



**Southern University Law Center
Family Educational Rights and Privacy Act of 1974 Policy**

**Policy Number
1-017**

Responsible Unit: Office of Academic Affairs	Effective Date: June 4, 2021
Responsible Official: Vice Chancellor for Academic Affairs	Last Reviewed Date: June 4, 2021
Policy Classification: Academic Affairs	Last Revised Date: June 4, 2021
	Origination Date: Before 2014

I. POLICY STATEMENT AND RATIONALE

The purpose of this policy is to protect the privacy of student records. The Family Educational Rights and Privacy Act of 1974 (“FERPA”), also known as the Buckley Amendment and codified at 20 U.S.C. §1232g, protects the privacy of student records. The Act applies to all institutions that are the recipients of federal funding, including SULC.

FERPA and its regulations, found at 34 CFR Part 99, give students the rights to (a) inspect and review education records, (b) seek to amend those records, (c) limit disclosure of information from the records, and (d) annual notice of the school’s policies. In addition, under 34 C.F.R. § 99.7, schools must annually inform students of their rights as follows:

- (a)
 - (1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.
 - (2) The notice must inform parents or eligible students that they have the right to—
 - (i) Inspect and review the student's education records;

- (ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - (iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and §99.31 authorize disclosure without consent; and
 - (iv) File with the Department a complaint under §§99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part.
- (3) The notice must include all of the following:
- (i) The procedure for exercising the right to inspect and review education records.
 - (ii) The procedure for requesting amendment of records under §99.20.
 - (iii) If the educational agency or institution has a policy of disclosing education records under §99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
- (b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.
- (1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.
 - (2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

This policy implements SULC's obligations under FERPA and its implementing regulations. It is the intent that this policy be interpreted in accordance with regulations.

II. POLICY SCOPE

This Policy applies to current and former students.

III. POLICY COMPLIANCE

This policy will inform SULC personnel and students (current and/or former) on how and when a student record can be provided to someone other than the student.

IV. POLICY DEFINITIONS

A. "Directory Information"

Under 20 U.S.C. §1232g(a)(5)(b), schools may identify directory information that is an exception from FERPA's limits on disclosure of student records without consent. Under 20 U.S.C. §1232g(a)(5)(b), once a school identifies such information, students must have a reasonable time to inform the institution to prevent such disclosure without

further consent. Accordingly, SULC identifies the following as directory information under FERPA:

Name;
Address;
Email address;
Date and place of birth;
Participation in officially recognized activities, such as law review and moot court;
Dates of attendance;
Degrees and awards received;
Previous educational agency or institution attended by the student.

B. “School Official” and “Legitimate Educational Interest”

Under 34 C.F.R. §§ 99.7 and 99.31(a)(1), SULC must identify whom SULC considers “school officials” and what it considers a “legitimate educational interest.”

SULC considers school officials to be all faculty and staff at SULC. SULC considers a legitimate educational interest identifying and assisting students to succeed and assessing and implementing successful instructional techniques.

V. POLICY DEVELOPMENT AND IMPLEMENTATION PROCEDURES

Policy Development, Review and Approval Process: The responsibility for the periodic development, review, and approval of this process shall lie with the Vice Chancellor for Academic Affairs.

Policy Post-Approval Procedure: The Responsible Official shall forward the approved and signed system policy to the System's Office of Strategic Planning, Policy, and Institutional Effectiveness for inclusion in the Policy Manual and posting on the System's website.

VI. POLICY AND APPLICABLE PROCEDURES

SULC will maintain student records pursuant to the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, which protects the privacy of student records. The Act provides for the right to inspect and review education records, the right to seek to amend those records, and to limit disclosure of information from the records. The regulations for FERPA can be found in 34 CFR Part 99. SULC will not release student records without obtaining the consent of the student to release those records unless a specific exception to the need of consent applies.

In addition, the Registrar will provide electronic forms for students to opt-out of disclosure of directory information, obtain inspection of their records, and propose amendments of records. Finally, SULC will inform each student each year of its definition of directory information, explain how each student can opt-out of disclosure of directory information, and describe the procedures

where students can inspect student records and seek amendment of such records and make complaints to the Department of Education.

VII. POLICY HISTORY AND REVIEW CYCLE

This policy was created and became effective prior to the implementation of the uniform policy format which was implemented in 2019. The policy is subject to a five-year policy review cycle and shall be reviewed by the Vice Chancellor for Academic Affairs and any changes will be submitted to the faculty for consideration.

VIII. POLICY URL

This policy will be published at <https://www.sulc.edu/page/sulc-policies>.

IX. POLICY APPROVAL

This policy was approved by the faculty:



John K. Pierre
Chancellor, Southern University Law Center

June 4, 2021
Effective Date of Policy