



OFFICE OF THE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER

THE UNIVERSITY OF TEXAS AT AUSTIN

P.O. Box 8179 • Austin, Texas 78713-8179
(512)471-1422 • (512)471-7742

May 1, 2006

VIA E-MAIL

Mr. J. J. Hermes
The Daily Texan
JJHermes@mail.utexas.edu

RE: Open Records Request – Grade Changes for Student Athletes

Dear Mr. Hermes:

This is in final response to your March 6, 2006, Open Records Request, whereby you asked that The University of Texas provide you with access to correspondence reflecting grade changes for student athletes. You asked that the University's response include any such communications amongst University coaches, athletic directors, administrators and any employees who may handle these communications for the last three fiscal years.

Enclosed is a set of documents responsive to your request. Any student-identifiable references have been redacted prior to release. In Open Records Decision No. 634 (1995), the Office of the Attorney General concluded that: (1) an educational agency or institution may withhold from public disclosure information that is protected by the Family Educational Rights and Privacy Act (FERPA) and excepted from required public disclosure by §552.026 and §552.101 of the Texas Public Information Act, *Government Code*, without the necessity of requesting an attorney general decision as to those exceptions. Education records under FERPA are those records that contain information directly related to a student and that are maintained by an educational agency or institution or by a person acting for such agency or institution (20 U.S.C. § 1232g(a)(4)(A)). Previous Open Records Decision No. 332 (1982) and No. 206 (1978) have ruled that information must be withheld from required public disclosure under FERPA only to the extent "reasonable and necessary to avoid personally identifying a particular student." This includes information that directly identifies a student, as well as information that, if released, would allow the student's identity to be easily traced. Open Records Decision No. 224 (1979) found that a student's handwritten comments make the identity of a student easily traceable through handwriting, style of expression, or particular incidents related in comments protected under FERPA.

As for the cost, the University provides less than 50 pages at no cost. You may contact Ms. Annela Lopez directly at 471-8300 if you require any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Margo Iwanski".

Margo Iwanski
Executive Assistant
to the Vice President

MI:aml
Enclosures

Sutherland, Leroy

From: Sutherland, Leroy
Sent: Tuesday, December 27, 2005 8:18 AM
To: *
Subject: RE: * grade

Dr. * I appreciate your response to my phone call and your submission of a change in grade for * .

-----Original Message-----

From: *
Sent: Monday, December 26, 2005 9:19 AM
To: Sutherland, Leroy
Subject: * grade

Hi, there!

I appreciate your phone call.

I will submit the "update of student academic record" form with a passing grade. The form should be in the Registrar's office when they resume operations on 2 January.

I will check email tomorrow afternoon (Tuesday, 27 Dec.). If there is other action I might take to ensure that * suffers no disruption of * eligibility, please reply to this email with instructions.

I will return to campus on Friday, 13 Jan.

Ciao, *

*
Department of *
1 University Station *
Austin, TX 78712 *
U.S.A.

*

Sutherland, Leroy

From: Sutherland, Leroy

Sent: Monday, January 09, 2006 7:31 AM

To: *

Subject: Grade Change For *

Dr. * I am writing to see if you submitted the grade change for * The grade has not been changed in the computer. Please feel free to call me at 471-4724 or e-mail me as to the status of the grade change. Thank You for your assistance.

3/22/2006

"This document contains personally identifiable information from a student's education records. It is protected by the Family Educational Rights and Privacy Act (20 U.S.C. § 123.2g) and may not be released without the consent of the student."

Davis, Brian

From: Davis, Brian**Sent:** Wednesday, October 12, 2005 8:42 AM**To:** * Ph.D.**Subject:** *

*

Good to see you the other day...hope the semester is going well.

I wanted to touch base on * specifically the incomplete grade from last spring. I know that * has spoken with you about * turn-around this summer and the vast improvement in * gpa (* now at a 2.125). According to * teacher, this summer * had the highest grade in the class. When we originally talked about * situation at the end of the spring semester, you wanted to see how * did this summer. If you feel a passing grade is in order, I would be glad to walk through the necessary paper-work from Joyce to the Dean in * to the Registrar. I'm not pushing, but our compliance office has asked several times about * status. * and * coaches agreed that * would "red-shirt" this season so the hours were not important for playing, but * does need to be certified eligible for a number of other bureaucratic reasons.

Thanks for the consideration. I'm available and at your service.

Brian

Bryant, Jean

From: Bryant, Jean

Sent: Wednesday, January 05, 2005 3:50 PM

To: *

Subject: *

Dear Professor *

I called you in December regarding an "incomplete" that * had received in your * class from spring of 2004. You had just received the outstanding assignment from * I just checked * grades and see that * has an "F". I am checking to see if that grade is the result of the work * submitted or if that is the automatic change because of the incomplete.

Please advise and thank you for your help!

Jean Bryant
Academic Counselor – IAM
232-5062
