

SOUTHWESTERN LAW SCHOOL

L O S A N G E L E S

Student Records Policy - FERPA

Revision history: Formerly a part of the annually revised Student Handbook. Established as a standalone policy August 2022.

Related policies: Student Honor Code Policy.

Scheduled Review Date: June 2024 (Registrar's Office)

A. Access to Student Records

In accordance with Section 99.5 of Title 34 of the Code of Federal Regulations, the following rights are provided for all Southwestern students under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g (Supp. IV, 1974):

1. The law school maintains records for each student that include name, address, student identification number, information on parents, guardian, and spouse, general information on academic status at the law school, previous school data, results of standardized admissions examinations, courses previously taken or being taken, credits, and grades, and transcripts with any applicable notations. Applicants for financial aid have an additional file established to maintain financial aid records.
2. The Registrar's Office of the law school is responsible for maintaining all of these records, except for those involving financial aid. All records are available to the Registrar, the Dean, the Chief Financial Officer, the Vice Dean(s), the Associate Deans, the Dean of Students, the Director of Financial Aid, the faculty of the law school, and their respective staffs for the normal academic and business purposes of the law school. There may be instances where student records need to be shared between Southwestern and other institutions for legitimate academic purposes connected with joint academic degrees or programs or as otherwise stated in this policy. All of these records are also available to such other organizations and persons as are entitled to them under Part 99 of Title 34 of the Code of Federal Regulations.

Records involving financial aid are maintained by the Director of Financial Aid and are available to the Director and staff, the Dean, the Chief Financial Officer, the Vice Dean(s), and the Dean of Students for the purpose of granting and administering the law school financial aid program. All of these records are also available to such other organizations and persons as are entitled to them under Part 99 of Title 34 of the Code of Federal Regulations.

Students have the right to provide written consent before the law school discloses personally identifiable information from student records, except to the extent that FERPA authorizes disclosure without consent including disclosures via transcript notations. Southwestern discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Southwestern in an administrative, supervisory, academic, research, or support staff position (including security unit personnel); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary committee. A school official may also include a volunteer or contractor outside of the law school who performs an institutional service or function for which the law school would otherwise use its own employees and who is under the direct control of the law school with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, collection agent, housing management company personnel, or a student volunteering to assist another school official in performing their tasks. External agents of the law school that are considered school officials with legitimate educational interests include organizations such as the National Student Clearinghouse. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for Southwestern. Upon request, the law school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll or has already enrolled.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Southwestern to comply with the requirements of FERPA. The name and address of the office that administers FERPA is as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. These situations include the following:

- a. disclosure to other school officials, including faculty, within Southwestern whom the law school has determined to have legitimate educational interests;
- b. disclosure to authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as a state postsecondary authority that is responsible for supervising the law school's state-supported education programs;
- c. disclosure in connection to financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- d. disclosure to organizations conducting studies for, or on behalf of, the law school, to (a) develop, validate, or administer predictive tests, (b) administer student aid programs, or (c) improve instruction;
- e. disclosure to accrediting organizations to carry out their accrediting function;
- f. disclosure to comply with a judicial order or lawfully issued subpoena; and
- g. disclosure to appropriate officials in connection with a health or safety emergency.

The law school retains documentation, available to the student and kept with their file, of all persons and organizations, other than those authorized and designated above, requesting or obtaining access to the file. This record will indicate specifically the legitimate interest that each person or organization obtaining access to the records has in such records. Where records are furnished in compliance with judicial order or pursuant to any lawfully issued subpoena, students will be notified in advance of the law school's compliance.

3. Students are allowed access to their records as follows: A student may inspect their academic transcript during normal working hours in the Registrar's Office. To see other records, the student must submit a written request to the Registrar, the Director of Financial Aid, the Vice Dean(s), the Dean of Students, or to their staff, as appropriate. A mutually convenient time will be arranged within 15 working days after receipt of the request for the student to examine the records of their file. At that time, the student may examine all records in the file except for those specifically exempted by Part 99 of Title 34 of the Code of Federal Regulations. The student may obtain copies of any of the records available to him or her. A student may not obtain copies of another institution's transcript or

letters of recommendation. All reasonable requests for explanations or interpretations of the records will be honored, and if inaccurate, misleading, or otherwise inappropriate data are found in the records, they will be promptly corrected or deleted. The student also has the right to insert into the records a written explanation respecting the contents of such records.

A student may submit a written request to the Vice Dean(s) for a hearing to challenge the content of the record that they believe is misleading, inaccurate or in violation of the privacy rights of the student. The Vice Dean(s) will schedule such a meeting within 30 calendar days after receipt of the request and will notify the student reasonably in advance of the hearing of its date, time, and place. The hearing will be before a Board composed of the Vice Dean(s), Dean of Students, or their designated alternates, and at least one disinterested member of the faculty who will be appointed by the Dean of the law school. None of those hearing the challenge may have a direct interest in the outcome. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney. The decision of the Board on the correctness of the record, as determined by majority vote, will be rendered in writing within 10 calendar days after the conclusion of the hearing, and will be final. This decision will be based solely upon the evidence presented at the hearing and will include a summary of the evidence and of the reasons for the decision.

If, as a result of the hearing, the law school decides that the information in the files is inaccurate, misleading, or in violation of the privacy rights of the student, the law school will amend the records accordingly and so inform the student in writing. However, if as a result of the hearing, the law school decides that the information is not inaccurate, misleading, or in violation of the privacy rights of the students, it will inform the student of the right to place in the records a statement commenting on the information in the records and/or setting forth any reasons for disagreeing with the decision of the law school.

4. At its discretion, Southwestern Law School may provide "directory information" in accordance with the provisions of FERPA. Directory information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated directory information at Southwestern includes the following: student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status (e.g., full-time or part-time), participation in officially recognized activities, degrees, honors and awards received, and the most recent educational institution attended. Students may block the public disclosure of directory information by notifying the Registrar's Office in writing.

Students should consider very carefully the consequences of a decision to withhold directory information. A non-disclosure block will call for Southwestern not to release any or all of this "directory information;" thus, any future requests for such information from non-Southwestern persons or organizations (e.g., for employment references or degree verification) will be refused unless required by law.

Southwestern will honor a student's request to withhold directory information but cannot assume responsibility to contact you for subsequent permission to release this information. Although the initial request may be filed at any time, requests for non-disclosure will be honored until removed, in writing, by the student. Regardless of the effect upon you, Southwestern assumes no liability as a result of honoring your instructions that such information be withheld.

5. No student can be required to waive rights under Part 99 of the Code of Federal Regulations. However, a student may voluntarily waive right of access to confidential statements made by third parties respecting admission to educational agencies or institutions, applications for employment, or the receipt of an honor or honorary recognition. In case of waiver, the confidential statements will be used solely for the purposes for which they were specifically intended, and the student will, upon request, be notified of the names of all persons making such confidential statements. If a student should desire to waive right of access, so as to facilitate the obtaining of a confidential statement of this nature, they should contact the Registrar's Office.
6. The law school reserves the right to destroy from time to time any and all records that it maintains on a student, except to the extent that the law requires their maintenance for a longer period of time. However, access to records which has been requested under Part 99 of the Code of Federal Regulations, are not allowed to be and will not be destroyed until such access has been granted or a decision to deny such access has been arrived at as described in (3) of this section.
7. Any student has the right to file a complaint with the United States Department of Education concerning an alleged failure by the law school to comply with the provisions of Section 438 of the General Education Provision Act (20 U.S.C.A. Section 1232g).

B. Change of Vital Data

It is the student's responsibility to advise the school promptly of any change in vital data, such as a change of temporary or permanent mailing address, telephone number, sex, gender or name. Such information is needed to contact the student in case of emergency and to notify the student of any other important information. A mailing to a student's most recent address, as recorded in the Registrar's Office, is deemed to be

sufficient to provide notice with respect to any matter concerning the student. Changes can be submitted through a Student Action Report (SAR) or through WebAdvisor as soon as any such changes occur.

C. Continuing Duty to Disclose/Post-Admissions Disclosures

Post-admission disclosures to student law school application materials, specifically amendments to the required criminal and disciplinary disclosures, will be handled according to the seriousness or culpability of the omission. Where the undisclosed matter would not have affected admissions decision-making, in the sole judgment of Southwestern, the amendment/disclosure will be added to the student's file and duly reported to any appropriate State Bar. More significant undisclosed matters will be referred to the Honor Code Committee for evaluation and possible disciplinary action under Southwestern's Student Honor Code.

Following admission and before degree conferral, students have an ongoing responsibility to inform the Dean of Students Office of any criminal charges leveled against them in any jurisdiction during the time in which they are actively pursuing their legal education, or on a leave of absence or any other break in their attendance at Southwestern.