

SOUTHWESTERN

LAW SCHOOL Los Angeles, CA

Student Records Policy — FERPA

Administrative Policy.

Revision history: Formerly a part of the annually revised Student Handbook; established as a standalone policy August 2022; technical edits made in December 2023; edits made in December 2024 to clarify the process for students to inspect education records.

Related policies and form: Student Honor Code; Student Records Request Form

Scheduled Review Date: June 2026 (Registrar's Office)

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A. Purpose

Under the Family Educational Rights and Privacy Act (FERPA), students have the right to access their education records, seek to have the records amended, and have some control over the disclosure of personally identifiable information. Southwestern recognizes the importance of safeguarding sensitive information contained in student records. This policy outlines the guidelines and procedures governing education record maintenance and disclosure. This policy also outlines the specific information considered “directory information” and the instances in which non-directory information may be disclosed. Southwestern is committed to maintaining the confidentiality and integrity of student records while facilitating the legitimate educational needs of our community.

B. Records Maintained by Southwestern

Southwestern maintains records for each student, including but not limited to personally identifiable information, academic records, financial records, disciplinary records (e.g., Student Honor Code violation, Title IX violation, etc.), and admissions records.

While the Registrar’s Office maintains many student records, some records may be created and maintained by other offices or individuals. For example, the Financial Aid Office maintains financial aid records, the Student Services Office maintains disciplinary records and accommodations records, and faculty or administrators may maintain other records as part of their professional responsibilities. All student records are available to the Registrar, the Dean, the Vice Deans, and all other school officials with a legitimate educational interest.

Southwestern may share student records with other institutions for legitimate academic purposes connected with joint academic degrees or programs or as otherwise stated in this policy. These records are also available to other organizations and persons entitled to them under Part 99 of Title 34 of the Code of Federal Regulations.

The Director of Financial Aid maintains financial aid records, which are available to the Director and staff, the Dean, the Chief Financial Officer, the Vice Dean(s), and the Associate Dean for Student Services to grant and administer the law school financial aid program. These records are also available to other organizations and individuals entitled to them under Part 99 of Title 34 of the Code of Federal Regulations.

C. School Officials

Students have the right to provide written consent before Southwestern or its representatives disclose 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

Southwestern who performs an institutional service or function for which Southwestern would otherwise use its own employees and who is under the direct control of Southwestern with respect to using and maintaining personally identifiable information from education records (e.g., 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 Southwestern 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 they need to review an education record to fulfill their professional responsibilities for Southwestern. Upon request, Southwestern also discloses education records without consent to officials of another school where a student seeks or intends to enroll or has already enrolled.

D. Disclosure of Student Education Records

FERPA permits Southwestern and its representatives to disclose personally identifiable information from students' education records without the student's consent if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. These situations include the following:

1. disclosure to other school officials, including faculty, within Southwestern whom the law school has determined to have legitimate educational interests;
2. disclosure to a contractor, consultant, volunteer, or other party to whom Southwestern has outsourced institutional services or functions, provided certain conditions are met;
3. disclosure to an authorized representative 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 state postsecondary authority that is responsible for supervising Southwestern's state-supported education programs;
4. 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 and conditions of the aid, or enforce the terms and conditions of the aid;
5. disclosure to organizations conducting studies for, or on behalf of, Southwestern to:
 - a. develop, validate, or administer predictive tests;
 - b. administer student aid programs; or
 - c. improve instruction;
6. disclosure to accrediting organizations to carry out their accrediting function;
7. disclosure to comply with a judicial order or lawfully issued subpoena; and
8. disclosure to appropriate officials in connection with a health or safety emergency.

Southwestern 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 Southwestern's compliance.

Southwestern employees must consult with the Registrar's Office before releasing information from a student's record to a third party.

E. Access to Records

A student may inspect their academic transcript during normal working hours according to Registrar Office protocols. To see other education records, the student must submit the Student Records Request Form to the Registrar's Office at registrar@swlaw.edu. A mutually convenient time will be arranged within 15 business days after Southwestern receives the request. 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. All reasonable requests for explanations or interpretations of the records will be honored. If a student believes that a record is inaccurate, misleading, or otherwise inappropriate, the student may submit a written request to the Registrar to correct the record. The student also has the right to insert a written explanation respecting the contents of such records into the records.

If Southwestern denies the student's request to correct a record, the student may submit a written request to the Vice Dean assigned to supervise academic programs for a hearing to challenge the content of the record that they believe is misleading, inaccurate, or violates their privacy rights. The Vice Dean will schedule the hearing within 30 calendar days after receiving the request and provide the student with reasonable notice of the hearing date, time, and place (which could be via Zoom). The hearing will be before a panel composed of the Vice Dean, the Associate Dean for Student Services, or their designated alternates, and at least one disinterested full-time faculty member appointed by the Dean.

No one 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. However, no Southwestern employee may assist or represent a student at the hearing. The panel's decision on the correctness of the record, as determined by a majority vote, will be rendered in writing within ten calendar days after the hearing and will be final. This decision will be based solely upon the evidence presented at the hearing and include a summary of the evidence and the reasons for the decision.

If the hearing panel decides that the information in the files is inaccurate, misleading, or violates the student's privacy rights, Southwestern will amend the records accordingly and inform the student in writing. Southwestern will endeavor to amend the records within 30 calendar days. However, if the hearing panel decides that the information is not inaccurate, misleading, or in violation of the student's privacy rights, it will inform the student of the right to place in the records a statement commenting on the information in the records or setting forth reasons for disagreeing with Southwestern's decision.

F. Directory Information

Southwestern may provide "directory information" in accordance with the provisions of

FERPA. Directory Information is defined as information that 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 numbers, Southwestern email address, photograph, date and place of birth, dates of attendance, grade level, enrollment status (e.g., full-time or part-time and program, like SCALE or Online J.D. full-time program), 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 carefully consider the consequences of requesting to withhold directory information. A non-disclosure block means Southwestern will not release any Directory Information. 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 for contacting the student 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 by the student, in writing. Regardless of the effect upon a student, Southwestern assumes no liability for honoring a student's instructions to withhold directory information.

G. Waiver of Rights

No student can be required to waive rights under Part 99 of the Code of Federal Regulations. However, a student may voluntarily waive the right to access confidential statements made by third parties regarding admission to educational agencies or institutions (e.g., letters of recommendation), applications for employment, or receiving an honor or honorary recognition. When a student voluntarily waives rights, Southwestern will use the confidential statements solely for the purposes for which they were specifically intended. Upon request, the student will be notified of the names of all persons making such confidential statements. If a student desires to waive the right of access, they should contact the Registrar's Office.

H. Record Disposal

Southwestern reserves the right to destroy records that it maintains on a student, except to the extent that the law requires their maintenance for a specific period. Southwestern will not destroy records requested under Part 99 of the Code of Federal Regulations until Southwestern grants access or decides to deny access, as described in Section E of this policy.

I. Filing a Complaint

Any student has 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: U.S. Department of Education Student Privacy Policy Office, 400 Maryland Avenue, SW Washington, DC 20202-8520.

J. Changes in Vital Data

It is the student's responsibility to promptly advise the school of any change in vital data, such

as a change of temporary or permanent mailing address, telephone number, sex, gender, or name. Such information may be needed to contact the student in case of an 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. A student should submit these data changes through a Student Action Report (SAR) as soon as any such changes occur. The form can be found on the Registrar's Office page in the portal or in the Registrar's office on campus.

K. Post-Admissions Disclosures and Continuing Duty to Disclose

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 or 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 Student Services 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.

L. Policy Revisions

Southwestern reserves the right to change or modify any aspect of this policy at any time, with or without prior notice.