



FROM THE OFFICE OF THE PROVOST AND VICE-PRESIDENT FOR ACADEMIC AFFAIRS

Subject: Notification of Student's Rights under the Family Educational Rights and Privacy Act [FERPA] (sometimes called the Buckley Amendment), reflecting rule changes, expansions, and further clarifications effected January 8, 2009.

Date of Notice: April 1, 2014

Issued By: Reggies Wenyika, EdD

To: All Southwestern Christian University Students

Per federal regulations, consider the following as your annual notification of your privacy rights. Please read through carefully. Notice consists of (4) four pages.

General Information

FERPA is a Federal law that applies to educational agencies and institutions that receive funding under a program administered by the U. S. Department of Education. The statute is found at 20 U.S.C. § 1232g and the Department's regulations are found at 34 CFR Part 99.

FERPA, as passed by Congress in 1974, grants you, as a student at Southwestern Christian University, four (4) specific rights:

1. The right of access to your education records,
2. The right to have an opportunity to seek to have the records amended,
3. The right to some control over the disclosure of information from the records,
4. The right to file a complaint with the Family Policy Compliance Office in Washington, DC.

1. Access to Education Records

Southwestern Christian University is required by FERPA to,

- A. Provide a student with an opportunity to inspect and review his or her education records within 45 days of the receipt of a request,
- B. Provide a student with copies of education records or otherwise make the records available to the student if the student, for instance, lives outside of commuting distance of the school,
- C. Redact the names and other personally identifiable information about other students that may be included in the student's education records.

Southwestern Christian University is not required under FERPA to,

- A. Create or maintain education records,
- B. Provide students with calendars, notices, or other information which does not generally contain information directly related to the student,
- C. Respond to questions about the student.

2. Amendment of Education Records

Under FERPA, Southwestern Christian University must,

- Consider a request from a student to amend inaccurate or misleading information in the student's education records,
- Offer the student a hearing on the matter if it decides not to amend the records in accordance with the request;
- Offer the student a right to place a statement with the record, to be kept and disclosed with the record if, as a result of the hearing, the school still decides not to amend the record.

Southwestern Christian University is not required to consider requests for amendment under FERPA that:

- Seek to change a grade or disciplinary decision;
- Seek to change the opinions or reflections of a school official or other person reflected in an education record.

3. Disclosure of Education Records

A. General

Southwestern Christian University must:

- Have a student's consent prior to the disclosure of education records;
- Ensure that the consent is signed and dated and states the purpose of the disclosure.

However, Southwestern Christian University MAY disclose education records without consent when:

- The disclosure is to school officials who have been determined to have legitimate educational interests as set forth in the institution's annual notification of rights to students;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or enforcing Federal or State supported education programs or enforcing Federal laws which relate to those programs;
- The disclosure is to the parents of a student who is a dependent for income tax purposes;
- The disclosure is in connection with determining eligibility, amounts, and terms for financial aid or enforcing the terms and conditions of financial aid;
- The disclosure is pursuant to a lawfully issued court order or subpoena; or
- The information disclosed has been appropriately designated as directory information by the school.

B. Disclosure of Education Records to Contractors, Consultants, or Outside Agencies

Southwestern Christian University may

Allow the transfer of education records without notification to student or consent by the student to contractors, consultants, and volunteers or outside agencies who provide institutional services or perform school functions, and whose use and maintenance of the educational records are under the direct control of Southwestern Christian University and comply with applicable FERPA requirements.

C. Disclosure to Parents/Legal Guardian or appropriate parties based on Health of Safety Emergency

Southwestern Christian University may,

Having considered the totality of the circumstances, may under section 99.5 and 99.36, disclose information to an eligible student's parents in a health or safety emergency, regardless of whether the student is a dependent for Federal income tax purposes, and may also disclose information to parents under any circumstances if the eligible student is a dependent for Federal income tax purposes.

4. *Information Collected at Admission

Southwestern Christian University will,

Collect information at the time of a student's admission about dependency for tax purposes and releases regarding protection of their social security numbers. If a student states that a parent claims that student as a dependent, the Southwestern Christian University may release any such protected information to that parent without the student's consent or notification.

However, Southwestern Christian University will require signed releases from students to allow the following:

- The disclosures of protected information to landlords and banks and
- To search student records by social security numbers.

Note, that every Southwestern Christian University student has the right to opt out of these uses of their information. Notification must be done in writing.

5. Students' right to file a complaint with the U.S. Department of Education concerning Southwestern Christian University's alleged failures to comply with the requirements of FERPA.

Complaints may be addressed to

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Procedures for filing Complaints:

- Be timely submitted, not later than 180 days from the date you learned of the circumstances of the alleged violation
- Contain specific allegations of fact giving reasonable cause to believe that a violation has occurred, including:
 - a. Relevant dates, such as the date of a request or a disclosure and the date the student learned of the alleged violation;
 - b. Names and titles of the university officials and other third parties involved;
 - c. A specific description of the education record around which the alleged violation occurred;
 - d. A description of any contact with Southwestern Christian University officials regarding the matter, including dates and estimated times of telephone calls and/or copies of any correspondence exchanged between the student and the school regarding the matter;
 - e. Any additional evidence that would be helpful in the consideration of the complaint.

Summary: What this Law Means for Southwestern Christian University Students

- Southwestern Christian University students have the right to inspect and review their education records;
- Southwestern Christian University students have the right to seek amendment of inaccurate or misleading information in their education records. *To seek access or amendment of your education records please notify or make an appointment with registrar either by email at registrar@swcu.edu or by phone at extension 3458.*
- Southwestern Christian University students have the right to consent to most disclosures of personally identifiable information from education records.
- Southwestern Christian University students have the right to file a complaint with the Family Policy Compliance Office in Washington, DC.

*Definition of Terms: For the purpose of this notice, a **school official at Southwestern Christian University is considered to be** an authorized individual with **legitimate educational interest**; performing a task that is specified in his/her position description or contract; performing a task related to a student's education or a student's discipline; providing a service or benefit to the student; or maintaining safety and security on campus.*

**Expanded Authority to Release Protected Information per 73 Federal Register 15574; 73 Federal Register 74806; 74 Federal Register 400 effective January 8, 2009. The amendments also allow the release of information to the community under the Campus Sex Crimes Prevention Act (CSCPA) and to the Department of Justice under the USA PATRIOT Act.*

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END OF NOTICE