I. STATEMENT OF POLICY

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law which provides regulations regarding the access, review, amendment, and disclosure of student education records. FERPA provides a student with the right to inspect and review his/her education records, to challenge the contents therein, to request a hearing if the outcome of the challenge is considered unsatisfactory, and to submit explanatory statements for inclusion in the education records if the student determines that the decision of the hearing panel is unacceptable. FERPA also regulates the disclosure of student education records to other parties.

II. ACCESS TO EDUCATION RECORDS

A. Right of Inspection and Review by Students:

FERPA permits current and former students the right to inspect and review their education records. Unsuccessful applicants for admission to the University are not covered by FERPA. FERPA rights are provided only to applicants upon actual acceptance and subsequent enrollment. When education records contain information on more than one student, access will be given only to the information pertaining to the inquiring student.

Education records are any records (in handwriting, print, tapes, film, email, or other medium) maintained by Fordham University, or an agent of the University, which are directly related to a student.

Records that are excluded from the FERPA definition of education records, and which the student may not inspect and review, include the following:

1. A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record, and is not used for purposes other than a memory or reference tool.
2. Records made and maintained by Fordham University’s law enforcement unit for law enforcement purposes.
3. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.
4. An employment record of an individual whose employment is not contingent on the fact that he/she is a student.
5. Alumni records which contain information about a student after he or she is no longer in attendance at the university and which do not relate to the person as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

A student may not inspect or review the following education records:

1. Financial records, including any information those records contain, of a student’s parents.
2. Confidential letters and statements of recommendation placed in the education records of the student prior to January 1, 1975, provided that the records are used only for the purposes for which they were intended, and they were solicited, sent or maintained with a documented understanding or written assurance of confidentiality.
3. Confidential letters and statements of recommendation placed in the education records of the student after January 1, 1975 regarding admission to an educational institution, an application for employment, receipt of an honor or honorary recognition, provided that the student has waived his/her rights to inspect and review such letters or statements.

B. Procedures to Request Access to Education Records by Students:
The Office of Academic Records has been designated to coordinate the inspection and review procedures for student education records. A student wishing to review his/her education records should write to the Office of Academic Records, or the Law School Registrar, clearly identifying the part of the record he/she wants to inspect and review. If seeking to amend a record, the student should specifically state why the record is inaccurate or misleading. The Office of Academic Records will collect the education records within the University relating to the inquiring student.

The Office of Academic Records will make the education records available to the student within forty-five (45) days of receipt of the written request.

C. Request for Explanation and Interpretation:
A student may request a response from the University for an explanation and interpretation of the records. Requests should be in writing to the Office of Academic Records.

D. Copying of Education Records:
A student may have copies made of his/her education records with certain exceptions (e.g. a copy of academic records for which a financial “hold” exists, or a transcript of an original or source document which exists elsewhere). Copies will be made at the student’s expense at the prevailing rate.
III. AMENDMENT OF EDUCATION RECORDS

Step 1. Informal Process:

A student who believes his/her education records contain information that is inaccurate or misleading, or otherwise in violation of his/her privacy rights, may discuss these problems informally with the Office of Academic Records. If the decision is in accord with the student’s request, the appropriate records will be amended, and the student so informed. If the decision of the Office of Academic Records is not in accord with the request, the student will be notified in writing within a reasonable period of time, and informed of his/her right to a formal hearing.

Step 2. Formal Process:

a. Hearing – A student requesting a formal hearing must do so in writing to the Vice President of Academic Affairs, who, within a reasonable period of time after receiving such a request, will inform the student of the date, time, and place of the hearing.

b. Composition of the Hearing Panel – The hearing panel will be composed of the Vice President of Academic Affairs, the Dean of Students, and the Academic Dean of the student’s school or their designates.

c. Conduct of the Hearing Panel – A student may present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at the student’s own expense, including an attorney. The decision of the hearing panel will be made in writing and based solely on the evidence presented at the hearing, and shall include a summary of the evidence and the reason(s) for the decision. The written decision will be sent to all parties concerned.

d. Decision of the Hearing Panel – If the hearing panel decides that information contained in a student’s education records is inaccurate, misleading, or in violation of other rights, the student will be so notified and the education records will be corrected or amended accordingly. If the hearing panel decides otherwise, it shall notify and inform the student of his/her rights to place in the education record a statement commenting on the information in the records, and/or any reasons for disagreeing with the decision of the hearing panel. The statement will be placed in the education records of the student, and released whenever the records in question are disclosed.

IV. DISCLOSURE OF EDUCATION RECORDS

A. Directory Information:

The University, at its discretion, may provide the following “Directory Information” without a student’s prior consent: student’s name, addresses, telephone numbers, electronic mail addresses, photograph, date and place of birth, major field of study, dates of attendance, class level, enrollment status (e.g. undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended, and other such similar information.
A student who wishes the University to withhold Directory Information from disclosure must notify the Office of Academic Records or Law School Registrar in writing within ten days after the first day of class each semester.

B. Education Records:

The University will not release education records of a current or former student unless written consent from the student is obtained, except that the records may be disclosed without consent from the student when the disclosure is:

1. To school officials who have a legitimate educational interest in the records. 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).
   - A person elected to the Board of Trustees.
   - A person or entity employed by or under contract to the University to perform a special task, such as an attorney, auditor, contractor, or outside vendor.
   - A person who is employed by the Fordham University law enforcement unit.
   - A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official is:
   - Performing a task that is specified in his/her position description or contract agreement.
   - Performing a task related to a student’s education.
   - Performing a task related to the discipline of a student.
   - Providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement or financial aid.
   - Maintaining the safety and security of the campus.

2. To officials of another school, upon request, in which a student seeks or intends to enroll. The student shall receive notification of the disclosure unless the student initiated the disclosure.

3. Subject to the conditions set forth in 34 CFR 99.35 authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities.

4. To school officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
   - determine eligibility for the aid;
   - determine the amount of the aid;
   - determine the conditions for the aid; or
• enforce the terms and conditions of the aid.

5. To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to the state statute adopted prior to Nov. 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system’s ability to effectively serve the student whose records are released; or information that is allowed to be reported pursuant to a state statute adopted after November 19, 1974, which concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials who will continue to have access thereunder.

6. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations that have legitimate interests in the information, and such information will be destroyed when no longer needed for the purpose for which the study is conducted.

7. To accrediting organizations in order to carry out their accrediting functions.

8. To parents or legal guardians of a “dependent” student as defined in Section 152 of the Internal Revenue Code of 1986. The parents must provide a copy of their most recent federal income tax return establishing the student’s dependency. Full rights under the FERPA shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights. The University does not have an obligation to disclose any financial information about one parent to another. If a parent claims a student as a dependent and does not want his/her financial information disclosed to his/her spouse or former spouse, the parent may make that request to the institution. Parents requesting to see the education records of their children must provide a copy of their latest tax return for verification of dependent status prior to reviewing the records. Students will be defined as dependent unless an annual notification of independent status is made in writing to the Office of Academic Records within ten (10) days after the first day of class.

9. To parents or legal guardians of a student under the age of 21 regarding the student’s violation of any federal, state, or local law, or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance if the University determines that the student has committed a disciplinary violation with respect to such use or possession.

10. In connection with an emergency, appropriate persons, including the student’s parents, if the knowledge of such information is necessary to protect the health or safety of the student or others.

11. To comply with a judicial order or lawfully issued subpoena, provided the university makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification of the student may be prohibited if the university receives a federal grand jury subpoena, or any other subpoena, which orders the existence or the contents of the subpoena or the information furnished in response to the subpoena, not be disclosed. The Office of Legal Counsel shall be consulted prior to release of the record.
12. To an alleged victim of any crime of violence as that term is defined in Section 16 of Title 18, United States Code, or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense. The Office of Legal Counsel shall be consulted prior to release of the record.

C. Release of Information with Consent of Student:

The University will release an education record to a third party upon receipt of a written request by the student. A written request for the release of the records should also be made the Office of Academic Records.

D. Limitation of Third Party Disclosure:

The University shall make as a condition for releasing information contained in an education record of a student to a third party that the party in question not release the information to any other individual without the written consent of the student.

E. Record of Request and Disclosure

The University will maintain a record of all requests for and/or disclosure of personally identifiable information from a student’s education records. The record will include the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest (s) the party had in requesting and obtaining the information. The record may be reviewed by the student.

V. GENERAL INFORMATION

A. Students are notified of their FERPA rights annually by publication in the University catalogs and website. Copies of this policy can be obtained in the Office of Academic Records.

B. A student who believes that the adjudication of his/her challenge was unfair, or not in keeping with the provisions of FERPA, should contact the Office of Legal Counsel at 718-817-3110. Additionally, any questions concerning the interpretation of FERPA should be made to the Office of Legal Counsel.

C. A student who believes that his/her rights under FERPA have been abridged may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

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