

THE CITY UNIVERSITY OF NEW YORK
NOTIFICATION OF STUDENT RIGHTS
CONCERNING EDUCATION RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) gives students certain rights with respect to their education records. The FERPA rights of students are:

- (1) The right to inspect and review your education records.

Students should submit written requests that identify the specific record(s) they wish to inspect to the Registrar of the college they attend or attended. If the records are not maintained by the Registrar, the Registrar will advise you of the correct official to whom the request should be addressed.

All requests shall be granted or denied in writing (which may be by e-mail) within 45 days of receipt. If the request is granted, you will be notified of the time and place where the records may be inspected. If the request is denied or not responded to within 45 days, you may appeal to the college's FERPA Appeals Officer. Additional information regarding the appeal procedures will be provided to you if a request is denied.

- (2) The right to request amendment of your education records that you believe are inaccurate, misleading or otherwise in violation of your privacy rights under FERPA.

You may ask the college to amend a record that you believe is inaccurate, misleading or otherwise in violation of your privacy rights under FERPA. You should write to the college official responsible for the record, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading.

If the college decides not to amend the record as you request, the college will notify you of the decision and advise you of your right to a hearing before the college's FERPA Appeals Officer regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of your right to a hearing.

- (3) The right to consent before the college discloses personally identifiable information ("PII") contained in your education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is 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); a person or company with whom the college or University has contracted as its agent to provide a service instead of using University employees or officials; a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary committee; or an individual assisting another school official in performing his or her tasks. A school official also includes a contractor, consultant, volunteer or other party to whom a college or the University has outsourced services or functions that would be otherwise

performed by employees, as well as the State Comptroller and his or her agents and representatives for the purpose of conducting audits.

A school official has a legitimate educational interest if access is reasonably necessary in order to fulfill his or her professional responsibilities for the college.

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

- (4) The right to appeal the alleged denial of FERPA rights to the:

General Counsel and Vice Chancellor for Legal Affairs
The City University of New York
205 East 42nd Street
New York, New York 10017

- (5) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202-5920

Directory Information: The college will make this "directory information" concerning current and former students available to parties having a legitimate interest in the information: name, attendance dates (semesters and sessions, not daily records), photograph, 8-digit student ID number (but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity), enrollment status (full or part-time, undergraduate or graduate, etc.), level of education (credits completed), degree enrolled for and major field of study, participation in official recognized activities and sports (teams), height and weight (for members of athletic teams only), degrees, honors, and awards received. A current and former student's address, email address, and telephone number constitute directory information but disclosure of this information can only be made to employees of the University and its constituent colleges for the purpose of conducting legitimate University business, and it cannot be shared with individuals and organizations outside the University. By filing a form with the Registrar's Office, you may request that directory information not be released without your prior written consent. This form is available in the Registrar's Office and may be filed, withdrawn, or modified at any time.

Disclosure without prior consent: FERPA permits (and sometimes requires) the disclosure of PII from students' education records, without consent, if the disclosure meets certain conditions found in the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

In addition to school officials with legitimate educational interests and officials at certain other schools, the college may, consistent with more detailed guidance and limitations from FERPA, disclose PII from the education records without obtaining prior written consent —

- To the U. S. Comptroller General, Attorney General, or Secretary of Education.
- To certain State and Local educational authorities.
- 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 those programs.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, the amount of the aid, or the conditions of the aid, or to enforce the terms and conditions of the aid.
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To the student's parents if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense.
- To the general public, the final results of a disciplinary proceeding, if the college determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and has committed a violation of the college's policies with respect to these allegation.
- To parents of a student under age 21 regarding the student's violation of any law or college rule governing the use or possession of alcohol or a controlled substance if the college determines the student committed a disciplinary violation.

THE CITY UNIVERSITY OF NEW YORK

FERPA RELEASE FORM
PERMISSION FOR ACCESS TO EDUCATIONAL RECORDS

Students who wish to grant third parties, including parents, access to educational records maintained by the student's college should use this form, which requires a date and signature. Electronic signatures are acceptable only if the College is able to identify and authenticate the student as the source of the release.

The Family Educational Rights and Privacy Act (FERPA) prohibits access to, or release of, educational records or personally identifiable information contained in such records without the written consent of the student. This prohibition is subject to certain exceptions. For more information about FERPA, see <https://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/FERPA-2.pdf>

Student Name (Please Print): _____

8-digit Student ID Number _____

I, the undersigned, hereby authorize _____ College of The City University of New York, to release the following educational records and information (identify records or types of records; "all records" is not sufficient):

These records should be released to the following person/agency (identify name and address of person/agency to receive information):

These records are being released for the purpose stated below:

Student's signature

Date:

DIRECTORY INFORMATION NON-DISCLOSURE FORM

This form must be filed with the Registrar's Office if you do not wish directory information to be disclosed without your prior consent (see the University's definition of directory information below.) Directory information otherwise may be made available to any parties to whom the University wishes to provide it. The instructions on this form may be changed at any time by filing a new form with the Registrar's Office. You should initial the appropriate spaces.

Name of student: _____

Student ID number: _____

A. _____ I DO NOT WANT DIRECTORY INFORMATION DISCLOSED WITHOUT MY PRIOR CONSENT. (If you initial this space you do not have to fill out the rest of this form, but must date and sign below.)

B. _____ I want my prior instructions not to release directory information withdrawn. I now authorize the college to release my directory information.

Dated: _____

Signed: _____

Directory information consists of a student's: (a) Name; (b) Address*; (c) email address*; (d) Telephone number*; (e) Attendance dates (semesters and sessions, not daily records); (f) Photograph; (g) 8-digit student ID number (but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity); (h) Enrollment status (full or part-time, undergraduate or graduate, etc.); (i) Level of education (credits completed); (j) Degree enrolled for and major field of study; (k) Participation in officially recognized activities and sports (teams); (l) For members of athletic teams only, height and weight; (m) Degrees, honors and awards received. *Address, email address and telephone number may be released only to employees of the University and its constituent colleges for the purpose of conducting legitimate University business. They may not be shared with individuals and organizations outside the University.

COLLEGE DENIAL OF APPEAL FOR ACCESS TO RECORDS

Date: _____

Dear Student:

Your appeal for access to student records has been denied. You requested access to (state specific or general category of records).

The reason for the denial of your appeal is that (provide reasons, such as the records do not exist, the records have been discarded, you are not entitled to access because, *e.g.*, cite exception such as confidential letters of reference, psychologist's records, etc.).

You may appeal within 30 days of the date of this letter. A form that may be used is available on the Office of the General Counsel under FERPA Forms (as Attachment E).

Office of the General Counsel and
Vice Chancellor for Legal Affairs
The City University of New York
205 East 42nd Street, 11th floor
New York, New York 10017

Yours truly,

FERPA Appeals Officer

CUNY Office of the General Counsel
July 2019

FERPA APPEAL TO THE GENERAL COUNSEL AND
VICE CHANCELLOR FOR LEGAL AFFAIRS

You may use this form to appeal your college's denial of your earlier appeal for access to your student records or any other alleged denial of FERPA rights. You must appeal within 30 days of the date of the college's denial by completing this form and sending it to:

General Counsel and Vice Chancellor for Legal Affairs
The City University of New York
205 East 42nd Street
New York, New York 10017
Email: ogc@cuny.edu

Name: _____.
Address: _____.
Phone: _____.
College: _____.
Email: _____.

I write to appeal the College's denial of my appeal in a letter dated _____.

I enclose the following documents:

- _____ College's denial of my appeal.
- _____ My appeal to the college.
- _____ College's initial denial of access.
- _____ My initial request for access to records.
- _____ Additional documents (please itemize): _____
- _____
- _____

Please provide the basis for your appeal (you may attach additional pages):

Dated: _____ Signed: _____