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# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

**Policy Id:**

Reg.020 – Family Educational Rights and Privacy Act (FERPA)

**Contact:**

Office of Registrar

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## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA):**

The Family Educational Rights and Privacy Act of 1974 (also called FERPA or the Buckley Amendment), as amended, grants students certain rights, privileges, and protections relative to individually identifiable student education records maintained by John Jay College. Education records are defined as those records containing information directly related to a student, maintained by the college or by a party acting on behalf of the college. These rights pertain to any present or former student, but not to candidates for admission. For purposes of this right, a person becomes a student when both of the following are true:

- he or she is registered for one or more classes and
- the current date is on or after the first day of the student's first enrolled term.

John Jay College considers all students to be independent. Therefore, education records will not be provided to parents without the written consent of the student. However, students may authorize the release of education records to parents or others; visit [http://jstop.jjay.cuny.edu/forms/Academic\\_Financial\\_Information.pdf](http://jstop.jjay.cuny.edu/forms/Academic_Financial_Information.pdf)

Students have the right to inspect and review their education records within 45 days of the day the College receives a request for access.

Students wishing to review their record should submit to the appropriate official a written request that identifies the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Students have the right to request the amendment of such records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

Students who believe their record is inaccurate or misleading may request that the College amend the record by writing to the College official responsible for the record. The request should clearly identify the part of the record to be changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

Students have the right to consent to disclosure of personally identifiable information contained in their education records, except that information which FERPA authorizes disclosure without consent (a representative list of exceptions appears below).

Students have the right to file with the U.S. Department of Education a complaint concerning alleged failure by the College to comply with FERPA to:

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

Phone: 1-800-USA-LEARN (1-800-872-5327)

The College may deny access to certain records. The following records are not considered education records under FERPA, and students do not have the right to access them:

- Private records of instructors, counselors, or administrators kept for their own use, including faculty notes, data compilation, and administrative records kept exclusively by the maker of the records that are not accessible or revealed to anyone else (sole possession records).
- Law enforcement records.
- Medical, psychiatric, psychological, or similar records, including those maintained and used only in connection of treatment by physicians, psychiatrists, and psychologists.
- Employment records (except where the employment status is contingent upon the employee being a student, such as college federal work study or teaching assistants).
- Records collected about an individual after that person is no longer a student at John Jay College, e.g., alumni records.
- Grades or peer-graded papers before they are collected and recorded by an instructor.
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.

In addition, the College does not permit a student to review education records that are:

- Financial records of the parents of a student.
- Confidential letters and statements of recommendation placed in the education records of a student (a) prior to January 1, 1975, as long as they are used only for the purposes for which they were specifically intended; and (b) after January 1, 1975, if the student has waived access to such letters and recommendations and if such letters and recommendations relate to the student's admission to an educational institution (including admission to John Jay College), application for employment, or receipt of an honor or honorary recognition.

The College may disclose educational records without written consent of students:

- To personnel within the College who maintain educational records and those with a legitimate educational interest, including faculty or staff who deal with the student and carry out education duties, and employees designated by them to assist in these tasks. John Jay College defines "legitimate educational interest" as "needs the record(s) to carry out employment responsibilities." Therefore, any College employee (or person acting on behalf of the College) may have access to

student records without the student's written consent if that person needs the access to carry out his or her employment responsibilities, when such records are needed in furtherance of the educational or business purposes of the student or college.

- To officials at schools, colleges, or universities participating in cross-enrollment programs for the purposes stated in the bullet above. John Jay College currently exchanges academic information with all other campuses within the City University of New York (CUNY); if other institutions are added, this arrangement will be automatically extended to include them.
- To officials of other colleges or universities in which the student seeks to enroll.
- To accrediting organizations approved by the College carrying out their accrediting functions.
- To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.
- In connection with a student's request for or receipt of financial aid, as necessary to determine eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid as well as to organizations conducting studies approved by the College having educational value or concerning financial aid.
- If required by a state law requiring disclosure that was adopted before November 19, 1974.
- To persons in compliance with a judicial order or a lawfully issued subpoena, with a notice of the disclosure being sent to the last known address of the student.
- To persons in an emergency if, in the judgment of an official in charge of the records, knowledge of the information is necessary to protect the health or safety of the student or another person.

Students' names and John Jay College e mail address(es) will be available to faculty, staff, and other students on the College's computer network, including the e mail server and the Blackboard course management system.

Certain state and federal laws modify some or all rights granted by FERPA. Such laws include SEVIS and INS compliance (Department of Homeland Security), Megan's Law, the Solomon Amendment, and NCES/IPEDS/Student Right-to-Know compliance. John Jay College releases education records as these laws require.

Student Directory information may be released without the student's prior consent. John Jay College defines the following as Directory information:

- Student's name
- Address and telephone number
- Age (or date of birth) and place of birth

- Major and minor fields of study
- Level (undergraduate/graduate) and class year
- Year or date of expected graduation
- Participation in officially recognized clubs, sports, or student activities
- Height and weight of members of athletic teams
- Photographs
- Dates of attendance
- Degrees, honors, and awards received (including dates)
- Previous educational agency(ies) or institution(s) attended
- Enrollment load(s) (full-time/part-time), and dates of attendance
- Matriculation status and date

Students have the right to withhold directory information. If students choose to withhold directory information, this will give them greater privacy, but could also have unintended consequences. For example, as long as a non-disclosure order is in effect, the student's name will not appear on the dean's list or in the commencement program and all requests to verify degrees must be submitted in writing. John Jay College assumes no liability for honoring the student's instructions to withhold information. To withhold information, students must complete a form, available on Office of Registrar compendium at <http://inside.jjay.cuny.edu/compendium/assets/PDFs/.pdf>.