

Annual Notification of Rights of Students under FERPA

John Brown University hereby notifies all students of the official University policy regarding student rights under the Family Educational Rights and Privacy Act (“FERPA”).

Rights of Students

Each year, John Brown University notifies students of their rights under FERPA and the regulations relating to FERPA promulgated by the Department of Education. This notice provides information relating to students’ rights under FERPA.

1. Inspection and Review of Educational Records. “Educational Records” are those records that are directly related to a student and are maintained by the University or by a party acting for the University. Except as noted below, a student has the right to inspect and review his or her Educational Records. To exercise this right the student must submit to the Registrar or other appropriate University official a written request that identifies the specific educational record he or she wishes to inspect. If the request is made to the incorrect official, the official to whom the request was made will advise the student of the official to whom the request should be directed. Once the request is made to the appropriate University official that person will notify the student of the time and place at which the records may be inspected. The inspection will be allowed within a reasonable time, not to exceed 45 days. With the exception of transcripts, the student may request and receive copies of the record at a cost to the student of [10 cents] per page.

Exclusions: Certain records and documents are excluded from the conferred right of access. Records excluded from the definition of Educational Records include, but are not limited to: records of members of faculty and administration that are kept in the sole possession of the maker; employment records related to a person’s capacity as an employee of the University; records of a physician, psychiatrist, psychologist or other medical professional that are made and used only in connection with the treatment of a student; records that contain information about an individual after he or she has graduated or withdrawn from the University; financial records and information contained therein of a student’s parent; and certain confidential letters of recommendation. [In addition, a student has no right to review records with personally identifiable information of another student.]

2. Amendment of Records. A student has the right request that the University amend his or her Educational Record if he or she believes it is inaccurate, misleading or otherwise in violation of his or her privacy. To obtain an amendment, the student must submit a written request to the University official responsible for maintaining the record at issue, specifically identify the items in the record that the student asserts are inaccurate, misleading or otherwise in violation of his or her privacy and explain why he or she considers the record inaccurate, misleading or in violation of his or her privacy. [The basis for a request for an amendment must relate to the record as of the time the record

was made and the student may not challenge substantive educational judgments that have been correctly recorded.] Within a reasonable amount of time the University will determine whether to amend the record in accordance with the request. If the University declines to amend, the student will be notified and advised of the right to a hearing.

3. Hearing. Additional information regarding hearing procedures will be provided to a student with the notice of the student's right to a hearing. The hearing will be conducted by a University official who does not have a direct interest in the outcome. The student will have an opportunity to present evidence relevant to the issues raised and may be assisted by counsel of his or her choice at his or her sole expense. Within a reasonable time after the hearing, the University will notify the student in writing of its decision. If, after the hearing, the University decides that the student's record is inaccurate, misleading or otherwise in violation of the student's privacy right, the University will amend the record. If the University determines that the record at issue is not inaccurate, misleading or otherwise in violation of the student's privacy right, the record will not be amended but the student shall have the right to place in his or her educational record a statement commenting on the disputed information and/or explaining any reasons for disagreeing with the University's decision.

4. Right to Consent to Disclosure of Personally Identifiable Information. It is the University's policy not to release personally identifiable information from a student's educational record or allow access to those records unless the student consents to the disclosure or an exception identified in section 5 below applies. To effectively consent to a disclosure to a third party the student's consent must be in writing and the writing must specifically identify the record to be disclosed and the party who is to receive access to the record.

5. Disclosure Without Consent. Educational records may be disclosed without the prior written consent of a student pursuant to an exception under FERPA. Furthermore, Directory Information may be released without the prior consent of the student unless the student affirmatively objects (see section 6 below "Notice Designating Directory Information"). The following exceptions permit the University, at its discretion, to disclose personally identifiable information contained in a student's educational records without the prior written consent of the student:

- Disclosure to a University Official with legitimate educational interests. A "University Official" is any person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks. A University Official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility;
- Disclosure to comply with a judicial order or a lawfully issued subpoena;

- Disclosure in connection with financial aid for which the student has applied or which the student has received, as necessary to determine eligibility, amounts or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- Disclosure to authorized federal or state educational representatives or accrediting organizations in connection with the audit or evaluation of educational programs;
- Disclosure to other educational agencies/institutions which John Brown University has entered into an educational agreement with respect to the recruiting of students for potential entry into John Brown University.
- Disclosure to organizations conducting educational studies for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction;
- Disclosure, upon request, to officials of another educational institution where the student seeks or intends to enroll;
- Disclosure to parents of a student who is a dependent, as defined by federal tax law;
- Disclosure in connection with a health or safety emergency;
- Disclosure of the results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence to the alleged victim of that crime with respect to that crime;
- Disclosure of the final results (name, violation committed, sanction imposed) of a disciplinary proceeding against a student who is an alleged perpetrator of any crime of violence or a nonforcible sex offense, if as a result of the proceeding it is determined that the student committed a violation of University rules or policies with respect to such crime or offense;
- Disclosure to parents or guardians, of students under the age of 21, information concerning violations of law or University policies regarding the use or possession of alcohol or controlled substances if the student has been found to have committed a disciplinary violation with respect to use or possession;
- Disclosure otherwise allowed by FERPA rules and regulations.

6. Notice Designating Directory Information. At its discretion the University may provide directory information in accordance with the provisions of FERPA. “Directory Information” is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Directory Information at the University includes the following: student’s name, local and home addresses, parents name and address, postal box, telephone number, electronic mail address, date and place of birth, major field of study, dates of attendance, degrees and awards received, assistantships and fellowships, previous schools or institutions attended by the student, the posting of grades by numbers or codes that are not personally identifiable and are generated exclusively for the posting of grades for the class, participation in officially recognized activities and sports, and weight and height of members of athletic teams, marital status and name of spouse, and religious preference. Such Directory Information may be disclosed by the University without restriction and without consent unless the student formally objects to its release.

Where a student objects to the release of Directory Information the University will not release any such information except to school officials that have a legitimate educational interest or as otherwise permitted by law. Students may request that Directory Information be withheld (non-disclosure) by submitting a “Request to Withhold Directory Information” form to the Office of the Registrar by the [tenth] day of the semester. The form can be picked up in the Registrar’s Office. A request to restrict the release of Directory Information will be honored only for the academic year in which the request is filed. If a student does not specifically request that Directory Information be withheld, the University assumes that students approve of the disclosure of such information.

7. Where to file a Complaint About Alleged FERPA Violations. A student who believes there has been a violation of FERPA may file a complaint with the U.S. Department of Education at:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C., 20202-4605