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Student Records Policy

Type

Academic (relates to academic affairs generally, faculty and/or student affairs)

I. Rationale

The purposes of this policy are to ensure that the Baylor College of Medicine (BCM or College) 1) properly secures Education Records pertaining to current and former students (commonly known as student records), 2) adequately trains BCM faculty and staff on appropriate handling and disclosure of Academic Records, as required by the Family Educational Rights and Privacy Act (FERPA); and 3) complies with other applicable laws, regulations, and standards (see [Section X](#), below).

II. Stakeholders Affected by this Policy

Compliance with this Policy is mandatory for all BCM Employees that generate or handle the following categories of student Education Records: Academic, Non-Academic, and Student Health Records. Handling of Admissions Records is governed by the Admissions Records Policy (23.1.01).

III. Definitions

- (a) **AACRAO** - The American Association of Collegiate Registrars and Admissions Officers (AACRAO) is a professional organization that provides professional development, guidelines, and voluntary standards to be used by higher education officials regarding the best practices in records management, admissions, enrollment management, administrative information technology, and student services.
- (b) **BCM Employees** refers to faculty, staff (e.g., course directors, clerkship directors, or attending physicians), residents, clinical fellows, and contractors who receive employment compensation from BCM.
- (c) **Confidential Information** includes, but is not limited to, proprietary research, clinical, academic, administrative, and affiliate institution information; financial information; intellectual property; student and employee PII; non-clinical PII (e.g., human subject research); and PHI.
- (d) **Custodian** refers to the senior departmental administrator (or designee) in each College department, office, center, and organizational unit that is responsible for storing, retaining, and destroying Records, as described in the College's [Record Retention Policy \(08.4.05\)](#).
- (e) **Directory Information**, as defined by [FERPA](#), refers to "information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed." For the purposes of this policy, Directory Information includes name; local address; telephone number; pager number; date of birth; major field(s) of study; photographs and other information relative to participation in officially recognized activities; dates of attendance; current class schedule; degrees, awards, and honors received (including dates); previous educational institutions attended; class standing/classification; group or individual photos, with or without

identification; any other information specifically designated as Directory Information in the Annual FERPA Notice.

- (f) **Education Record**, as broadly defined by the [FERPA](#), 20 U.S.C. § 1232g, refers to a College record in any format (e.g., paper, electronic) that either identifies a student by name, or contains PII or other descriptive information that would allow a person to deduce the student's identity (either alone or in combination with other publicly available information). Education records may include documents; microfilm; microfiche; video or audio files, tapes, or CDs; film; or photographs. For the purposes of this policy, Education Records fall into one of four categories: Academic, Admissions, Non-Academic, and Student Health.
1. **Academic Records** contain student PII related to fulfillment of curriculum and other academic requirements. Academic Records may be stored or maintained in any BCM school, academic program, or College business office (e.g., Registrar) as necessary to carry out the academic affairs of the school, program, or the institution. Examples of Academic Records include, but are not limited to (if applicable), original application form; undergraduate college record; the letter of acceptance; course enrollment; papers; exams; test scores; grades; written evaluations; transcripts; Directory Information; and documentation indicating academic actions (e.g., promotion, probation).
 2. **Admissions Records** are defined in the [Admissions Records Policy \(23.1.01\)](#).
 3. **Non-Academic Records** contain non-academic student PII, such as may be required to enroll or maintain enrollment in a school or program (but is unrelated to academic performance); effectuate an institutional response on behalf of the school/program; or conduct College operations in support of the school or program. Non-Academic Records are maintained by the student's school or program Custodian, or by a party or organization authorized to act on behalf of the school (e.g., Title IX Coordinator, Student Account Services), as necessary to carry out the business affairs of the school, program, or the institution. Examples of Non-Academic Records include but are not limited to background check results; demographic information; database systems; financial aid records; financial account records; Student Health Records; disciplinary records, such as may arise from an alleged violation of College policy and subsequent investigation or adjudication.
 4. **Student Health Records** are Non-Academic Records that contain PII about a student's past, present, or current health status (e.g., physical, psychological). Student Health Records include disability accommodation records; health immunization records; drug test results; copies of original student medical records, either submitted by the student or a third party medical provider with the student's consent; copies of fitness for duty evaluations; and summary reports generated by the Wellness Intervention Team. Student Health Records do not include physician's letters or other documentation used to justify a short-term accommodation that may be provided by a School Dean or designee pursuant to the Professional and Respectful Learning Environment Policy (23.2.01).

Education Records do NOT include:

- Oral statements and personal observations,
 - Notes and other records that are kept in the sole possession of the maker and are not accessible or revealed to any other person except a temporary substitute for the maker of the records, such as treatment records (see 20 U.S.C. §1232g (a)(4)(B)(iv)) generated by Student and House Staff Mental Health Services;
 - Medical records (i.e., PHI), excluding Student Health Records, which are governed by state laws and/or federal laws and regulations such as the Health Insurance Portability and Accountability Act (HIPAA);
 - Campus police records; and
 - Statistical data compilations that do not contain PII about any specific student.
- (g) **Personally Identifiable Information (PII)** means any information that can be potentially used to identify, contact, or locate an individual.
- (h) **Protected Health Information** is defined in the [HIPAA Glossary of Terms](#).

IV. Policy

- A. **Academic Records.** BCM works to ensure the integrity, security, confidentiality, and retention of Academic Records, which are critical to preserving both the integrity of the Records and the institution's commitment to integrity and excellence. BCM oversees the release and use of all Academic Records and other institutional data containing PII as described in this policy.
1. **Storage.** Academic Records are maintained by the student's school or program Custodian for the time period specified in the Record Retention Schedule (see 08.4.05, Section VI.A). The Registrar is the Custodian of permanent Academic Records only, and Academic Records marked for permanent retention are maintained in the Office of the Registrar, as reflected in the Record Retention Schedule.
 - a. The Office of the Registrar manages the physical storage and security of Academic Records. At BCM, records are stored on-site (hard and soft copies) as well as off-site at secure locations with restricted access.
 - b. Each school and individual program maintains a subset of student records which may include copies of official records as well as forms and/or documents that pertain specifically to each school. These documents are stored in locked areas with restricted access and also protected in compliance with FERPA.
 2. **Release & Use.** Custodians of Academic Records will generally seek the student's consent before releasing their Records (whether requested by a BCM employee or a third-party outside of BCM) unless an exception to FERPA's general consent requirement applies to permit the release of information without the student's consent. FERPA provides numerous exceptions to the general consent requirement. For example, Directory Information is maintained on each student and may be released on request at the discretion of College officials (see 34 CFR § 99.37) unless the student has opted out. For more information on FERPA requirements and exceptions, please consult Frequently Asked Questions: Student Records (see [Section VIII](#), below). Release of information in violation of this policy is a lapse in professionalism by a BCM employee, which may result in corrective or disciplinary action.
 3. **Integrity.** BCM ensures the accuracy of Academic Records and prevents unauthorized access or modification by maintaining appropriate oversight and security measures. Special security measures, which are technical, physical, and administrative in nature, emphasize the value of this Confidential Information to the College, protect the integrity of Academic Records, and oversee the release of records in accord with applicable state and federal laws as well as and commonly accepted standards and practices among institutions of higher learning.
 4. **Confidentiality.** BCM and the Office of the Registrar make every effort to ensure that all information remains confidential in accordance with FERPA. Only school officials with a "legitimate educational interest," as defined by FERPA, will be permitted to access Academic Records in the custody of the Registrar's Office.
 5. **Security and Data Protection.** BCM employees must comply with security measures established in accordance with College policies, state and federal standards, and commonly accepted practices among institutions of higher learning, including:
 - a. *Administrative security:* all BCM Employees responsible for generating or handling Academic Records must complete mandatory FERPA training, which is assigned by the Office of the Registrar (based on employee duties). BCM Employees are not permitted to access Education Records (in any format or location) until the training has been completed.
 - b. *Technical security:* All electronic student information systems used within the Office of the Registrar, offices of School Deans, and other school officials require proper login credentials to access the information. All BCM information systems and assets (e.g., BCM hardware, BCM-licensed software) are also protected by two-factor authentication and data encryption (see 12.2.22).
 - c. *Physical security:* All permanent paper Academic Records are stored in the Office of the Registrar with limited access (see [Section IV.A.1.a](#), above). These Records are secured in locked rooms on the BCM campus, and the Office of the

Registrar retains the key. Furthermore, BCM is a closed campus and College policy requires visitors to check in with security (see 13.5.01), and employee access to secure areas requires a BCM Identification Badge. Paper Academic Records stored by other school officials may be secured in a locked cabinet, room/office, or through offsite storage (e.g., BCM approved storage facility) or other mechanism that prevents access by unauthorized persons.

- d. *Data Protection*: The Office of Information Technology provides incremental back up of the data from the electronic student information system and imaging system.
6. Retention. The Office of the Registrar relies on retention guidelines established by AACRAO to select Academic Records for permanent retention. Academic Records designated for permanent retention are reflected in the Record Retention Schedule (see 08.4.05, Section VI.A).
7. Student Notice.
 - a. Student Rights. Students are informed of their rights in the respective handbook for each program, in addition to the Annual FERPA Notice sent (via email) by the Office of the Registrar.
 - b. Directory Information. As part of the Annual FERPA Notice, students are informed of their ability to request non-disclosure of Directory Information. This email notice is sent to students along with the non-disclosure of Directory Information form as an attachment. The Notice and/or form will indicate the time period for providing written notice to the school/program that the student does not want the types of information defined by this policy as Directory Information to be designated as such.
8. Student Access. Students may examine their Academic Records by making a written request (see [Section VIII](#), below). Students must adhere to the conditions for review stated in [Section VI.B](#) (below), and violation of these conditions may constitute a lapse in professionalism subject to disciplinary action.
9. Student Request to Modify Academic Records.
 - a. Students may challenge the accuracy of information contained in their Academic Records (e.g., grade) by filing a formal appeal through the BCM Integrity Hotline, as described in the Student Appeals & Grievances Policy (23.1.08). To expedite resolution, students are strongly encouraged to seek grade verification prior to appealing a grade, bearing in mind the deadline for filing appeals of academic actions (see 23.1.08 for specific deadlines).
 - b. Students who believe their Academic Records have been released in violation of this policy, or that information contained in an Academic Record violates their personal privacy (e.g., an Academic Record contains health information), may pursue resolution by filing a formal or informal grievance (see 23.1.08).

B. Non-Academic Records.

1. Storage & Retention. Depending on the content, Non-Academic Records are appropriately maintained by a school or program Custodian (who may be the party responsible for generating or processing such Records), or by any employee with professional responsibility for implementation, oversight, and/or participation in any of the business affairs of the school or program or on behalf of the institution in its entirety (e.g., Title IX Coordinator, Student Account Services, Student Financial Aid). The Custodian will retain Non-Academic Records for the time period specified in the Record Retention Schedule (see 08.4.05, Section VI.A), and adhere to procedures for retention and destruction described in the Record Retention Policy as appropriate.
 - a. Student Health Records are typically maintained in the Office of Student Services or the Occupational Health Program (OHP).
 - b. In order to preserve student privacy to the extent possible, Student Health Records are received, reviewed, and maintained by a party (or entity) with specialized knowledge that is authorized to act on behalf of the school, program,

and the institution, such as the Disability Coordinator and Wellness Intervention Team (WIT) in the Office of Student Services.

- 1) Examples of Student Health Records maintained by the Office of Student Services include, but are not limited to, copies of original student medical records submitted by the student, or by medical provider at the student's direction; copies of fitness for duty evaluations; accommodation requests and associated documentation; summary reports produced by the Wellness Intervention Team.
- 2) Examples of Student Health Records maintained by OHP include, but are not limited to, immunization records and drug test results.
2. **Release & Use.** BCM oversees the release and use of all Non-Academic Records, and adheres to the same standards described above with respect to release and use. However, depending on the record content, the release, use, and/or modification of Non-Academic Records may also be governed by other applicable laws, regulations, accreditation standards, and College policies in addition to FERPA. For these reasons, school deans (and other academic faculty and staff) do not have access to Student Health Records, and the student's consent is required for release of these records outside of the Office of Student Services and OHP. In the event that academic faculty or staff require verification of information contained in such Records, personnel who are authorized to view and process Student Health Records will perform a review and confirm or deny whether such criteria has been met, without disclosing information that would violate the student's privacy unless there is a need to know (e.g., verification of immunizations required to enter into an educational or clinical setting).
3. **Integrity, Security, & Confidentiality.** BCM works to ensure the integrity, security, and confidentiality of Non-Academic Records, which are also critical to preserving the institution's commitment to integrity and excellence, and requires BCM employees to adhere to the same standards for integrity and confidentiality described above, and as directed by College policies, satisfy similarly high standards for physical, technical, and administrative security that may vary according to the Record's content.
4. **Student Access.**
 - a. Students may examine their Non-Academic Records by making a written request to the Custodian of the Record (as reflected in the Record Retention Schedule), unless the content of the Record is also governed by a state or federal law other than FERPA or otherwise prohibited by College policy. If the student does not know who the Custodian is (or the Record Retention Schedule does not designate a specific person or position as Custodian), the student should contact the office or department most closely associated with the type of Record sought.
 - b. Students must adhere to the conditions for review of Non-Academic Records stated in [Section VI.C](#) (below), and violation of these conditions is a lapse in professionalism that may result in corrective or disciplinary action.
5. **Student Request to Modify Non-Academic Records.** Students may challenge the accuracy of information contained in Non-Academic Records (e.g., alleged policy violation) by filing a formal grievance through the BCM Integrity Hotline, as described in the Student Appeals & Grievances Policy (23.1.08).

V. Responsibilities

- A. All BCM employees who generate or handle Academic, Non-Academic and Student Health Records must protect these Education Records in accordance with FERPA, and their associated schools and department are responsible for overseeing compliance with this policy's restrictions on release and use of information.
- B. Breaches in security related to electronic data are handled in accordance with College policies and procedures, which may require a collaborative institutional response from personnel from Information Technology, Information Security and Compliance, and the Office of the General Counsel.

- C. The Office of the Registrar, is responsible for routine review and update of this policy; authoring and sending the Annual FERPA notice to students; retrieving permanent Academic Records; assigning mandatory FERPA training to education staff through AMP. The Office of the Registrar relies on the assistance of Human Resources and school administrators to identify new education hires and existing employees (who may have changed positions) who should complete FERPA training.

VI. Procedures for Implementation and Review

- A. **Annual FERPA Notice.** The Office of the Registrar will ensure transmission of the Annual FERPA Notice at least once per academic year.
 - 1. The notice will include a statement of student rights as well as a definition of “any school official” and of “legitimate educational interest.”
 - 2. This email notice is sent to students along with the non-disclosure of directory information form as an attachment.
- B. **Retrieval of Permanent Academic Records.** A student may examine a copy of his/her records by completing a written request.
 - 1. The Office of the Registrar at BCM will make the records available within 45 days after the day BCM receives a request for access.
 - 2. The records shall be examined in the office in which they are kept, under the observation of trained Office of the Registrar administrative personnel, and shall not be altered, destroyed, or carried away from the office by the student.
 - 3. Material which relates to more than one individual shall not be made available for direct review, but the student shall be told the information contained in such records which relates to him/her.
 - 4. Former students have the same access to their records as those currently enrolled.
- C. **Retrieval of Non-Academic Records.** A student may examine a copy of his/her records by completing a written request to the Custodian.
 - 1. The Custodian at BCM will make the records available within a reasonable time, but no more than 45 days after the day BCM receives a request for access, unless another College policy applicable to the Record’s content specifies a shorter time period for response or an alternative mechanism for review (e.g., provide student with a copy of the Record).
 - 2. The records shall be examined in the office in which they are kept, under the observation of trained administrative personnel, and shall not be altered, destroyed, or carried away from the office by the student. Except as allowed by law, recording, copying, digital imaging (e.g., photo), or other activity that would otherwise capture information in Non-Academic Records is prohibited during student inspection and review. Students should be advised that use of cellphones or other personal mobile devices while viewing the Record is strongly discouraged.
 - 3. Material which relates to more than one individual shall not be made available for direct review, but the student shall be told the information contained in such records which relates to him/her. Alternatively, if appropriate, the student may be permitted to view a version of the Record that contains redactions, aliases, or utilizes other conventions sufficient to protect the privacy of other individuals whose PII is contained in the record yet allows the student to challenge the accuracy of the substance of the Record.
 - 4. Former students have the same access to their records as those currently enrolled. The availability of Non-Academic Records is determined according to the retention period specified in the Record Retention Schedule, in accordance with all applicable laws, regulations, and standards. Students are not entitled to inspect Non-Academic Records that have been appropriately destroyed in the ordinary course of business.
- D. **Schedule for Policy Review.** This policy will be reviewed at least every 5 years, but may be updated as necessary to comply with applicable laws, regulations, and standards.

VII. Stakeholder Compliance

- A. All BCM employees who have a designated role in education (as reflected in SAP) are required to complete an online training module on FERPA.
- B. Release of information in violation of this policy is a lapse in professionalism by a BCM employee, which may result in corrective or disciplinary action.
- C. Student non-compliance with procedures for examination of Academic or Non-Academic Records is a lapse in professionalism which may result in corrective or disciplinary action.

VIII. Tools

- Student request form: [Request to Inspect and Review Educational Records](#)
- [Registrar's Website](#)
- Frequently Asked Questions: Sharing Student Information (pending)

IX. Related Policies

- [08.4.05 – Record Retention Policy](#)
- [13.5.01 – Access to One Baylor Plaza](#)
- [23.2.01 – Professional and Respectful Learning Environment Policy](#)
- [23.1.01 – Admissions Records Policy](#)
- [23.1.08 – Student Appeals & Grievances Policy](#)
- Compliance & HIPAA Policies: [See all](#)
- [School of Medicine Handbook](#)
- [Graduate School of Biomedical Sciences \(Ph.D Program Handbook\)](#)
- [School of Health Professions Handbook](#)
 - [Doctor of Nursing Practice-Nurse Anesthesia Student Manual](#)
- [National School of Tropical Medicine Handbook](#)

X. Applicable Laws, Regulations & Standards

A. Laws & Regulations

- AACRAO Retention, Disposal, and Archive of Student Records Handbook (2013)
- [20 U.S.C. § 1232g](#)
- [34 C.F.R. § 99](#)
- [U.S. Department of Education: FERPA Guidance](#)

B. Institution & School Accreditation Requirements

- [Accreditation Council of Graduate Medical Education \(ACGME\) Common Program Requirements](#)
- [Liaison Committee on Medical Education \(LCME\) Standards: Functions and Structure of a Medical School](#) (see Standards 11.5, 11.6)
- [Southern Association of Colleges and Schools Commission on Colleges \(SACSCOC\) Accreditation Standards](#) (see C.S. 12.2)

C. Program Accreditation Requirements

- [Accreditation Council for Continuing Medical Education \(ACCME\)](#)
- [Accreditation Council for Genetic Counseling \(ACGC\)](#)
- [Accreditation Review Commission on Education for the Physician Assistant, Inc. \(ARC-PA\)](#)
- [American Society of Tropical Medicine and Hygiene \(ASTMH\)](#)
- [Council on Accreditation \(COA\) of Nurse Anesthesia Educational Programs](#)
- [Commission on Accreditation of Allied Health Programs \(CAAHEP\)](#)
- [National Commission on Prosthetic and Orthotic Education \(NCOPE\)](#)