

COLLEGE of CHARLESTON

OFFICIAL POLICY

12.6.3

**RIGHTS OF STUDENTS UNDER FERPA - FAMILY
EDUCATIONAL RIGHTS AND PRIVACY ACT
AND ANNUAL NOTICE**

10/5/2020

Policy Statement

The purpose for this Policy is to be in compliance with FERPA. 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 provides an annual notification to our enrolled students of their rights under FERPA.

Policy Manager and Responsible Department or Office

The Division of Student Affairs and the Office of the Dean of Students

Policy

1.0 PURPOSE

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 provides an annual notification to our enrolled students of their rights under FERPA.

1.1 RIGHTS OF STUDENTS

In accordance with FERPA and relevant College of Charleston policies and practices, enrolled students at the College have the following rights.

(a) The right to inspect and review the student's education records within 45 days of the day the College receives a request for access to those records.
[http://registrar.cofc.edu/pdf/Inspect_Record.pdf]
(See Section 1.2 below "INSPECTION AND REVIEW OF RECORDS").

(b) The right to request an amendment to the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
[http://registrar.cofc.edu/pdf/Amend_Record.pdf]
(See Section 1.3 below "AMENDMENT OF RECORDS").

(c) The right to provide written consent to the disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without student consent.
[http://registrar.cofc.edu/pdf/Non_Directory_Release.pdf]
(See section 1.3 below "DISCLOSURE OF PERSONALLY-IDENTIFIABLE INFORMATION").

(d) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College 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, D.C. 20202-5901.

1.2 INSPECTION AND REVIEW OF RECORDS

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests [http://registrar.cofc.edu/pdf/Inspect_Record.pdf] that identify the record(s) the students wish to inspect. The College 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 official to whom the request was submitted, that official will advise the student of the appropriate person to receive the request.

1.3 AMENDMENT OF RECORDS

Students may ask the College to amend a record that they believe is inaccurate, misleading, or in violation of the privacy rights of the student. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
http://registrar.cofc.edu/pdf/Amend_Record.pdf

If the college decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the 70 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 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 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.

1.4 DISCLOSURE OF PERSONALLY-IDENTIFIABLE INFORMATION

FERPA requires that a student provide written consent for a disclosure of personally identifiable 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 regulation. Under those exceptions, as implemented by the College, the College 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 has determined to have legitimate educational interests.

A school official is a person employed by the College in an administrative, supervisory, academic or research, teaching, or support staff position (including law enforcement until personnel and health staff); a contractor, consultant, volunteer or other party to whom the College has outsourced institutional services or functions for which the College 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 students 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 to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.

Accrediting organizations to carry out their accrediting functions.

Parent (including 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).

In compliance with a judicial order or lawfully issued subpoena.

In connection with a health or safety emergency.

Information that the College 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 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 concluded a violation was committed.

The final results of a disciplinary proceeding conducted by the College **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's rules or policies.

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

Information provided to the College 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.

1.5. NOTICE OF DESIGNATING DIRECTORY INFORMATION

FERPA requires that College, with certain exceptions (see section entitled "DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION"), to obtain the student's written consent prior to the disclosure of personally identifiable information from the student's

education records. However, the College may disclose appropriately designated “directory information” without the student’s written consent, unless the student has advised the College to the contrary in accordance with the College procedures from “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 hereby designated the following student information as “directory information”:

Student’s name; Local and permanent address; Local and permanent telephone listing; Campus e-mail address; Photograph of student; Date of birth; Place of birth; Major of field(s) study; Class standing (e.g., sophomore); Dates of attendance; Degree(s) received; Awards and honors received; Most recent institution attended; Enrollment status (e.g., undergraduate, graduate, fulltime or part-time); Participation in officially recognized activities and sports; and Weight and height of members of athletic teams.

If a student does not the College to release part or all of his or her directory information, the study must submit an opt-out form [http://registrar.cofc.edu/pdf/FERPA_Optout.pdf] to the College Registrar’s Office on or before the tenth class day of the fall and spring semesters, or the fifth class day in the summer term for it to 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 section of the opt-out form [http://registrar.cofc.edu/pdf/FERPA_Optout.pdf] to the College Registrar. If directory information is released prior to the Registrar receiving the opt-out form, the College may not be able to stop the disclosure of directory information.

The College 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. 1.6. College Contact For additional information or for questions concerning the College’s FERPA policy and procedures, please contact the College Registrar @ College of Charleston, 160 Calhoun Street, Lightsey Center, Room 281, Charleston, SC 29424, (843.953.5668), Registrar@cofc.edu.
All College of Charleston Departments and all Offices.

Departments/Offices Affected by the Policy

All College of Charleston Departments and all Offices.

Procedures Related to the Policy

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Related Policies, Documents or Forms

All documents are available on the Registrar's web page:

<http://registrar.cofc.edu/ferpa/index.php>

The right to inspect and review: http://registrar.cofc.edu/pdf/Inspect_Record.pdf

The right to request an amendment and review:

http://registrar.cofc.edu/pdf/Amend_Record.pdf

The right to provide written consent:

http://registrar.cofc.edu/pdf/Non_Directory_Release.pdf

The right to opt-out: http://registrar.cofc.edu/pdf/FERPA_Optout.pdf

Issue Date:6/29/2016	Next Review Date:10/29/2025
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Date of Policy Review:10/5/2020

POLICY APPROVAL

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

Policy Number: 12.6.3

President or
Chairman, Board of Trustees



Date: 10/5/2020