

# Student Rights & Security

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## Rights Under Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g and 34 CFR Part 99, also known as the Buckley Amendment, are federal laws and regulations that provide students with the following rights with respect to their education records:

- a. To inspect and review the student's education records;
- b. To consent to disclosure of the student's education records to third parties, except to the extent that FERPA authorizes disclosure without consent;
- c. 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;
- d. To be notified of the student's privacy rights under FERPA; and
- e. To file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

At UT Arlington, FERPA rights apply to a student. A student is a person who has been admitted and is registered, regardless of the person's age. It is the policy of The University of Texas at Arlington to protect the privacy and records access rights of its current and former students.

## The Clery Act

In compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), the University of Texas at Arlington publishes its Security and Fire Safety Report (the "Report") annually. The Report is available for review and includes crime statistics for the prior three calendar years. These statistics include crimes that occurred on campus, in non-campus properties owned or controlled by UTA and frequented by students, and on public property within or immediately adjacent to campus. The Report also includes information on fire statistics for campus residential properties for the prior three calendar years and current fire safety systems in these properties. In addition, the Report includes UTA policies related to the safety and security of our campus community. You may access the annual Report by clicking the following link: [Annual Campus Security and Fire Safety Report \(https://www.uta.edu/campus-ops/police/public-info/annual-reports/\)](https://www.uta.edu/campus-ops/police/public-info/annual-reports/). You may request a paper copy of the Report by contacting the University's Office of Legal Affairs (<https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.uta.edu%2Flegalaffairs%2F&data=02%7C01%7Cjimmerson%40uta.edu%7C2bf1305400b3466acf9108d6b849f9a8%7C5cdc5b43d7be4caa8173729e3b0a62d9%7C0%7C0%7C636899025187717626&sdata=cvUufaFVkos4C2tcTE9pX%2F8hchn0Nngs6438gGgRA%3D&reserved=0>) or emailing [campus\\_safety\\_report@uta.edu](mailto:campus_safety_report@uta.edu).

## Student Complaints and Appeals

UT Arlington is committed to addressing student complaints in a fair, consistent, and professional manner. In attempting to resolve a complaint, the student must first make a serious effort to resolve the matter with the individual with whom the grievance originated.

Complaints involving academic matters other than grades can be filed with the academic department chair then appealed to the dean. If the complaint originates within a school/college or an academic department, then a student should contact the school/college or academic department for instructions and complaint/appeal filing requirements.

Non-academic complaints can be filed with the office director then appealed to the unit head/vice president. The dean of students' [File a Complaint webpage \(https://www.uta.edu/student-affairs/dos/file-a-complaint/\)](https://www.uta.edu/student-affairs/dos/file-a-complaint/) contains direct links to the various offices' complaint processes and office contact information and can be used to determine where and how to file a complaint that originated outside of a college/school or academic department.

All complaints/appeals must be submitted in writing either on an appeal form or through the documentation process required by the office or unit where the complaint originated.

Students may formally appeal to the dean of students a decision made by a school/college dean or unit head/vice president only when the student can present evidence of differential treatment or procedural irregularity (<https://www.uta.edu/student-affairs/dos/file-a-complaint/>). The dean of students' [UTA Student Formal Appeal Form \(https://www.uta.edu/student-affairs/dos/file-a-complaint/filing-process/\)](https://www.uta.edu/student-affairs/dos/file-a-complaint/filing-process/) is available on the dean of students' File A Complaint webpage.

Complaint and appeal procedures are applicable to all classifications of UTA students enrolled in academic courses and programs in all locations or online.

Information on procedures related to grade grievances is available in the [Undergraduate Grade and Grading Policies \(http://catalog.uta.edu/academicregulations/grades/#undergraduatetext\)](http://catalog.uta.edu/academicregulations/grades/#undergraduatetext) and [Graduate Grade and Grading Policies \(http://catalog.uta.edu/academicregulations/grades/#graduatetext\)](http://catalog.uta.edu/academicregulations/grades/#graduatetext) sections of the catalog.

## Seeking Exceptions to Graduate Policy

A student may petition for exceptions to published graduate policy by submitting a petition. The Graduate Advisor and the departmental Committee on Graduate Studies Chair will evaluate the petition and send it to the Dean for final decision. Limited exceptions to some rules may be approved if the

facts presented by the petitioner are fully justified in the views of the Graduate Advisor, Committee on Graduate Studies Chair, and Dean. See [Petition for an Exception to a Graduate Policy](#) (<https://common.forms.uta.edu/view.php?id=5066>) for additional information about petitioning for an exception to graduate policy.

## GRIEVANCES OTHER THAN GRADES

Refer to *Student Complaints and Appeals* section above.

## Student Right-to-Know and Campus Security Act

**Campus security and safety guidelines:** In case of emergency or to report a crime in progress, contact the UT Arlington Police at (817) 272-3003. For all other security and safety issues, dial (817) 272-3381 or visit the [Campus Police homepage](#) (<https://police.uta.edu/>).

**Campus security policies:** In compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, formerly the Student Right-to-Know and Campus Security Act (P.L. 101-542, as amended), the University of Texas at Arlington publishes specified campus crime statistics and campus security policies through the Office of the Chief of the University Police.

Campus security policies include:

- Procedures for reporting criminal actions or other emergencies occurring on campus.
- Policies concerning security of and access to campus facilities, including campus residences; campus law enforcement authority and responsibilities.
- A description of programs designed to inform students and employees about the prevention of crimes, and campus security procedures.
- The policy of monitoring and recording of students' criminal activity occurring at off-campus locations of student organizations officially recognized by the institution.
- The policy regarding the possession, use and sale of alcoholic beverages and illegal drugs, and enforcement of federal and state drug and drinking laws.
- A description of drug or alcohol-abuse education programs.
- Sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs.
- Policy on emergency response and emergency notification procedures involving immediate threat and campus evacuation.
- Missing student information
- Fire and life safety policies and procedures
- Gang free zones and consequences of engaging in organized criminal activities in these zones
- Campus-wide emergency notification procedures in case of immediate threat or campus evacuation ([MavAlert](#) (<https://www.uta.edu/campus-ops/emergency-management/emergency/>))

To learn more how to prevent crime or to respond to emergency situations, visit the website [www.uta.edu/campus-ops/emergency-management/be-mavready](http://www.uta.edu/campus-ops/emergency-management/be-mavready) (<https://www.uta.edu/campus-ops/emergency-management/be-mavready/>).

Crime statistics may be accessed on the University Police Web site at <https://police.uta.edu/public-info/index.php> (<https://police.uta.edu/public-info/>).

**Gang-free zones:** To promote campus safety and deter crime, premises owned, rented or leased by The University of Texas at Arlington, and areas within 1,000 feet of the premises are "gang-free" zones. Certain criminal offenses, including those involving gang-related crimes, will be enhanced to the next highest category of offense if committed in a gang-free zone by an individual 17 years or older. See [Texas Penal Code, Section 71.028](#) (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.71.htm#71028>).

**Missing student notification policy:** If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the UT Arlington Police Department at 817-272-3381. Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by UT Arlington in the event the student is determined to be missing for more than 24 hours. Contact information will be accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. To designate a confidential contact, contact [Apartment and Residence Life](#) (<https://www.uta.edu/campus-ops/housing/>) at (817) 272-2926. More details can be found in the [Annual Campus Fire and Safety Report](#) (<https://police.uta.edu/public-info/annual-reports/>).

**False alarms reports:** Since Sept. 1, 2013, [Section 42.06\(b\) of the Texas Penal Code](#) (<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.42.htm>) mandates that the penalty for the offense of making a false alarm or report involving a public or private institution of higher education is a state jail felony.

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- a. To inspect and review the student's education records;
- b. To consent to disclosure of the student's education records to third parties, except to the extent that FERPA authorizes disclosure without consent;
- c. 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;
- d. To be notified of the student's privacy rights under FERPA; and
- e. To file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

It is the policy of The University of Texas at Arlington to protect the privacy and records access rights of its current and former students .

UT Arlington's official FERPA policy statements are available in the [Handbook of Operating Procedures \(https://www.uta.edu/policy/hop/13-1100/\)](https://www.uta.edu/policy/hop/13-1100/) and the [University Catalog \(http://catalog.uta.edu/\)](http://catalog.uta.edu/). Additional details are available at the [FERPA website \(http://www.uta.edu/records/about/ferpa.php\)](http://www.uta.edu/records/about/ferpa.php).

## STUDENT RIGHTS UNDER FERPA

At UT Arlington, FERPA rights apply to a student. A student is a person who has been admitted and is registered, regardless of the person's age.

The University will not disclose education records or personally identifiable information from an education record without prior consent of the student to a third party, except as authorized by FERPA and its policies.

The University provides an Annual Notice to each enrolled student of his or her rights under FERPA, as well as the procedures for exercising these rights, information about the Directory Information Exception, and the process by which a student may elect to opt out of the release of the student's directory information.

## DIR ECTORY INFORMATION

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

- a. Name
- b. Local and permanent postal addresses
- c. Email address
- d. Telephone number
- e. Place of birth
- f. Field of study; dates of attendance
- g. Enrollment status
- h. Student classification (example: freshman, first year law school student)
- i. Degrees awarded
- j. Certificates and awards (including scholarships) received
- k. Photographs
- l. Participation in officially recognized activities and sports
- m. Weight and height of members of athletic teams
- n. Most recent previous educational agency or institution attended

The University may publish or publicly disclose directory information without the student's consent, unless the student, using [MyMav \(http://www.uta.edu/mymav/\)](http://www.uta.edu/mymav/), has notified the University that s/he wishes to opt out of such disclosures. If no elections are made, UT Arlington will allow release of the student's directory information.

Any restriction will remain in effect until it is revoked. UT Arlington allows former students to make changes to the disclosure status in effect at the time of their last term of attendance.

## WHEN DISCLOSURE IS PERMITTED WITHOUT PRIOR CONSENT OF THE STUDENT

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 Section 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, Section 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 and disclosure 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 member of the University of Texas System Board of Regents; or
- A person employed by The University of Texas System 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 University of Texas Board of Regents, the Comptroller General of the United States, the Attorney General of the United States, the 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.
- To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense.
- To the general public, the final results of a disciplinary proceeding, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and has committed a violation of the school's rules or policies with respect to the allegation.
- 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 that the student committed a disciplinary violation and is under the age of 21.
- If the disclosure concerns sex offenders and other individuals required to register under section 17010 of the Violent Crime Control and Law Enforcement Act of 1994.
- Under the Directory Information exception as explained below.
- To defend the University against litigation or complaints filed by the student against the University.

For additional information on exceptions to the consent requirement, see the [UT Arlington Handbook of Operating Procedures](https://www.uta.edu/policy/hop/13-1100/#section-3-4). (<https://www.uta.edu/policy/hop/13-1100/#section-3-4>)

Research papers, theses, and dissertations authored by students are available to interested members of the public.

## FERPA AND PARENTS

Once the student attains the age of 18 or attends an institution of higher education, regardless of age, FERPA rights transfer from the parent to the student. Under FERPA, parents have no inherent rights of access to their students' education records.

Students can give express written permission for their parents' access to their education record by completing the UT Arlington FERPA Release Authorization Form and submitting it with UTA identification to the Office of the Registrar, Room 129 University Administration Building.

Records may be released to parents without a signed consent from the student under certain exceptions. These include:

- In a health or safety emergency.
- Where the student has violated a law or the school's policies governing alcohol or substance abuse, if the student is under 21 years old.
- By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form.

Parents who wish to access their student's education records without the express written permission of the student may provide a copy of the previous year's tax form demonstrating that the student is a dependent for tax purposes to the Office of the Registrar, University of Texas at Arlington, Room 129 University Administration Building. Income data on the tax record can be redacted.

In a legal separation or divorce situation, biological parents have equal standing as custodial parents to gain access to the student's education records.

## PARENTS OF DUAL-CREDIT STUDENTS

For parents of dual-credit students: Students who are enrolled in both high school and courses at a postsecondary institution provide a unique situation. While the rights under FERPA belong to the parents with respect to high school records, they belong to the student with respect to the postsecondary records. In this case, FERPA's provisions allowing disclosure of information to parents of students who are dependents for income tax purposes would apply, allowing the postsecondary institution to share grades and other information from the student's education records with parents upon presentation of income tax records demonstrating the student is a tax dependent. Students can give express written permission for their parents' access to their education record by completing the UT Arlington FERPA Release Authorization Form and submitting it with UTA identification to the Office of the Registrar, Room 129 University Administration Building.

Additionally, the high school and postsecondary institution may share information from records of dual-enrolled students.

UT Arlington strongly encourages parents of dual-credit students to respect the student's ownership of his or her education record at the college level and seek ways to gain that information while safeguarding the student's rights and responsibilities. Faculty teaching dual-credit courses will make every attempt to communicate with and through the student, as an important maturation point for college students.

## **ADDITIONAL UT ARLINGTON BUSINESS PRACTICES RELATED TO FERPA**

It is the policy of UT Arlington that it will maintain the FERPA disclosure code in effect at the time of a student's last term of enrollment for former students. Furthermore, the University will honor a request from a former student, not re-enrolled, to change a privacy election. FERPA protection excludes records that contain information about an individual after he or she is no longer a student.

FERPA rights cease upon death. However, it is the policy of UT Arlington that no records of deceased students be released for a period of 25 years after the date of the student's death, unless specifically authorized by the executor of the deceased's estate or by next of kin. The University notifies students annually of their FERPA rights through the online undergraduate and graduate catalogs and by annual email notification.

### **RELEVANT FEDERAL AND STATE STATUTES**

- Family Educational Rights and Privacy Act: 20 U.S.C. Section 1232g (<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/>)
- 34 Code of Federal Regulations Part 99 Family Educational Rights and Privacy ([http://www.ecfr.gov/cgi-bin/text-idx/?tpl=/ecfrbrowse/Title34/34cfr99\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx/?tpl=/ecfrbrowse/Title34/34cfr99_main_02.tpl))

### **RELEVANT UT SYSTEM POLICIES, PROCEDURES AND FORMS**

- *Regents' Rules and Regulations: Rule 50702*
- UTS183 Maintenance of Education Records Subject to the Family Educational Rights and Privacy Act (FERPA) (<https://utsystem.edu/sites/policy-library/policies/uts-183-maintenance-of-education-records-subject-family-educational-rights-and-privacy-act-ferpa/>)
- Appendix A, Notice of Student Rights under FERPA and Notice Concerning Directory Information

Additional details are available at the [FERPA website](https://www.uta.edu/administration/registrar/parents/ferpa/) (<https://www.uta.edu/administration/registrar/parents/ferpa/>).