(b)(6)

MAR 2 2 2011

Dear (b)(6)

This is in response to your January 1, 2011, letter to this Office in which you allege that the (b)(6) (University) violated your rights under the Family Educational Rights and Privacy Act (FERPA). This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives eligible students the right to have access to their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed for your information are a FERPA fact sheet, guidance document, and complaint form. Please pay particular attention to the highlighted parts of the guidance document.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. A timely complaint is defined as one that is submitted to this Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged violation. Also, please note that it is the responsibility of the complainant to clearly and succinctly state his or her allegation and to provide only relevant supporting evidence to this Office. We do not have the staff resources to review voluminous material to determine whether it contains an allegation of a violation of FERPA.

If you wish this Office to further consider your complaint, we need you to provide us with a specific allegation or allegations.

Allegation Regarding Access

If you believe that the University failed to comply with your request or requests for access to information in your education records, you need to provide us with the following specific information regarding each such request: the date you requested

access to your education records; the name of the school official to whom your request was made (a dated copy of any written request to the school should be provided); the response of the school official to whom your request was made, if any; and the specific nature of the information from your education records that you requested.

An example of an allegation regarding access to education records is as follows:

> On November 7, 2010, I sent a letter to (b)(6) registrar at the University, requesting an opportunity to inspect and review any education records maintained by the University regarding my two senior year (Winter 2010 semester) architectural courses. In the student handbook, the College states that it generally maintains transcripts, exams, and other education records for three years. Forty-five days have passed since I submitted my request, and the College has not provided me an opportunity to inspect and review the requested education records. Enclosed, as evidence, is a copy of my November 7 letter to (b)(6)

Complaint Regarding Amendment

If you believe the University failed to comply with a request or requests by you for amendment of inaccurately recorded information in your education records or failed to offer you the opportunity for a hearing on the matter, please provide us with the following specific information regarding each such request: the date you requested amendment of the inaccurately recorded information in your education records; the name of the school officials to whom your request was made (a dated copy of any written request to the school should be provided); the response of the school official to your request for amendment, if any; the specific nature of the inaccurately recorded information for which amendment was requested; and your specific evidence provided to the school to support the assertion that such information is inaccurately recorded.

An example of an allegation regarding amendment of education records is as follows:

> On November 1, 2010, I sent a letter to (b)(6) dean of the School of Architecture, requesting that inaccurate information in my education records be amended or that I receive a hearing on the matter. I requested that my attendance record for my senior year architecture course (Winter 2010 semester) be amended to reflect that I missed only two classes instead of three. The attendance record states that I missed class on April 3, 2005. However, I attended class on that date, and took a classroom quiz which was graded and returned to me by (b)(6) Along with my February 1 letter to the College requesting amendment of the attendance record, I enclosed a copy of the April 3 quiz as evidence that the attendance record is inaccurate. Enclosed, as evidence, are copies of the February 1 letter and the April 3 quiz.

Complaint Regarding Disclosure

If you believe that the University improperly disclosed personally identifiable information from your education records to a third party, please provide us with the following specific information regarding each such alleged disclosure: the date or approximate date the alleged disclosure occurred, or the date you learned of the alleged disclosure; the name of the school official who made the disclosure, if that is known; the third party to whom information was disclosed; the specific nature of the information from your education records that was disclosed; and evidence that the information was disclosed.

An example of an allegation regarding disclosure of education records is as follows:

> On October 15, 2010, (b)(6) professor for my senior level architecture course (fall 2010 semester) at the College, disclosed information from my education records to two other students in the course (b)(6) Cox) without my prior written consent. (b)(6) sent an October 15, 2010, letter addressed to me and the two other students, stating that we had all three received a grade of "D" on our mid-term exams and that we should set up appointments with him to discuss extra credit work. Enclosed, as evidence, is a copy of (b)(6) October 15 letter.

We will review the information you submit regarding your allegation or allegations and take any appropriate action.

As stated, this Office administers FERPA. We have no authority to administer other laws or regulations and do not need to receive them as enclosures to a complaint. If this Office needed information or documents in addition to those specifically stated in the information above, we would request them from the student. Also, we have no authority to require a school to follow its own policies and procedures, unless such policies and procedures relate directly to the requirements of FERPA: providing a student access to education records; providing a student the opportunity to seek to amend education records; and prohibiting unauthorized disclosure of education records. For example, this Office has no authority to require a school to follow its own policies and procedures for carrying out a disciplinary hearing. However, records created during the disciplinary hearing that are directly related to the student would be part of the student's education records to which FERPA would provide the student the right to inspect and review.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to filing a complaint with this Office. Enclosed are the materials that

you sent to us. They may be useful to you should you decide to resubmit your complaint.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures