



**University of Dallas**

**Data and Records Policy**

**Access to Records**

**POLICY ADA**

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

**1. PURPOSE**

This Policy provides guidance regarding access to non-public University records. It encompassed access by University officials, as well as by those who are not University officials.

**2. GENERAL ACCESS TO UNIVERSITY RECORDS**

Except as otherwise specified in this Policy or a related policy, or required by law, access to non-public University records and the information contained therein requires the following approval:

- 2.1. **Internal access.** A record holder of a University record may permit other University officials to have access to the record and the information contained therein in furtherance of University business or activities.
- 2.2. **External access.** The record holder of the official copy of a University record, with the consent of the Office of Institutional Effectiveness, may permit non-University officials to have access to the record and the information contained therein.

**3. RESTRICTED ACCESS TO UNIVERSITY RECORDS**

Except as otherwise specified in this Policy or a related policy, or required by law, access to the following types of non-public University records are subject to additional restrictions regarding internal and external access:

- 3.1. **Education records.** The rights of access to education records and personally identifiable information that is found in education records is provided for in greater detail in Policy ADA-S – Student Right of Access to Education Records, Policy ADA-A – Amendment of Education Records, and Policy ADA-D – Disclosure of Education Records.
- 3.2. **Personnel records and student employment records.**
  - 3.2.1. A current employee may provide written information for inclusion in the employee’s personnel records or student employment records maintained by the Office of Human Resources, and may request to review the records maintained by the Office of Human Resources.
  - 3.2.2. The Office of Human Resources will review the request and provide an approval or rejection within ten (10) working days.

3.2.3. If a request to review personnel records or student employment records is approved, the employee will be permitted to review the records in the Office of Human Resources with a Human Resources staff member present.

3.2.4. No copies of the personnel records or student employment records may be made or removed from the Office of Human Resources without the prior approval of the Office of Human Resources.

3.3. **Disability Services records.**

3.3.1. **Student records.** Except as otherwise permitted by Policy ADA-S – Student Right of Access to Education Records, Policy ADA-A – Amendment of Education Records, or Policy ADA-D – Disclosure of Education Records, access to records and information regarding medical conditions and treatment, including such information contained in completed verification forms, for which Student Disability Services is the record holder is restricted to the Student Disability Services Coordinator, the Student Disability Services Committee, the Office of the General Counsel, and such other University officials who have a legitimate interest in accessing the records or information in furtherance of the purposes for which the records were submitted.

3.3.2. **Employee records.** Except as otherwise permitted by University policy, access to records and information regarding medical conditions and treatment for which the Office of Human Resources is the record holder is restricted to the Office of Human Resources, the Office of the General Counsel, and such other University officials who have a legitimate interest in accessing the records or information in furtherance of the purposes for which the records were submitted.

3.3.3. **Visitor records.** Except as otherwise permitted by University policy, access to records and information regarding medical conditions and treatment, including such information contained in completed verification forms, for which Accessibility Services is the record holder is restricted to the Accessibility Services Coordinator, the Office of the General Counsel, and such other University officials who have a legitimate interest in accessing the records or information in furtherance of the purposes for which the records were submitted.

3.4. **Civil rights and Title IX records.** Access to records or information covered by Policy CRP - Civil Rights Policy and its related policies (“civil rights policies”) is determined by the civil rights policies.

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## 4. DEFINITIONS

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[34 C.F.R. §§ [99.3](#)].

4.1. **“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.

- 4.2. **“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.
- 4.3. **“Education records”** means
- 4.3.1. **General definition.** Those records that are -
- 4.3.1.1. Directly related to a student; and
- 4.3.1.2. Maintained by the University or by a party acting for the University.
- 4.3.2. **Exclusions.** Education records does not include -
- 4.3.2.1. 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.
- 4.3.2.2. Records of a law enforcement unit of the University.
- 4.3.2.3. Records relating to an individual who is employed by the University that -
- 4.3.2.3.1. Are made and maintained in the normal course of business;
- 4.3.2.3.2. Relate exclusively to the individual in that individual’s capacity as an employee; and
- 4.3.2.3.3. Are not available for use for any other purpose.
- 4.3.2.3.3.1. Records relating to an individual in attendance at the University who is employed as a result of his or her status as a student are education records and not excepted under Section 3.6.2.3 of this Policy.
- 4.3.2.4. Records on a student that are:
- 4.3.2.4.1. 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;
- 4.3.2.4.2. Made, maintained, or used only in connection with treatment of the student; and
- 4.3.2.4.3. 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.
- 4.3.2.5. 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.
- 4.3.2.6. Grades on peer-graded papers before they are collected and recorded by a teacher.

- 4.4. **“Nonpublic University record”** means a record of the University that is not developed or intended for publication. This can include, but is not limited to, education records, internal memoranda, financial documents, employee files, drafts of documents that are ultimately intended for publication.
- 4.5. **“Personally identifiable information”** includes, but is not limited to -
- 4.5.1. The student’s name;
  - 4.5.2. The name of the student’s parent or other family members;
  - 4.5.3. The address of the student or student’s family;
  - 4.5.4. A personal identifier, such as the student’s social security number, student number, or biometric record;
  - 4.5.5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
  - 4.5.6. 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
  - 4.5.7. Information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.
- 4.6. **“Publication”** may be in print or electronically (e.g., via email or online).
- 4.7. **“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.
- 4.8. **“Record holder”** means a University office or official that may retain a copy, whether official or unofficial, of a record.
- 4.9. **“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.
- 4.10. **“University”** and **“the University”** mean the University of Dallas, which is an institution of postsecondary education.
- 4.11. **“University official”** means -
- 4.11.1. 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);
  - 4.11.2. 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);

- 4.11.3. A person serving on the Board of Trustees of the University; or
- 4.11.4. 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.

## 5. 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.
Record Holder	<ol style="list-style-type: none"> <li>1. Receive requests for access to a record.</li> <li>2. Determine whether the requestor should be granted access.</li> <li>3. Notify the requestor of the record holder's determination.</li> <li>4. If the request is approved, coordinate with the requestor for a time to review the record.</li> </ol>

## 6. PROCEDURES

Task	Procedure
Request for Access	<ol style="list-style-type: none"> <li>1. The record holder receives requests for access to a record.</li> <li>2. The record holder determines whether the requestor should be granted access.</li> <li>3. The record holder notifies the requestor of the record holder's determination.</li> <li>4. If the request is approved, the record holder coordinates with the requestor for a time to review the record.</li> </ol>

## 7. POLICY ENFORCEMENT

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

## 8. RELATED DOCUMENTS

Policy or Document	Web Address
Policy ADA - Data and Records Policy - Access to University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADA-S - Data and Records Policy - Student Right of Access to Education Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>

Policy ADA-A - Data and Records Policy – Amendment of Education Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADA-D - Data and Records Policy - Disclosure of Education Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADS - Data and Records Policy - Security and Storage of University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADR - Data and Records Policy - Retention of University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>
Policy ADD - Data and Records Policy - Disposal of University Records	<a href="https://udallas.edu/about/university-policies/index.php">https://udallas.edu/about/university-policies/index.php</a>

**9. CONTACTS**

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