



Procedure to Inspect and Amend Student Education Record University of the Incarnate Word

The Family Educational Rights and Privacy Act (FERPA) affords Eligible Students certain rights with respect to their Education Records. These rights include the right to inspect and review a student's Education Record, as defined by the statute, and the right to seek amendment of the student's Education Record if the student believes it is inaccurate, misleading, or otherwise violates the student's privacy rights. Amendments can be sought to correct clerical or recording errors in the Education Record, but not to amend substantive decisions by the University faculty or staff concerning evaluation of academic work, opinions, or outcomes of disciplinary proceedings. The process of requesting an amendment to an Education Record includes the option of a formal hearing if there is disagreement between the student and the University as to whether an amendment should be made. **Amendments to a student's Education Record on substantive matters such as a grade change (when the problem is not a recording error) or a change in the result of disciplinary adjudication will not be considered by the University under this procedure.** To request an amendment to the education record, a student must follow the following outlined steps.

1. Request to Inspect the Student Education Record

A student wishing to inspect and review all or a portion of their education record must submit the ***Request to Inspect and Review Education Record*** form to the Registrar's Office. Currently enrolled students may submit their request form through their UIW email. The Registrar's Office will respond to such requests within ten (10) business days to schedule a date for the review to occur. The requested record(s) will be made available for review and inspection within forty-five (45) days of the received request. Financial records of a student's parent or guardian and confidential letters of recommendation where the student has signed a waiver of right to access are not subject to inspection under FERPA. Moreover, the Education Record only includes those records that meet the definition of an Education Record under FERPA.

2. Request to Amend the Student Education Record

After inspecting and reviewing the requested Education Record, a student may request to amend their Education Record by submitting the ***Request to Amend Student Education Record*** form to the Registrar's Office. Currently enrolled students may submit their request form through their UIW email. Under FERPA, amendments can be requested to correct clerical or recording errors in the Education Records, but may not be used to amend substantive decisions such as grade changes, evaluations, opinions, or outcomes of disciplinary proceedings..

An incomplete ***Request to Amend Student Education Record*** form will not be considered, and the student will be notified in writing (including email) that their request was not complete.

Upon receipt of the ***Request to Amend Student Education Record*** form, the University will decide within a reasonable time, but no later than within thirty (30) days, whether to amend the Education Record(s) as requested. The student will be notified in writing whether the Education Record(s) will be amended as requested. The written notice will state the reason(s) for the decision and notify the student of their right to request a hearing if the Education Record will not be amended as requested.

3. Request a Hearing to Amend the Student Education Record

A student wishing to request a hearing to amend their Education Record after the University denies the student's request to amend their Education Record, may submit a ***Request for Hearing to Amend Student Education Record*** form to the Registrar's Office. The Registrar's Office will notify the student within a

reasonable time after the request for a hearing is received, but no later than thirty (30) days after receipt, of the date, time and place of the hearing.

Student's Rights at the Hearing:

- A student may present information and evidence concerning a clerical or recording error in the Education Record that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights. ***The hearing is not an opportunity to review substantive decisions by the University faculty or staff concerning evaluation of academic work or outcomes of disciplinary proceedings.***
- A student shall be assigned a hearing officer who does not have a direct interest in the outcome of the hearing.
- A student is entitled to have an advisor of their choosing present, including counsel, at their own expense.
- A student shall have a full and fair opportunity to present evidence concerning requested corrections to their Education Record.
- A student shall receive, within a reasonable period of time after the hearing, but not later than thirty (30) days after the hearing, a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence and reasons for the decision.
- If a student is not in agreement with the decision rendered at the hearing, a student may submit a statement that will be placed in their Education Record commenting on the contested portion of the record, or stating why the student disagrees with University's decision to not accept the proposed change, or both, which will be disclosed whenever the University discloses that portion of the student's Education Record if, as a result of the hearing, the University decides to not amend the student's Education Record.

University's Rights and Responsibilities in the event of a hearing:

- The University shall select a hearing officer in accordance with FERPA requirements. The hearing officer may be any University official who does not have a direct interest in the outcome of the hearing. The Provost, the Dean of Campus Life, or other individual as determined by the University's Registrar, shall serve as the hearing officer. ***The hearing shall be overseen and conducted under the direction of the hearing officer.***
- The University reserves the right to deny a request for a hearing when the proposed amendment to the Education Record includes anything more than correcting clerical errors, or other items permitted by statute.
- The University shall schedule a hearing within a reasonable time, but no later than thirty (30) days after receiving the Request for Hearing to Amend Student Education Record.

Role of the Hearing Officer:

- The hearing officer shall allow the student the opportunity to present evidence relevant to the issues raised. The hearing officer has the right and authority to determine whether particular evidence presented is relevant to the issue(s) in question.
- The hearing officer shall decide whether to amend the student's Education Record based solely on the evidence presented at the hearing and in accordance with the statute.

- The hearing officers shall provide the student with a timely written decision, no later than thirty (30) days after the hearing, including a summary of the evidence and the reason for the decision. A copy of the decision will be forwarded to the Registrar's Office for placement in the student's Education Record

Hearing Outcome

If the hearing officer finds that the Education Record in question is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the University will amend the record accordingly. The student will be notified, in writing (including email) by the Registrar's Office, of the amendment.

If the hearing officer finds that the Education Record is not inaccurate, misleading, or otherwise in violation of the student's privacy rights, the Registrar's Office will notify the student in writing (including email) of the decision, and the right to place a statement in the record commenting on the contested information in the record or stating why they disagree with the University's decision not to amend the record, or both. The Registrar's Office will maintain this statement with the contested portion of the student's Education Record for as long as the record is maintained. The statement will be disclosed whenever the University is required to disclose the portion of the record to which the statement relates.