WHITTIER LAW SCHOOL

STUDENT EDUCATION RECORDS POLICY

The following information is provided to Whittier Law School students in conformity with Sections 99.6 and 99.7 of Title 34 of the Code of Federal Regulations, which set forth the rights of students regarding access to their education records under the Family Educational Rights and Privacy Act, (F.E.R.P.A.), 20 U.S.C. §1232(g) (Supp. IV, 1974).

Right to Inspect Education Records

Each Whittier student shall have the right to inspect and review his or her education records. The word "student" includes any person who has attended Whittier Law School and for whom the law school keeps education records. The word "student" does not include an applicant for admission to the law school. The term "education records" means records that are directly related to a student and that are maintained by the law school or by a party acting for it. "Education records" do not include the following:

1. Records of instructional, supervisory and administrative personnel and educational personnel who aid them if such records are possessed solely by their maker and are revealed or accessible to no one except the maker and one who temporarily performs the maker's duties.

2. Records of a law enforcement unit of Whittier Law School if education records maintained by the law school are not disclosed to personnel of the law enforcement unit, and if the records of the law enforcement unit are maintained apart from education records, maintained solely for law enforcement purposes and disclosed to no one but law enforcement officials of the same jurisdiction;

3. Records regarding an employee of Whittier Law School if the employee is not employed because he or she is a student and if records are made and kept in the normal course of business, relate solely to the individual in his or her capacity as an employee and are not available for any other purpose;

4. Records regarding a student if such records are created or kept by a physician, psychiatrist, or other recognized professional or paraprofessional acting in a professional capacity; if the records are created, kept, or used only in the treatment of the student and disclosed only to individuals providing the treatment; and if the records can be personally reviewed by a physician or other appropriate professional of the student's choice. "Treatment" does not include remedial educational activities or activities that are part of the instructional program at Whittier Law School; and
(5) Records that contain only information regarding a person after he or she is no longer a student at Whittier Law School. Alumni accomplishments are examples of such information.

Types and locations of education records maintained by Whittier and the law school officials responsible for maintaining the

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Location of Records</th>
<th>Individual Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Transcripts</td>
<td>Registrar's Office</td>
<td>Registrar</td>
</tr>
<tr>
<td>Admission Applications</td>
<td>Registrar's Office</td>
<td>Registrar</td>
</tr>
<tr>
<td>Financial Aid Records</td>
<td>Financial Aid Office</td>
<td>Director of Financial Aid</td>
</tr>
<tr>
<td>Placement Records</td>
<td>Office of Career Services</td>
<td>Director of Career Services</td>
</tr>
<tr>
<td>Alumni Records</td>
<td>Advancement Office</td>
<td>Director of Advancement</td>
</tr>
<tr>
<td>Records of Discip. Proceedings</td>
<td>Associate Dean's Office</td>
<td>Associate Dean</td>
</tr>
</tbody>
</table>

All of the records enumerated above may be reviewed by contacting the appropriate offices at the Whittier Law School. The law school is located at 3333 Harbor Boulevard, Costa Mesa, California 92626-1501.

Procedures for reviewing education records

A student wishing to review his or her education records must submit a written request to the office that maintains the records which the student desires to inspect. The student will be notified by mail when his or her education records are available for inspection. Students should allow five business days for processing of such requests.

If, upon review of his or her student records, a student has questions or requires clarification about any item listed in the student record, the student should direct such inquiries to the school official who is responsible for maintenance of the records in question. Students have a right to a response from the law school to reasonable requests for explanations and interpretations of the records.
**Limitations on the Student's Right to Inspect**

A student may not review portions of his or her education record which contain information about students other than the requesting student. Whittier may, in the discretion of the Dean, withhold the release of the following information contained in the education record:

1. Financial records, including any information those records contain concerning the parents of the student;

2. Confidential letters and confidential statements of recommendation placed in the student's education records before January 1, 1975, if the recommendations were solicited with written assurance of confidentiality or sent and retained with a documented understanding of confidentiality, and if the recommendations are used only for their specifically intended purposes; and

3. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, regarding admission to an educational institution, regarding an application for employment, or regarding the receipt of honorary recognition; but only if the student has waived his or her right to review those recommendations. Such waivers are valid only if made in conformity with the requirements set forth in the section entitled **Student Waiver of FERPA Rights**, below.

**Obtaining copies of records**

There is no fee for inspection of education records; however a fee of $.15 per page will be charged for copies of any records from the file. Whittier Law School reserves the right to withhold release of copies of a student's education record if the student has an outstanding student account balance with the law school. Under no circumstances shall Whittier deny a student a copy of his or her educational record if failure to do so would effectively prevent the student from exercising his or her right to inspect and review his or her educational record.

**Procedure for requesting amendment of education records**

If a student believes that the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, the student may request the amendment of his or her education record.

A student seeking such an amendment must submit a petition to the Associate Dean outlining the student's objections to the record and providing sufficient evidence to support the requested amendment.

If the Associate Dean decides not to amend the record as requested, the student shall be promptly advised of this decision and will have a right to a hearing. The student may, at the student's own expense, be assisted or represented by an attorney at such a hearing, notwithstanding any contrary provision of the Code of Student Conduct. Further details regarding hearing requirements are detailed at 34 CFR §§99.21 and 99.22.
If, after such a hearing, the law school decides not to amend the student's record, the student shall have a right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the law school.

**Release of information contained in the student's education record to third parties**

Only the Academic Deans of Whittier Law School and the various custodians of Whittier Law School education records may authorize disclosure of personally identifiable information, other than directory information, from the education records of the Whittier Law School. Except as otherwise noted herein, the law school must obtain the student's written consent before disclosing personally identifiable information from the student's education records. Such consent must be signed and dated by the student, and it must list the following information: the records to be disclosed, the purposes of disclosure and the party or class of parties to whom the records may be disclosed. If a disclosure requiring consent is made, the law school must, upon request, provide to the student a copy of the record disclosed.

The law school may disclose personally identifiable information from a student's education records without the student's consent if the disclosure is made:

1. To administrative or instructional officers of Whittier Law School whenever it is proper to the performance of the officers' duties. Such duties include, but are not limited to: academic counseling, career planning, Professor recommendations, Academic Standards Committee review, Code of Student Conduct Proceedings, hiring of teaching assistants and research assistants, and assignment of tutors.

2. To officials of other schools in which a student seeks or intends to enroll. The Law School must, upon request, give the student a copy of the transferred record and an opportunity for a hearing that satisfies the requirements set forth in 34 CFR §§ 99.21 and 99.22. If a Whittier Law School student is enrolled in, or receives services from, more than one school, the schools may disclose to each other information from the student's education records without the student's consent, provided that the requirements of this paragraph are met.

3. To authorized representatives of the Comptroller General of the United States, the Secretary of the Department of Education, and state and local educational authorities. The information disclosed must be necessary to audit and evaluate Federal or State supported education programs or to enforce or comply with federal legal requirements related to those programs. Unless the student has given written consent to the disclosure, specifically identifying the information to be disclosed, the parties to whom disclosure is permitted, and the purpose of the disclosure; or unless federal law specifically authorizes the collection of personally identifiable information; data collection by the officials as described in this paragraph must be protected in a way that precludes personal identification of students and their parents by persons other than those officials. Personally identifiable data used for the purposes described herein must be destroyed when no longer needed for audit, evaluation, enforcement, or compliance;
(4) In connection with financial aid for which a student has applied or which the student has received. For this purpose, personally identifiable information may be disclosed only as may be necessary for such purposes as determining eligibility for or the amount of financial aid, determining the conditions to be imposed regarding financial aid, or enforcing the terms or conditions of financial aid. "Financial aid" means a payment of funds or a payment in kind of tangible or intangible property to a person when such payment is conditioned on the person's attendance at an educational agency or institution;

(5) To state and local officials to whom information is specifically required to be reported or disclosed by state statutes adopted before November 19, 1974;

(6) To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests, to administer student aid programs or to improve instruction. For this purpose, the studies must be conducted in a way that will not permit the personal identification of students and their parents by persons other than representatives of the organization, and the information must be destroyed when no longer needed for the purposes for which the study and the study was conducted. "Organizations" include, but are not limited to, federal, state and local agencies and independent organizations;

(7) To accrediting organizations for their accrediting functions;

(8) To parents of dependent students, as defined in section 152 of the Internal Revenue Code of 1954;

(9) To comply with a judicial order or lawfully issued subpoena if the law school makes a reasonable effort to notify the student of the order or subpoena before compliance unless the disclosure is in compliance with, 1) a Federal grand jury subpoena; or 2) a law enforcement subpoena.

(10) To the student himself or herself; or to appropriate parties in an emergency if the information is necessary to protect the health or safety of the student or other persons;

(11) Information designated as directory information. The following information is so designated: The student's name, local address and telephone number, permanent address and telephone number, e-mail address, participation in officially recognized activities, student photo, degrees and awards received, including Dean's list, honor roll and graduation honors, dates of attendance and anticipated date of graduation. A student may refuse to permit the designation as directory information of any personally identifiable information with respect to that student. A student must, however, so inform the Registrar in writing within 30 days after the start of any academic semester or within 10 days of any summer session.

(12) To an alleged victim of any crime of violence, as that term is defined in section 16 of title 18, United States Code, of the results of any disciplinary proceeding conducted by Whittier Law School against the alleged perpetrator of that crime.
with respect to that crime.

(13) To the Attorney General of the United States or to his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of Title 18, U.S. Code.

Limitations on Redisclosure

The law school may disclose personally identifiable information from a student's education records only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without prior written consent of the student. The officers, employees, and agents of a party who receives information under these terms may use the information, but only for the purposes for which the disclosure was made.

If the party receiving the information under these terms desires to make further disclosures of the information on behalf of Whittier Law School, that party must seek the prior consent of the Dean. In order for the reconveyance of the information to be approved, various requirements set forth at 34 CFR § 99.22 (b) (1) and (2) must be met. Except for the disclosure of directory information, the law school must inform the party to whom a disclosure is made of these redisclosure limitations.

Record of Disclosures

For each request for, and each disclosure of, personally identifiable information from a student's education records, the law school must maintain a record of the parties who requested or obtained the information and their legitimate interest in it. The record of disclosure must be kept with the student's education records as long as the records are maintained. The record of disclosures may be inspected by the student, by the law school official who is responsible for the custody of records and by his or her assistants, and by auditors appointed by law school administration or state or federal educational authorities to review the recordkeeping procedures of the law school.

EXCEPTIONS: The law school need not maintain a record of disclosure made directly to the student, disclosures of directory information, disclosures to school officials for legitimate educational purposes, or disclosures pursuant to a student's written consent if the consent is specific with respect to the parties to whom the disclosure is to be made.

Grievance Procedure

Whittier students have recourse to a grievance procedure if they feel that Whittier has failed to comply with the requirements of F.E.R.P.A. Students have the right to file a complaint with the U.S. Department of Education under 34 CFR §§ 99.63 and 99.64. Written complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605.

Student Waiver of FERPA Rights

A student may waive any of his or her rights under FERPA or the regulations enacted pursuant to the Act. A waiver may be made regarding specified classes of education records, persons or institutions. A waiver must be in writing and signed by the student.
An applicant for admission to, or a student in attendance at, the law school may waive his or her right to review confidential recommendations (statements or letters) regarding:

(1) the student's admission to Whittier Law School or to another educational institution,
(2) an application for employment, or
(3) the receipt of honorary recognition.

If a student has waived his or her rights to review confidential recommendations or statements, Whittier Law School shall, upon request, furnish to the student the names of the individuals who provided the letters and statements of recommendation; and shall use the letters and statements of recommendation only for the purposes for which they were intended.

A student may revoke his or her waiver to confidential recommendations or statements with respect to any actions occurring after the revocation. Such revocations must be in writing.

**Retention of student records**

Whittier Law School reserves the right to destroy from time to time any and all records that it maintains pertaining to a student, except to the extent that the law requires otherwise.

Records of third party disclosures of student information shall be kept as long as the education records to which they pertain are kept, with the exception of those records for which Whittier is not required to keep a record of access, (listed above under the section entitled **Record of Disclosures**). Whittier Law School shall maintain explanations placed in the education records by a student after a hearing as part of the student's records as long as the record or its contested part is kept by the law school. Additionally, the law school may not destroy any education records if there is an outstanding student request to review them.

**Policy publication**

Whittier Law School students have a right to obtain a copy of this policy. This policy will be distributed to students annually at the beginning of each academic year. Additional copies of this policy are available upon request from the Registrar's Office.