

Notification of Privacy Rights and Access to Records under FERPA

A. Student Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Education records are defined as records that are directly related to a student who enrolls at California Western School of Law (CWSL) and are maintained by CWSL or a party acting for the institution. Enrollment begins the date the student matriculates at CWSL.

These rights include:

(1) The right to inspect and review the student's education records within 45 days after CWSL receives a request for access.

A student must submit to the Registrar a written request that identifies the record(s) the student wishes to inspect. The Registrar will make access arrangements and notify the student of the time and place where the records may be inspected. The records are maintained by the Registrar.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wants CWSL to amend a record must write the CWSL official responsible for the record, clearly identify the part of the record the student wants changed and specify why it should be changed. If CWSL decides not to amend the record as requested, CWSL 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.

(3) The right to provide written consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent, including as set forth in Part B, below.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by CWSL to comply with FERPA requirements. Students may complete a "FERPA Complaint Form" located at <https://studentprivacy.ed.gov/file-a-complaint>. The completed form can be email to FERPA.Complaints@ed.gov or mailed to:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Avenue, SW
Washington, DC 20202-5901

B. Disclosure of Student Information Without Prior Written Consent

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. FERPA permits CWSL to disclose PII from education records without obtaining prior written consent of the student under certain circumstances, including but not limited to those listed below.

(1) Disclosure to school officials with legitimate educational interests. A school official is any person working for CWSL in an administrative, supervisory, teaching, academic, research, or support staff position, including, but not limited to, law enforcement unit personnel and health staff, whether employed by CWSL or hired as independent contractors; a person or company with whom CWSL has contracted as its agent, including, but not limited to, attorneys, auditors, collection agents, consultants and persons serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks; or a person employed by CWSL or who volunteers for CWSL who assists an employee or student serving on an official committee or in an official capacity. This includes any individual who meets the conditions listed in FERPA § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3).

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for CWSL, including, but not limited to, performing appropriate tasks that are specified in their job description or by a contract agreement, serving on any disciplinary or grievance committee, performing a task related to a student's education, and/or providing a service or benefit relating to the student or student's family (such as health care, counseling, job placement or financial aid).

(2) To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

(3) To authorized representatives 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 a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)

(4) In connection with 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 of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))

(5) To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))

(6) To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

(7) To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))

(8) To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))

(9) To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))

(10) Information the school has designated as “directory information” under § 99.37. (§ 99.31(a)(11))

(11) To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))

(12) To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))

(13) To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

With the exception of subpoenas, which are reviewed by the General Counsel, the Vice Dean for Academic Affairs (or a designee) is responsible for determining the legitimacy of each request for information.

C. Directory Information

CWSL may release a student’s directory information without written consent provided that the student (or former student) has not specifically asked CWSL to refrain from releasing such information. The primary purpose of directory information is to allow CWSL to include this type of information in certain school publications, such as the honor roll, other recognition lists, and graduation programs. Directory information, can also be disclosed to outside organizations without prior written consent. **If a student wishes to restrict the release of any or all directory information, a signed request must be filed with the Registrar’s Office.** While a student may file a request with the Registrar at any time, no directory information will be released during the first fourteen calendar days of the Fall trimester to allow students time to file requests.

Unless a student restricts the release of this information, CWSL considers the following to be directory information: student name, address, law school email address, telephone listing, photograph(s), date and place of birth, dates of attendance, class year and current enrollment status, academic honors, participation in officially recognized activities, previous institutions attended, and degrees and awards received.