



## **Privacy of Student Records**

The Family Educational Rights and Privacy Acts of 1974 (commonly referred to as “FERPA” or the “Buckley Amendment” 20 U.S.C. § 1232g, as amended, is designed to protect the confidentiality of the records that educational institutions maintain on their students and to give students access to their records to assure the accuracy of their contents. Stetson University College of Law takes the responsibility for Confidentiality of student records seriously, and has adopted this policy to educate students about their rights.

### **1.1 Definitions**

For the purposes of this policy, the College of Law employs the following definitions of terms.

**Student** – any person who attends or has attended the College of Law.

**Education Records** – any record (in handwriting, print, electronic form, tapes, film, or other medium) maintained by the College of Law or an agent of the College that is directly related to a student, except:

- a. 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;
- b. Records relating to an employee of the College of Law, who is not employed as a result of his or her student status, provided that the records are made and maintained in the normal course of business, relate exclusively to the individual as an employee, and are not used for any other purpose;
- c. Records maintained by the College of Law Public Safety Department, if the record is maintained solely for law enforcement purposes and is revealed only to law enforcement agencies of the same jurisdiction. Such records do not include those created by the Public Safety Department that are maintained by a component of the College of Law other than the Public Safety Department, or records created and maintained by the Public Safety Department exclusively for a non-law enforcement purpose such as a disciplinary action or proceeding conducted by the College of Law;

- d. Medical records maintained by the College of Law's Student Assistance Provider, if the records are used only for treatment of a student and made available only to those persons providing the treatment; however, the student may have these records reviewed by a physician or other appropriate professional of the student's choice;
- e. Post-attendance records that contain information about a student after he or she is no longer in attendance at the College of Law and that do not relate to the person as a student; and
- f. Grades on peer-graded papers before they are collected and recorded by a faculty member.

## 1.2 Student Rights

The Act affords students certain rights with respect to their Education Records. These rights include:

**Access to Education Records:** students have the right to inspect and review their Education Records within 45 calendar days of the day the College of Law receives a written request for access, any time after their matriculation. More detailed information is provided below on any access limitation, as well as the method by which to exercise this right.

**Request for Amendment of Education Records:** students have the right to request amendment of Education Records if they believe the records are inaccurate, misleading, or violate their privacy rights. See below for information on the process to be used if amendment is requested.

**Disclosure of Education Records:** students have the right to consent to disclosures of personally identifiable information in Education Records, except to the extent that the Act or any other superseding law authorizes disclosure without student consent. See below for additional information on the disclosure of Education Records.

**Compliance:** students have the right to contact the Family Policy Compliance Office with complaints concerning the College of Law's compliance with the requirements of FERPA.

## 1.3 Types, Locations, and Custodians of Education Records

The Office of the Registrar is the central custodian for student records, although records may be maintained in various offices across campus, depending on the subject matter. All requests for records under FERPA should be directed to the Office of the Registrar.

#### **1.4 Procedure to Inspect Education Records**

Students may inspect and review their Education Records upon written request to the Registrar, stating as precisely as possible the Education Record or Records he or she wishes to inspect.

The Office of the Registrar will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the Records may be inspected. Access must be given within 45 calendar days or less from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records that relate to him or her.

#### **1.5 Right of College of Law to Refuse Access**

The College of Law reserves the right to refuse to permit a student to inspect the following records:

- a. The financial statements of the student's parents;
- b. Confidential letters and statements of recommendation, placed in the student's education records before January 1, 1975, as long as they are used only for the purposes for which they were specifically intended.
- c. Confidential letters and statements of recommendation for which the student has waived his or her right of access, as long as those letters and statements were placed in the student's education records after January 1, 1975, and are related to the student's admission to an educational institution, application for employment, or receipt of an honor.
- d. Records connected with an application to attend the College of Law or a component unit of Stetson University if that application was denied or the student never attended the College of Law;
- e. Those portions of Education Records that contain information about other students;
- f. Those records that are excluded from the definition of Education Records under the Act (summarized in Section 1.1 above).

#### **1.6 Copies**

Copies of records required to be made available under FERPA will be provided to students and former students if circumstances effectively prohibit students or former students from exercising the right to inspect and review the records.

At the College of Law's discretion, it may disclose and/or make available additional information to students or former students that may not be required under FERPA. A student will only be entitled to copies of such records if they following criteria are met:

1. The student lives outside of commuting distance of the College of Law (50 miles from the Gulfport campus), and cannot travel to review the records;
2. The student does not have any unpaid financial obligations to the College of Law; and
3. There are no unresolved disciplinary actions against the student.

### **1.7 Fees for Copies of Records**

There is no fee for copies of Education Records. However, official transcripts are provided at a cost of \$3.00 for one transcript and \$1.00 for each additional transcript.

This amount may be increased from time to time, so obtain verification of the current fee amount at the time of request.

### **1.8 Annual Notification**

Students will be notified of their FERPA rights annually at the start of the fall term by publication on the appropriate web page and distribution of notice by email with a link to the full policy on the intranet.

### **1.9 Amendment of Education Records**

Students have the right to request amendment of records they believe are inaccurate, misleading, or in violation of their privacy rights. Please note that this process is not available for matters such as a grade challenge or appeal, or appeal of student discipline, nor does it cover routine adjustments like name or address changes. Rather, where specific procedures exist for these types of circumstances, those procedures must be used. Listed below are the procedures for requesting amendment of records:

- a. A student must submit a request in writing to the Registrar, identifying the Education Record to be amended, specifying how the Education Record is believed to be inaccurate, misleading, or in violation of privacy rights.
- b. The College of Law may comply with the request or it may elect not to comply. If the College of Law elects not to comply, the student will be notified in writing of the decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of privacy rights.
- c. Upon written request by the student, the College of Law will arrange for an administrative hearing, and notify the student, reasonably in advance, of the date, place and time of the hearing.
- d. The administrative hearing will be conducted by the Associate Dean for

Academic Affairs or other official appointed by the Dean of the College of Law. The student will be accorded a full and fair opportunity to present information relevant to the issues raised in the original request to amend the student's education records.

- e. The official presiding over the administrative hearing will prepare a written decision granting or denying the amendment to records.
- f. If the College of Law decides the challenged information is inaccurate, misleading, or in violation of privacy rights, it will amend the Education Record and notify the student, in writing, that the Education Record has been amended.
- g. If the College of Law decides that the challenged information is not inaccurate, misleading, or in violation of privacy rights, the Education Record will stand unchanged. However, the student will be advised of his or her right to place in the Education Record a statement regarding the challenged information and/or a statement setting forth reasons for disagreeing with the decision not to change the Education Record.
- h. The statement will be maintained as part of the student's Education Record as long as the contested portion is maintained. If the contested portion of the Education Record is disclosed, the statement will be disclosed with it.

### **1.10 Destruction of Records**

Nothing in this policy requires the continued maintenance of any Education Record for any particular length of time. However, if under the terms of this policy a student has requested access to an Education Record, the Record will not be destroyed before the record custodian has granted the student access.

### **1.11 Disclosure of Education Records**

The College of Law will disclose information from a student's Education Records only with the written consent of the student, *except*:

- a. To school officials determined by the College of Law to have a legitimate educational interest.
  - 1) School officials are those members of an institution who act in the student's educational interest within the limitations of their "need to know." They may include a person employed by the College of Law in an administrative, supervisory academic, or research or support position, including College of Law Public Safety, Student Life, or other department staff; a person elected to the Board of Trustees; a person serving on an institutional governing body of the College of Law; a person used, employed by or under contract

to the College of Law to perform a special task (e.g., an attorney or auditor, outside consultant, external clinic or internship administrators); a person or organization acting as an official agent of the institution and performing a business function or service on behalf of the institution; a student conducting College of Law business (e.g., serving on an official committee, working for the College of Law, or assisting another school official in fulfilling his or her professional responsibility); and any other person determined by the Office of the Registrar, the Associate Dean for Academic Affairs, or the Dean of the College of Law to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of the College of Law.

- 2) A school official is determined to have legitimate educational interest if the information requested is necessary for that official to (a) perform appropriate tasks that are reasonably necessary based on his or her position or duties; (b) perform a task related to a student's education; (c) perform a task related to the discipline of a student; or (d) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- 3) Because "school officials" can include a contractor, consultant, volunteer, or other party with whom the College of Law has outsourced institutional services or functions the College of Law would otherwise use employees to complete, these outside parties are required to be under the direct control of the College of Law with respect to the use and maintenance of education records. Such outside parties are also subject to the same limitations as the College of Law on the use and re-disclosure of personally identifiable information from education records.

- b. To agents acting on behalf of the institution (e.g. clearinghouses, degree/enrollment verifiers);
- c. To authorized representatives of the Comptroller General, Attorney General, Secretary of Education, or state or local educational authorities if the disclosure is in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to these programs;
- d. To anyone regarding information concerning sex offenders where the information is provided to the College of Law pursuant to the Violent Crime Control and Law Enforcement Act of 1994;
- e. To other schools at which the student seeks or intends to enroll, or is enrolled in the case of dual--degree programs, so long as the disclosure is for purposes related to the student's enrollment or transfer;

- f. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- g. To organizations conducting studies for educational institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, provided that the studies are conducted in a manner that prevents personal identification of parents and students by anyone other than representatives of the organizations, the information is destroyed when no longer needed for purposes of the studies, and the College of Law enters into a written agreement with the organization specifically limiting its use of the information in these ways;
- h. To accrediting organizations, including individuals or visiting committees, to carry out their accrediting functions;
- i. At the discretion of the institution, to parents of an eligible student who can claim the student as a dependent for income tax purposes, provided dependency is substantiated by copies of U.S. income tax returns or a written acknowledgment from the student that the student is the parent's dependent;
- j. To comply with a judicial order or a lawfully issued subpoena or when the disclosure is to a court in the context of a legal action that the student has filed against the College of Law or that the College of Law has filed against the student;
- k. To appropriate parties if a health or safety emergency exists and the information is deemed necessary by the College at its discretion to protect the health or safety of the student or other individuals;
- l. To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense and consisting only of the final results of an institutional disciplinary proceeding in connection with that alleged crime or offense (For purposes of this exception, "final results" is limited to the name of the student, the basic nature of the violation the student was found to have committed, and a description and the duration of any sanction the institution has imposed against the student.);
- m. To anyone of the "final results" of a disciplinary proceeding against a student whom the College of Law has determined violated an institutional rule or policy in connection with alleged acts that would, if proven, also constitute a crime of violence or non-forcible sex offense (For purposes of this exception, "final results" is limited to the name of the student, the basic nature of the violation the student was found to have committed, and a description and the duration of any sanction the institution has imposed against the student.);

- n. To the Immigration and Naturalization Service (INS) for purposes of the Coordinated Interagency Partnership Regulating International Students in accordance with the Form I-20;
- o. To the Internal Revenue Service (IRS), where required for purposes of complying with the Taxpayer Relief Act of 1997;
- p. To state and local authorities to whom the information is allowed to be reported under a state law that was adopted after November 19, 1974;
- q. To state and local authorities to whom the information is allowed to be reported under a state law that was adopted before November 19, 1974, if the reporting concerns the juvenile justice system and its ability to serve the student whose records are released;
- r. To comply with a court order obtained by the U.S. Attorney General or appropriate designee under the USA PATRIOT Act of 2001 for education records considered relevant to a terrorism investigation or prosecution, without any advance notice to the student;
- s. The College of Law retains discretion to disclose to a student's parents information regarding any violation of the law or of a College of Law rule or policy as to alcohol or controlled substances use or possession, if the student is under age 21 at the time of the disclosure and the College of Law determines that such alcohol/drug use or possession constitutes a disciplinary violation.

In general, when the College of Law discloses personally identifiable information from an education record, it will inform the recipient that the recipient cannot re-disclose that information without the student's consent, and that the recipient may use the information only for the purpose for which the disclosure was made. This provision does not apply to disclosures of directory information; disclosures to the relevant student, to the parents of a dependent student, or to parents in connection with a drug or alcohol violation; and disclosures made in connection with a court order, lawfully issued subpoena, lawsuit in which the student and the institution are adversaries, or (generally) disciplinary proceeding involving an alleged crime of violence or non-forcible sex offense.

### **1.12 Consent for Disclosure**

Consent for the disclosure of a student's Education Record must be in writing, signed, and dated by the student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed. This can be done by completing a form (*Student Authorization to Release Education Records to a Third Party*) available from the Office of the Registrar.

### **1.13 Record of Disclosures**

Except where not required under regulations issued pursuant to the Act (34 C.F.R. §99.33) (e.g., disclosures of directory information, disclosures pursuant to court order under the USA PATRIOT Act), the College of Law will inform all third parties to whom personal information from a student's Education Record is released that no further release of such information is authorized without written consent of the student. The College of Law will maintain a record of third parties who have requested or obtained access to Education Records and/or disclosure of such information from a student's Education Records (not including parties seeking directory information, parties having consent, circumstances involving certain grand jury subpoenas, and disclosures pursuant to court order under the USA PATRIOT Act). The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. This record of access, to be kept with the Education Records, is available only to the student and the custodian(s) of the Education Record.

### **1.14 Directory Information**

The College of Law has designated the following categories of student information as public or Directory Information:

- Student name;
- Addresses: permanent, campus, local (off-campus), email and campus computer network (IP) address;
- Associated telephone numbers;
- Date and place of birth;
- School or college attending (i.e., law school, JD/MBA, etc.);
- Field of study and concentrations;
- Degree(s) sought;
- Expected date of completion of degree requirements and graduation;
- Degrees conferred;
- Awards and Honors (e.g., Dean's list);
- Full- or part-time enrollment status and class level (i.e., 1L, 2L, 2PT, etc.);
- LSAC Credential Assembly Service Identification Number (for data validation purposes only);
- Dates of attendance;
- Most recent previous institution attended;
- Participation in officially recognized school activities (e.g., moot court, law review, etc.); and
- Photograph.

The College of Law **may** disclose any of these items at its discretion, without prior written consent unless notified in writing not to disclose. Note, however, that the College of Law values your privacy. Therefore, while the College of Law reserves the right to release student directory information, we generally do not release information other than the following unless (1) required to do so by law, (2) for the purposes of reporting to the University or College of Law accrediting agencies, (3) based on unusual circumstances warranting disclosure at the College of Law's discretion, or (4) with the student's consent:

- Name;
- School or college attending (i.e., law school, JD/MBA, etc.);
- Degree(s) sought;
- Degrees conferred; and
- Dates of attendance.

A student may refuse to allow the College of Law to designate any or all of these types of information as directory information. A request for non-disclosure by a student is in effect from the date received in writing from the student until rescinded in writing by the student. To request this non-disclosure, a student must complete the *Student Request for Non-Disclosure* form, available from the Office of the Registrar. A student has 14 days from the first day of classes to complete the student request form and notify the College of Law regarding his or her refusal to allow the designation of directory information.

### **1.15 Compliance**

Students are encouraged to contact the Registrar, e-mail address [registrar@law.stetson.edu](mailto:registrar@law.stetson.edu) with questions or concerns about this Policy. Students also have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. S.W., Washington, D.C. 20202-4605 with a complaint about the College of Law's compliance with the Act.

*Revised April 3, 2008, August 10, 2009, September 5, 2012, December 10, 2012. June 11, 2013. Administrative revision, October 14, 2015.*