10. DEFINITIONS

[34 C.F.R. §§ [99.3](#), [99.39](#), and [Appendix A to Part 99](#)].

- 10.1. **“Alleged perpetrator of a crime of violence”** means a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses: Arson, assault offenses, burglary, criminal homicide - manslaughter by negligence, criminal homicide - murder and nonnegligent manslaughter, destruction / damage / vandalism of property, kidnapping / abduction, robbery, forcible sex offenses.
- 10.1.1. **“Arson”** means any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- 10.1.2. **“Assault offenses”** means an unlawful attack by one person upon another.
- 10.1.3. **“Burglary”** means the unlawful entry into a building or other structure with the intent to commit a felony or a theft.
- 10.1.4. **“Criminal homicide – manslaughter by negligence”** means the killing of another person through gross negligence.
- 10.1.5. **“Criminal homicide – murder and nonnegligent manslaughter”** means the willful (nonnegligent) killing of one human being by another.
- 10.1.6. **“Destruction / damage / vandalism of property”** means to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- 10.1.7. **“Kidnapping / abduction”** means the unlawful seizure, transportation, or detention of a person, or any combination of these actions, against his or her will, or of a minor without the consent of his or her custodial parent(s) or legal guardian.
- 10.1.8. **“Robbery”** means the taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of a person or persons by force or threat of force or violence or by putting the victim in fear.
- 10.1.9. **“Forcible sex offenses”** means any sexual act directed against another person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent.
- 10.2. **“Alleged perpetrator of a nonforcible sex offense”** means a student who is alleged to have committed acts that, if proven, would constitute statutory rape or incest.
- 10.2.1. **“Incest”** means nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 10.2.2. **“Statutory rape”** means nonforcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in Texas is 17.
- 10.3. **“Attendance”** includes, but is not limited to –

- 10.3.1. 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
- 10.3.2. The period during which a person is working under a work-study program.
- 10.4. **“Authorized representative”** means any entity or individual designated by a State or local educational authority or an agency headed by an official listed in Section 7.2.1 of this Policy to conduct — with respect to Federal- or State-supported education programs — any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.
- 10.5. **“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.
- 10.6. **“Dates of attendance”** means the period of time during which a student attends or attended the University. Examples of dates of attendance include an academic year, a spring semester, or a first quarter.
 - 10.6.1. The term does not include specific daily records of a student’s attendance at the University.
- 10.7. **“Department”** means the United States Department of Education.
- 10.8. **“Dependent student”** means a student who is considered a dependent for purposes of federal income tax purposes (see 26 U.S.C. § [152](#)).
- 10.9. **“Directory information”** means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
 - 10.9.1. Directory information includes, but is not limited to, the student’s name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.
 - 10.9.2. Directory information does not include a student’s –
 - 10.9.2.1. Social security number; or
 - 10.9.2.2. Student identification (ID) number, except as provided in [next subsection].
 - 10.9.3. Directory information includes –
 - 10.9.3.1. A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier

cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and

10.9.3.2. A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

10.10. **“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.

10.11. **“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.

10.12. **“Education records”** means

10.12.1. **General definition.** Those records that are –

10.12.1.1. Directly related to a student; and

10.12.1.2. Maintained by the University or by a party acting for the University.

10.12.2. **Exclusions.** Education records does not include –

10.12.2.1. 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.

10.12.2.2. Records of a law enforcement unit of the University.

10.12.2.3. Records relating to an individual who is employed by the University that –

10.12.2.3.1. Are made and maintained in the normal course of business;

10.12.2.3.2. Relate exclusively to the individual in that individual's capacity as an employee; and

10.12.2.3.3. Are not available for use for any other purpose.

10.12.2.3.3.1. 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 10.12.2.3 of this Policy.

- 10.12.2.4. Records on a student that are:
- 10.12.2.4.1. 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;
 - 10.12.2.4.2. Made, maintained, or used only in connection with treatment of the student; and
 - 10.12.2.4.3. 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.
- 10.12.2.5. 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.
- 10.12.2.6. Grades on peer-graded papers before they are collected and recorded by a teacher.
- 10.13. **“Final results”** means a decision or determination, made by an honor court or council, committee, commission, or other entity authorized to resolve disciplinary matters within the institution. The disclosure of final results must include only the name of the student, the violation committed, and any sanction imposed by the institution against the student.
- 10.14. **“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 –
- 10.14.1. 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
 - 10.14.2. Maintain the physical security and safety of the University.
- 10.15. **“Legitimate educational interest”** means an education record is relevant to a University official’s fulfillment of his or her professional responsibilities for the University.
- 10.16. **“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.
- 10.17. **“Personally identifiable information”** includes, but is not limited to –
- 10.17.1. The student’s name;
 - 10.17.2. The name of the student’s parent or other family members;
 - 10.17.3. The address of the student or student’s family;
 - 10.17.4. A personal identifier, such as the student’s social security number, student number, or biometric record;

- 10.17.5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
 - 10.17.6. 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
 - 10.17.7. Information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.
- 10.18. **“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.
- 10.19. **“Records of a law enforcement unit”** means those records, files, documents, and other materials that are –
- 10.19.1. Created by a law enforcement unit;
 - 10.19.2. Created for a law enforcement purpose; and
 - 10.19.3. Maintained by the law enforcement unit.
 - 10.19.4. Records of a law enforcement unit does not include –
 - 10.19.4.1. 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
 - 10.19.4.2. 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.
- 10.20. **“Sanction imposed”** means a description of the disciplinary action taken by the institution, the date of its imposition, and its duration.
- 10.21. **“Secretary”** means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.
- 10.22. **“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.
- 10.23. **“University”** and **“the University”** mean the University of Dallas.
- 10.24. **“University official”** means –
- 10.24.1. 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);

- 10.24.2. 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);
- 10.24.3. A person serving on the Board of Trustees of the University; or
- 10.24.4. 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.

10.25. **“Violation committed”** means the institutional rules or code sections that were violated and any essential findings supporting the institution’s conclusion that the violation was committed.

11. RESPONSIBILITIES

Responsible Party	List of Responsibilities
Office of General Counsel	1. Monitor compliance with this policy.
Office of the Provost	1. Monitor compliance with this policy
Office of the Registrar	1. Receive and maintain written consent to disclosure.
Office of Institutional Effectiveness	1. Responsible for overseeing requests and disclosure educational records when such requests are subject to the record-keeping requirements of Section 9 of this Policy. 2. Receives requests for the disclosure of such education records. 3. Evaluates requests for the disclosure of such education records. 4. Maintains a record of requests and disclosures of such education records.

12. PROCEDURES

Task	Procedure
Receive and maintain written consent to disclosure (i.e., FERPA waivers)	1. The Office of the Registrar receives and maintains a student’s written consent to disclosure of education records. 2. Upon request, the Office of the Registrar notifies University officials regarding the existence or scope of any written consents to disclosure.
Receive and determine requests for disclosure	1. The Office of Institutional Effectiveness receives requests for disclosure of education records that are subject to record-keeping (Section 9 of this Policy). 2. The Office of Institutional Effectiveness, in consultation with the record holder and other interested stakeholders, determines whether the requested records should be disclosed. 3. The Office of Institutional Effectiveness discloses the records, or notifies the requestor that they are not being disclosed.
Maintain record of requests for disclosure and disclosures	1. The Office of Institutional Effectiveness, in collaboration with the Compliance Officer, will maintain a record of requests for disclosure and disclosures.

13. POLICY ENFORCEMENT

Enforcement	The Office of General Counsel, the Office of the Provost, or the Office of Institutional Effectiveness 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, the Office of the Provost, or the Office of Institutional Effectiveness.

14. RELATED DOCUMENTS

Policy or Document	Web Address
Policy ADA - Data and Records Policy - Access to University Records	https://udallas.edu/about/university-policies/index.php
Policy ADA-S - Data and Records Policy - Student Right of Access to Education Records	https://udallas.edu/about/university-policies/index.php
Policy ADA-A - Data and Records Policy - Amendment of Education Records	https://udallas.edu/about/university-policies/index.php
Policy ADS - Data and Records Policy - Security and Storage of University Records	https://udallas.edu/about/university-policies/index.php
Policy ADR - Data and Records Policy - Retention of University Records	https://udallas.edu/about/university-policies/index.php
Policy ADD - Data and Records Policy - Disposal of University Records	https://udallas.edu/about/university-policies/index.php

15. CONTACTS

Subject	Office or Position	Telephone Number	Office Email or URL
Policy Clarification	Office of General Counsel	(972) 721-5363	hlachenauer@udallas.edu
Implementation	Office of Provost	(972) 721-5226	provostoffice@udallas.edu

Records of Requests and Disclosures	Office of Institutional Effectiveness	(972) 265-5744	vmorrisdueer@udallas.edu
Written Consent	Office of the Registrar	(972) 721-5221	registrar@udallas.edu
Web Address for this Policy		https://udallas.edu/about/university-policies/index.php	