

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

11.3

**ANNUAL NOTICE TO STUDENTS**  
**Family Educational Rights and Privacy Act (FERPA)**

6/29/2016

### Policy Statement

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a Federal law that protects the privacy of student education records. In accordance with regulations issued under FERPA, the College of Charleston of Charleston provides an annual notification to our enrolled students of their rights under FERPA.

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### Policy Manager and Responsible Department or Office

Registrar's Office

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### Policy

#### **RIGHTS OF STUDENTS**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review [RECORD REVIEW REQUEST FORM] the student's education records within 45 days of the day the College of Charleston receives a request for access to those records.

Students should submit to the registrar, dean, head of the academic department, or other appropriate school official, written requests [RECORD INSPECTION AND REVIEW REQUEST FORM] that identify the record(s) the student wishes to inspect. The College of Charleston official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College of Charleston official to whom the request was submitted, that official will advise the student of the appropriate official to receive the request.

2. The right to request an amendment [RECORD AMENDMENT REQUEST FORM] to the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

- A student who wishes to ask the College of Charleston to amend a record should write to the College of Charleston official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

- If the College of Charleston decides not to amend the record as requested by the student, the College of Charleston will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- If, as a result of the hearing, the College of Charleston decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the College of Charleston will so advise the student and the student may place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the College of Charleston.

3. The right to provide written consent [CONSENT FORM] before the College of Charleston discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without student consent.

FERPA requires that a student provide written consent for a disclosure of personally identifiable information from education records unless the circumstances meet one of the exceptions to the "prior written consent" rule that is specified in the law or its implementing regulations. Under those exceptions, as implemented by the College of Charleston, the College of Charleston may disclose information from a student's education records without the student's written consent, to the following parties or under the following conditions:

- School officials whom the College of Charleston has determined to have legitimate educational interests.

A school official is a person employed by the College of Charleston in an administrative, supervisory, academic or research, teaching, or support staff position

(including law enforcement unit personnel and health staff); a contractor, consultant, volunteer or other party to whom the College of Charleston has outsourced institutional services or functions for which the College of Charleston would otherwise use its own employees to perform (for example, legal advice, debt collection, transcript distribution, enrollment verification, citizenship verification, fundraising and alumni communications, development, information technology services, such as web-based and e-mail services); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or a student assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review or have access to an education record in order to fulfill his or her professional responsibility.

- Officials of another institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.
- Authorized representatives of the Comptroller General of the United States, Attorney General of the United States, Secretary of the U.S. Department of Education, and state and local educational authorities.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes to determine eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; or enforce the terms and conditions of the aid.
- State and local officials or authorities, pursuant to State statutes, if the reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
- Organizations conducting studies for, or on behalf of, the College of Charleston to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- Accrediting organizations to carry out their accrediting functions.
- Parents (includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian) of a dependent student (as defined in section 152 of the Internal Revenue Code of 1986). (effective fall semester 2009)
- In compliance with a judicial order or lawfully issued subpoena.
- In connection with a health or safety emergency.
- Information that the College of Charleston has designated as "directory information" unless the

Student has requested such directory information be withheld.

- The final results of a disciplinary proceeding conducted by the College of Charleston to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense with respect to that alleged crime or offense regardless of whether the College of Charleston concluded a violation was committed.

- The final results of a disciplinary proceeding conducted by the College of Charleston to the general public upon concluding that the student committed a crime of violence or non-forcible sex offense and that the student has committed a violation of the College of Charleston's rules or policies.

- A parent of a student under the age of 21 at the time of disclosure regarding the College of Charleston's determination that the student violated federal, state or local law or College of Charleston policy governing the use or possession of alcohol or a controlled substance.

- Information provided to the College of Charleston pursuant to federal law and guidelines concerning sex offenders and others required to register pursuant to federal law.

- De-identified records and information.

- Parent of a student who is not an "eligible student" under FERPA, or to the student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College of Charleston to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.

#### **NOTICE DESIGNATING DIRECTORY INFORMATION**

FERPA requires the College of Charleston, with certain exceptions (see section 3 above), to obtain the student's written consent prior to the disclosure of personally identifiable information from the student's education records. However, the College of Charleston may disclose appropriately designated "directory information" without the student's written consent, unless the student has advised the College of Charleston to the contrary in accordance with the College of Charleston procedures for "opting-out" of the release of directory information. FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The College of Charleston hereby designates the following student information as "directory information":

- Student name

- Mailing Address
- College of Charleston-issued e-mail address
- Image/photograph of student (includes images from College of Charleston yearbooks, CofC publications and other official CofC marketing media only)
- Major field(s) of study
- Class standing/Grade level (e.g. sophomore, junior, etc.)
- Dates of attendance
- Degree(s) received
- Awards and honors received
- Enrollment status (e.g. undergraduate, graduate, full-time or part-time)

If a student does not want the College of Charleston to release part or all of his or her directory information, the student must submit an Opt-Out form [OPT-OUT FORM] to the College of Charleston Registrar's office or complete the online request in Banner Self-Service in MyCharleston on or before the tenth class day of the fall and spring semesters, or the fifth class day in the summer term in order for it to be applicable to that semester/term and for subsequent periods of time. Directory information of a student who has opted-out from the release of directory information, in accordance with this policy/procedure for opting out, will remain flagged until the student requests that the flag be removed by completing and submitting the Revocation of Consent and Authorization section of the Opt-Out form to the College of Charleston Registrar. If directory

Information is released prior to the Registrar receiving the opt-out form, the College of Charleston may not be able to stop the disclosure of directory information.

The College of Charleston disclaims any and all liability that may arise or be alleged as a result of honoring a student's instructions that directory information be withheld, or for the inadvertent disclosure of such information.

### **COLLEGE OF CHARLESTON CONTACT**

For additional information or for questions concerning the College of Charleston's FERPA policy and procedures, please contact the College of Charleston Office of the Registrar, 160 Calhoun Street, Lightsey Center, Room 281, Charleston, SC 29424, (843.953.5668), registrar@cofc.edu .

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### **Departments/Offices Affected by the Policy**

All Departments

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**Procedures Related to the Policy**

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**Related Policies, Documents or Forms**

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<b>Issue Date:6/29/2016</b> <b>Date of Policy Revision:6/29/2016</b>
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<b>Next Review Date:10/29/2020</b>
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**POLICY APPROVAL**

**(For use by the Office of the Board of Trustees or the Office of the President)**

Policy Number: 11.3

President or  
Chairman, Board of Trustees

  
Pres.

Date: 6/29/16