NOTIFICATION OF 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. These rights include:

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.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes 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 otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University 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.

Note: The challenge of a student under this paragraph is limited to information which relates directly to the student and which the student asserts is inaccurate or misleading. With regard to a student’s grade, this right does not permit the student to contest a grade on the grounds that a higher grade is deserved, but only to show that the grade has been inaccurately recorded.

(3) The right to provide written consent before the University discloses personally identifiable information from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student’s prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. 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); contractors, consultants, volunteers and other outside parties to whom the institution has outsourced institutional services or functions instead of using University employees or officials (such as an attorney, auditor, or collection agent); 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 responsibilities for the University.

Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) The right to refuse to permit the designation of any or all of the following categories of personally-identifiable information as directory information, which is not subject to the above restrictions on disclosure: student’s full name, permanent address and telephone number, local address and telephone number, e-mail address, Clemson identification number (the number that begins with a C on the student ID card and is also referred to as a student's XID), username, state of residence, date and place of birth, marital status, academic class, class schedule and class roster, name of advisor, major field of study, including the college, division, department or program in which the student is enrolled, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance and graduation, degrees and honors and awards received including selection to a dean’s list or honorary organization and the grade point average of students selected, and the most previous educational institution attended. Photographic, video, or electronic images of students taken and maintained by the University are also considered directory information.

Directory information may be disclosed by the University for any purpose, at its discretion. Any student wishing to exercise his/her right to refuse to permit the designation of any or all of the above categories as directory information must give written notification to the Registration Services Office (E-206 Martin Hall) by the last day to register for the enrollment period concerned as published in the Clemson University calendar.

(5) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University 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, DC 20202-5901.
DISCLOSURE OF EDUCATION RECORDS IN HEALTH AND SAFETY EMERGENCIES

If the University determines that there is an articulable and significant threat to the health or safety of a student or other individuals, FERPA allows disclosure of information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals. ¹

• “Articulable and significant threat” means that if a school official can explain why, based on all the information then available, he or she reasonably believes that a student poses a significant threat, such as a threat of substantial bodily harm, to any person, including the student, the University may disclose education records to any person whose knowledge of information from those records will assist in protecting a person from that threat.

• “Appropriate parties” include parents of the student; parents may be notified when there is a health or safety emergency involving their son or daughter.

In making a determination to disclose information, the University may take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. An emergency can be related to the threat of an actual, impending, or imminent emergency, such as a terrorist attack, a natural disaster, a campus shooting, or the outbreak of an epidemic such as e-coli. An emergency can also be a situation in which a student gives sufficient, cumulative warning signs that lead the school official to believe the student may harm himself at any moment.

The FERPA recordkeeping requirements require the University to record 1) the articulable and significant threat that formed the basis for the disclosure and 2) the parties to whom the information was disclosed. This record will demonstrate what circumstances led to the determination that a health or safety emergency existed and how the disclosure was justified. The record must be made within a reasonable period of time after the disclosure was made. The record must be maintained with the education records of the student for as long as the student’s education records are maintained. After disclosing information under the FERPA health and safety exception, employee(s) must document the following information and forward the records to the dean of students.

• Student’s name
• Name(s) of person(s) to whom the student posed a significant health or safety threat
• Description of the significant threat to health or safety
• Description of the circumstances and the information available (including relevant dates)
• Description of all the information that was disclosed
• Name(s) of person(s) to whom the information was disclosed (person(s) whose knowledge of the information would have assisted in protecting a person or persons from the threat; or student’s parents)
• Date(s) disclosure was made
• Name(s) of CU employee(s) who determined a health and safety emergency existed
• Name(s) of CU employee(s) who disclosed the information
• Date the record of disclosure was made

¹Note: The FERPA health and safety requirements do not apply to disclosures to a Clemson University employee with a legitimate educational interest in the information. Information from education records may be disclosed to University employee if the information is necessary for that employee to perform work appropriate to his or her position.