

Privacy of Student Records

The Family Educational Rights and Privacy Act of 1974 (commonly referred to as "FERPA" or the "Buckley Amendment" and hereinafter referred to as "the Act") is designed to protect the confidentiality of the records that educational institutions maintain on their students and to give students access to their records to assure the accuracy of their contents. Arizona Summit Law School takes the responsibility for confidentiality of student records seriously, and has adopted this policy to educate students about their rights.

1.1 Definitions

For the purpose of this policy, Arizona Summit Law School employs the following definitions of terms.

- **Student** — any person who attends or has attended Arizona Summit Law School.
- **Education Records** — any record (in handwriting, print, electronic form, tape, film, or other medium) maintained by Arizona Summit Law School or its agent that is directly related to a student, except:
 - a. Records kept in the sole possession of the maker that are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
 - b. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment;
 - c. Records maintained by Arizona Summit Law School Public Facilities department, if the record is maintained solely for purposes of and is revealed only to law enforcement agencies or ASLS Security. Such records do not include those created and maintained exclusively for a non-law enforcement purpose such as a disciplinary action or proceeding conducted by Arizona Summit Law School;
 - d. Medical records maintained by Arizona Summit Law School, if the records are used only for treatment of a student and made available only to those persons providing the treatment; however, the student may have these records reviewed by a physician or other appropriate professional of the student's choice;
 - e. Post-attendance records that contain information about a student after he or she is no longer in attendance at Arizona Summit Law School and that do not relate to the person as a student; and

- f. Grades on peer-graded papers before they are collected and recorded by a faculty member.

1.2 Student Rights

The Act affords students certain rights with respect to their Education Records. These rights include:

- **Access to Education Records:** students have the right to inspect and review their Education Records within 45 calendar days of the day Arizona Summit Law School receives a written request for access, any time after their matriculation. More detailed information is provided below on any access limitations, as well as the method by which to exercise this right.
- **Request for Amendment of Education Records:** students have the right to request amendment of Education Records if they believe the records are inaccurate, misleading, or violate their privacy rights. See below for information on the process to be used if amendment is requested.
- **Disclosure of Education Records:** students have the right to consent to disclosures of personally identifiable information in Education Records, except to the extent that the Act or any other superseding law authorizes disclosure without student consent. See below for additional information on the disclosure of Education Records.
- **Compliance:** students have the right to contact the Legal Affairs with complaints concerning Arizona Summit Law School's compliance with the requirements of FERPA.

1.3 Types, Locations, and Custodians of Education Records

The Records and Registration is the central custodian for student records, although records may be maintained in various offices across campus, depending on the subject matter. All requests for records under FERPA should be directed to the Office of the Registrar.

1.4 Procedure to Inspect Education Records

Students may inspect and review their Education Records upon written request to the Records and Registration stating as precisely as possible the Education Record or Records he or she wishes to inspect.

Records and Registration will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the Records may be inspected. Access must be given within 45 calendar days from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records that relate to him or her.

1.5 Right of Arizona Summit Law School to Refuse Access

Arizona Summit Law School reserves the right to refuse to permit a student to inspect the following records:

- a. The financial statements of the student's parents;
- b. Letters and statements of recommendation for which the student has waived his or her right of access, or that were placed in his or her file before January 1, 1975;
- c. Records connected with an application to attend Arizona Summit Law School if that application was denied or the student never attended Arizona Summit Law School;
- d. Those portions of Education Records that contain information about other students;
- e. Those records that are excluded from the definition of Education Records under the Act (summarized in Section 1.1 above);
- f. A student who has been in attendance at one component of the School does not acquire rights with respect to another component of the School to which the student has not been admitted. A “component” is an organizational unit which has separately administered admissions and matriculation policies and separately maintains and administers Education Records.

1.6 Copies

Arizona Summit Law School reserves the right to deny copies if the transcripts or other records are not required to be made available under FERPA if the student lives within commuting distance of Arizona Summit Law School (50 miles from the campus) and can travel to review the records, if the student has an unpaid financial obligation to Arizona Summit Law School, or if there is an unresolved disciplinary action against the student.

1.7 Fees for Copies of Records

There is no fee for copies of Education Records.

1.8 Annual Notification

Students will be notified of their FERPA rights annually at the start of the fall term by publication on the appropriate web page and distribution of notice by email with a link to the full policy on the intranet.

1.9 Amendment of Education Records

Students have the right to request amendment of records they believe are inaccurate, misleading, or in violation of their privacy rights. Please note that this process is not available for matters such as a grade challenge or appeal, or appeal of student discipline, nor does it cover routine adjustments like name or address changes. Rather, where specific procedures exist for these types of circumstances, those procedures must be used. Listed below are the procedures for requesting amendment of records:

- a. A student must submit a request in writing to the Records and Registration, identifying the Education Record to be amended, specifying how the Education Record is believed to be inaccurate, misleading, or in violation of privacy rights.
- b. Arizona Summit Law School may comply with the request or it may elect not to comply. If Arizona Summit Law School elects not to comply, the student will be notified in writing of the decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of privacy rights.
- c. Upon written request by the student, Arizona Summit Law School will arrange for an administrative hearing, and notify the student, reasonably in advance, of the date, place and time of the hearing.
- d. The administrative hearing will be conducted by the Associate Dean of Academic Affairs or other official appointed by the Dean of Arizona Summit Law School who does not have a direct interest in the outcome of the hearing. The student will be accorded a full and fair opportunity to present information relevant to the issues raised in the original request to amend the student's education records.
- e. The official presiding over the administrative hearing will prepare a written decision granting or denying the amendment to records.
- f. If Arizona Summit Law School decides the challenged information is inaccurate, misleading, or in violation of privacy rights, it will amend the Education Record and notify the student, in writing, that the Education Record has been amended.
- g. If Arizona Summit Law School decides that the challenged information is not inaccurate, misleading, or in violation of privacy rights, the Education Record will stand unchanged. However, the student will be advised of his or her right to place in the Education Record a statement regarding the challenged information and/or a statement setting forth reasons for disagreeing with the decision not to change the Education Record.

- h. The statement will be maintained as part of the student's Education Record as long as the contested portion is maintained. If the contested portion of the Education Record is disclosed, the statement will be disclosed with it.

1.10 Destruction of Records

Nothing in this policy requires the continued maintenance of any Education Record for any particular length of time. However, if under the terms of this policy a student has requested access to an Education Record, the Record will not be destroyed before the record custodian has granted the student access.

1.11 Disclosure of Education Records

Arizona Summit Law School will disclose information from a student's Education Record only with the written consent of the student, *except*:

- a. To school officials determined by Arizona Summit Law School to have a legitimate educational interest.
 - 1) School officials are those members of an institution who act in the student's educational interest within the limitations of their "need to know." They may include a person employed by Arizona Summit Law School in an administrative, supervisory academic, or research or support position, including Arizona Summit Law School, Office of Student Services, or other department staff; a person elected to the Board of Advisors; a person used, employed by or under contract to Arizona Summit Law School to perform a special task (e.g., an attorney or auditor, outside consultant, external clinic or internship administrators); a person or organization acting as an official agent of the institution and performing a business function or service on behalf of the institution; a student conducting Arizona Summit Law School business (e.g., serving on an official committee, working for Arizona Summit Law School, or assisting another school official in fulfilling his or her professional responsibility); and any other person determined by the Records and Registration, the Associate Dean of Academic Affairs, or the Dean of Arizona Summit Law School to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of Arizona Summit Law School.
 - 2) A school official is determined to have legitimate educational interest if the information requested is necessary for that official to (a) perform appropriate tasks that are reasonably necessary based on his or her position or duties; (b) perform a task related to a student's education; (c) perform a task related to the discipline of a student; or (d) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

- 3) Because "school officials" can include a contractor, consultant, volunteer, or other party with whom Arizona Summit Law School has outsourced institutional services or functions Arizona Summit Law School would otherwise use employees to complete, these outside parties are required to be under the direct control of Arizona Summit Law School with respect to the use and maintenance of education records. Such outside parties are also subject to the same limitations as Arizona Summit Law School

on the use and re-disclosure of personally identifiable information from education records.

- b. To agents acting on behalf of the institution (e.g. clearinghouses, degree/enrollment verifiers);
- c. To authorized representatives of the Comptroller General, Attorney General, Secretary of Education, or state or local educational authorities if the disclosure is 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 these programs;
- d. To anyone of information concerning sex offenders and other individuals required to register where the information is provided to Arizona Summit Law School pursuant to the Violent Crime Control and Law Enforcement Act of 1994;
- e. To other schools at which the student seeks or intends to enroll, or is enrolled in the case of dual-degree programs, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- f. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- g. To organizations conducting studies for educational institutions to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction, provided that the studies are conducted in a manner that prevents personal identification of parents and students by anyone other than representatives of the organizations, the information is destroyed when no longer needed for purposes of the studies, and Arizona Summit Law School enters into a written agreement with the organization specifically limiting its use of the information in these ways;
- h. To accrediting and licensing organizations, including individuals or visiting committees, to carry out their accrediting and licensing functions;

- i. At the discretion of the institution, to parents of an eligible student who can claim the student as a dependent for income tax purposes, provided dependency is substantiated by copies of U.S. income tax returns or a written acknowledgment from the student that the student is the parent's dependent;
- j. To comply with a judicial order or a lawfully issued subpoena or when the disclosure is to a court in the context of a legal action that the student has filed against Phoenix School of Law or that Arizona Summit Law School has filed against the student;
- k. To appropriate parties if a health or safety emergency exists and the information is deemed necessary by the school at its discretion to protect the health or safety of the student or other individuals;
- l. To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense and consisting only of the final results of an institutional disciplinary proceeding in connection with that alleged crime or offense (For purposes of this exception, "final results" is limited to the name of the student, the basic nature of the violation the student was found to have committed, and a description and the duration of any sanction the institution has imposed against the student.);
- m. To anyone of the "final results" of a disciplinary proceeding against a student whom Arizona Summit Law School has determined violated an institutional rule or policy in connection with alleged acts that would, if proven, also constitute a crime of violence or non-forcible sex offense (For purposes of this exception, "final results" is limited to the name of the student, the basic nature of the violation the student was found to have committed, and a description and the duration of any sanction the institution has imposed against the student.);
- n. To U.S. Immigration and Customs Enforcement (ICE) and the Student Exchange Visitor Program regulating International Students in accordance with the Form 120;
- o. To the Internal Revenue Service (IRS), where required for purposes of complying with the Taxpayer Relief Act of 1997;
- p. To State and local officials if reporting allowed by state law concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released;
- q. To comply with an *ex parte* court order obtained by the U.S. Attorney General or appropriate designee for education records considered relevant to a terrorism investigation or prosecution, listed in 18 U.S.C. 2332b (g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331 without any advance notice to the student;

- r. Arizona Summit Law School retains discretion to disclose to a student's parents information regarding any violation of the law or of a Arizona Summit Law School rule or policy as to alcohol or controlled substances use or possession, if the student is under age 21 at the time of the disclosure and Arizona Summit Law School determines that such alcohol/drug use or possession constitutes a disciplinary violation.

In general, when Arizona Summit Law School discloses personally identifiable information from an education record, it will inform the recipient that it cannot re-disclose that information without the student's consent, and that the recipient may use the information only for the purpose for which the disclosure was made. This provision does not apply to disclosures of directory information; disclosures to the relevant student, to the parents of a dependent student, or to parents in connection with a drug or alcohol violation; and disclosures made in connection with a court order, lawfully issued subpoena, lawsuit in which the student and the institution are adversaries, or to information required under Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, U.S.C. 1092(f) ("Clery Act").

1.12 Consent for Disclosure

Consent for the disclosure of a student's Education Record must be in writing, signed, and dated by the student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed. This can be done by completing a form (*Student Authorization to Release Education Records to a Third Party*) available from Records and Registration.

1.13 Record of Disclosures

Arizona Summit Law School will maintain a record of each party who has requested or obtained access to an Education Record and/or disclosure of personally identifiable information from a student's Education Record. The record will indicate the names of agencies that may make further disclosure of that information without consent. This record of access, to be kept with the Education Records, is available only to the student and the custodian(s) of the Education Record.

In the case of disclosures of personally identifiable information under the health or safety emergency exception the record will indicate the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the parties to whom the information was disclosed.

Record of disclosures does not apply to the parent or eligible student, a school official, parties seeking directory information, parties having consent, or circumstances involving certain grand jury subpoenas, or other subpoenas if the information furnished must not be disclosed, and disclosures pursuant to an *ex parte* court order obtained by the U.S. Attorney General or appropriate designee concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

1.14 Directory Information

Arizona Summit Law School has designated the following categories of student information as public or Directory Information:

- Name;
- Addresses: permanent, local (off-campus), email and campus computer network (IP) address;
- Student I.D.;
- Associated telephone numbers;
- Date and place of birth;
- School attending (i.e., JD Program at Arizona Summit Law School);

- Field of study;
- Degree(s) sought;
- Expected date of completion of degree requirements and graduation;
- Degrees conferred;
- Awards and Honors;
- Full- or part-time enrollment status and class level (i.e., 1L, 2L, 2PT, etc.);
- Dates of attendance;
- Most recent previous institution attended;
- Participation in officially recognized school activities (e.g., moot court, law review, etc.); and Photograph.

Arizona Summit Law School **may** disclose any of these items at its discretion, without prior written consent unless notified in writing not to disclose. Note, however, that Arizona Summit Law School values your privacy. Therefore, while Arizona Summit Law School reserves the right to release student directory information, we generally do not release information other than the following unless (1) required to do so by law, (2) based on unusual circumstances warranting disclosure at Arizona Summit Law School's discretion, or (3) with the student's consent:

- Name;
- School attending (i.e., JD Program at Arizona Summit Law School);
- Degree(s) sought; Degrees conferred; and Dates of attendance.

Arizona Summit Law School does not disclose or confirm directory information about a student without consent if it uses non-directory information (including SSNs) to identify either the student or the records from which the directory information is determined. A request for non-disclosure by a student is in effect from the date received in writing from the student until rescinded in writing by the student. Notice can be given by completing a *Student Request for Non-Disclosure* form, available from the Records and Registration. Please note that the opt-out right cannot be used to prevent Arizona Summit Law School from disclosing or requiring the student to disclose his or her own name, identifier, or institutional e-mail address in a class in which the student is enrolled.

1.15 Compliance

Students are encouraged to contact the Records and Registration Department - e-mail address registrar@azsummitlaw.edu with questions or concerns about this Policy. Students also have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. S.W., Washington, D.C. 20202-8520 with a complaint about Arizona Summit Law School's compliance with the Act.

Revised Nov, 2013