

## STUDENT RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the Office of Academic Records and Support ("University Official") a written request that identifies the record(s) they wish to inspect. The University 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 University Official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- (2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or in violation of the student's right to privacy. Students desiring an amendment to their education record should write the University Official responsible for maintaining the record, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of the student's privacy.
- (3) The right to a hearing regarding the request for an amendment of the student's education records. If the University decides not to amend the record as requested by the student, the University must notify the student of the decision and advise the student of his or her 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.
- (4) The right to prevent the University's disclosure of the student's personally identifiable information from the student's education records in most circumstances. The University must obtain the written consent of a student before disclosing that student's personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Where required, a student's consent must specify the records to be disclosed, the purpose of the disclosure, and the party or class of parties to whom disclosure may be made. FERPA contains the following exceptions allowing a college to disclose a student's personally identifiable information:
  - a. Disclosure to school officials with legitimate educational interests is permitted without a student's written consent. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent) institutional services or functions that the University would otherwise use employees to perform; a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official must be under the direct control of the institution with respect to the use and maintenance of information from education records.
  - b. Disclosures to parents are permitted in three situations. First, disclosure of a student's personally identifiable information to parents is permitted absent a student's written consent in the event of a health or safety emergency. The University may disclose education records in an emergency if the University determines that there is an articulable and significant threat to the health or safety of the student or other individuals. Second, disclosure of a student's personally identifiable information is permitted to parents of the student if the student is a dependent pursuant to Section 152 of the Internal Revenue Code of 1986 and notice is given to the student that a parent has requested such information. Third, disclosure of a student's personally identifiable information to parents is permitted without the student's written consent if the student is under 21 and has violated a law or University rule or policy governing alcohol or controlled substance consumption.
- (5) The right to opt out of the disclosure of directory information. Pursuant to FERPA, the University has classified certain personally identifiable information as directory information. Cleveland defines directory information as the student's name,

address, telephone number, email address, photos, date of birth, place of birth, class, major field of study, dates of attendance, full time/part time status, degrees, honors, and awards received, participation in officially recognized activities and sports, physical traits of athletes, and the most recent previous educational institution attended by the student. Students who wish to restrict the release of directory information must submit the appropriate form to the Office of Academic Records and Support during the first week of each academic term. This form can be found in the Office of Academic Records and Support. Upon receipt of such request the Office of Academic Records and Support will designate that the student's directory information is confidential and not to be released outside the University except to individuals, institutions, agencies and organizations authorized in the Act. The University will honor all requests to withhold any of the categories of directory information listed above but cannot assume any responsibility to contact the student for subsequent permission to release information. Nondisclosure will be enforced until the information is subsequently released by the student. A student may not, however, opt-out of disclosure of the student's name, institutional email address, or electronic identifier in the student's classroom. Regardless of the effect on the student, the University assumes no liability for honoring the request of the student to restrict the disclosure of directory information.

- (6) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Cleveland University–Kansas City 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. 20202-5920