



# THE JOHN MARSHALL LAW SCHOOL

## FERPA Policy

### **Information on FERPA**

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended (sometimes referred to as the Buckley Amendment), is a federal law that protects the privacy of education records of all students enrolled in schools beyond the high school level. Schools are required to maintain that privacy, primarily by restricting release of records and the access provided to those records.

Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld. The U.S. Department of Education website maintains information about FERPA.

President Bush signed the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" on October 26, 2001. Section 507 of the USA PATRIOT Act amends FERPA by permitting institutions to disclose, without the knowledge or consent of the student, personally identifiable information from the student's education records to the Attorney General of the United States or his designee in response to an ex parte order (one filed without notice to the student) in connection with the investigation or prosecution of terrorism crimes. Also, the school is not required to record such disclosures.

### **Your Rights Under FERPA**

Students have three primary rights under FERPA. They have the right to inspect and review their education records; the right to have some control over the disclosure of information from their education records; and the right to seek to amend their education records, under certain circumstances. A student's FERPA rights begin when the student registers and attends his or her first class at John Marshall.

## **Notification of Rights**

Consistent with its obligations under FERPA, John Marshall annually notifies students of the rights accorded them by FERPA. The annual notification statement is published in the John Marshall Student Handbook and at registration. If a student feels that the law school has not fully honored his or her privacy rights under FERPA, a written complaint may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202-4605. The Family Policy Compliance Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of FERPA. A timely complaint is defined as an allegation that is submitted within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

## **Education Records Under FERPA**

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail. Education records do not include:

- Records or notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person except a temporary substitute for the maker of the record (this might include notes an instructor makes while providing career/professional guidance to a student);
- records made or maintained by physicians, psychiatrists, psychologists, and other health professionals and paraprofessionals that are used only in connection with treatment of students;
- employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment;
- records created and maintained by a law enforcement unit of the law school used only for law enforcement purposes;
- post-attendance records, i.e., information about a person that was obtained when the person was no longer a student (alumni records) and does not relate to the person as a student.

Students and former students have rights to inspect and review their education records within 45 days from making such a request to the Academic Services office.

The right of inspection and review includes: the right to access, with an explanation and interpretation of the record; the right to a copy of the education record when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. The law school may refuse to provide a copy of a student's education record provided such refusal does not limit access.

Students may request that their education records be amended if they believe such information is inaccurate, misleading, or in violation of privacy rights. To amend educational records, students should submit a request in writing to Chanté Spann, Assistant Dean for Admissions. Students should identify the requested correction and specify why it is inaccurate, misleading, or in violation of privacy rights.

### **Protection of Records**

FERPA allows institutions to identify certain types information called "directory information" that may be disclosed without student consent. The John Marshall Law School has designated the following information as directory information and will release this information upon request, unless the student has restricted directory information:

- Student's name
- John Marshall email address
- Dates of attendance
- Participation in officially recognized student organizations
- Degrees, honors, and awards received

According to FERPA, a student can request that the law school not release any directory information about him/her. Institutions must comply with this request, once received, if the student is still enrolled.

Students who wish to restrict the release of all directory information about themselves must submit a completed **Request to Restrict Directory Information Form** to the Academic Services Office.

*Students who restrict directory information should realize that their names will not appear in any law school publications. Employers, companies and scholarship committees will be denied any of the student's directory information and will be informed that we have no information available about the student's attendance at The John Marshall School.*

With several exceptions provided by FERPA, John Marshall cannot release personally identifiable non-directory information in an education record without

prior written consent from the student. Examples of non-directory information include: birth date, religious affiliation, citizenship, disciplinary status, ethnicity, gender, grade point average(GPA), marital status, SSN/student I.D., grades/exam scores, test scores (e.g., LSAT), progress reports.

The John Marshall Law School protects the privacy of all enrolled students; however, the student's prior written consent is not required to disclose non-directory information to school officials who the law school has determined to have a legitimate educational interest.

Additionally, The U.S. Department of Education has allowed the law school to determine whether there is, in fact, a health or safety emergency that justifies disclosing non-directory information without the student's written consent. The John Marshall Law School considers the following criteria in determining whether an emergency situation exists:

- Is the emergency a serious threat to the health or safety of the student or other individual(s)?
- Is the information to be disclosed necessary to meet the emergency?
- Are the parties to whom the information is to be disclosed in a position to deal with the emergency?
- Is time of the essence in dealing with the emergency?