

# **Southwestern Christian University**

## **Appendices**

### **Appendix A: Family Educational Rights and Privacy Act**

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 educational 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 Educational Records**

*Southwestern Christian University is required by FERPA to:*

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

*Southwestern Christian University is not required under FERPA to:*

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

#### **2. Amendment of Educational Records**

*Under FERPA, Southwestern Christian University must:*

- Consider a request from a student to amend inaccurate or misleading information in the student's educational records.
- Offer the student a hearing on the matter if he/she 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 Educational Records**

#### **A. General**

*Southwestern Christian University must:*

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

*However, Southwestern Christian University MAY disclose educational 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.
- The information disclosed has been appropriately designated as directory information by the school.

#### **B. Disclosure of Educational Records to Contractors, Consultants, or Outside Agencies**

*Southwestern Christian University may:*

Allow the transfer of educational records without notification to the student or consent by the student to contractors, consultants, and volunteers or to 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 or Safety Emergency**

*Southwestern Christian University may:*

After having considered the totality of the circumstances, is permitted under section 99.5 and 99.36 to 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. SCU 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 their dependency for tax purposes and any releases regarding the protection of their social security numbers. If a student states that a parent claims that student as a dependent, *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:

- Disclosures of protected information to landlords and banks
- Disclosures to search student records by social security numbers

**Note: Every Southwestern Christian University student has the right to opt out of these uses of their information. Notification of such 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 Failure/s 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:*

- Must be timely submitted, no later than 180 days from the date you learned of the circumstances of the alleged violation
- Must 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 educational 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 educational records.
- Southwestern Christian University students have the right to seek amendment of inaccurate or misleading information in their educational records. *To seek access or amendment of your educational records, please notify or make an appointment with the registrar either by email at [registrar@swcu.edu](mailto: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 educational records.
- Southwestern Christian University students have the right to file a complaint with the Family Policy Compliance Office in Washington, DC.

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*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.*