



TO: All Students, Faculty and Staff of Yeshiva University

FROM: Office of the Registrar

DATE: December 1, 2019

SUBJECT: The Family Educational Rights and Privacy Act of 1974 (FERPA)

I. Background

In accordance with the provisions of the Family Educational Rights and Privacy Act of 1974, as amended (Section 438 of the General Educational Provisions Act, 20 USC 1232g), also known as **FERPA**, the University has adopted these policies to protect the privacy rights of its “Students” with respect to their “Education Records,” in each case as defined below. FERPA affords Students certain rights of access to their Education Records and limits disclosure to third parties unless the Student provides written consent. In certain circumstances, disclosure is permitted without the Student’s permission.

II. Definitions

- A. “*Students*” are persons who are or were in attendance at the University, or one of its schools or divisions, as registered Students. An applicant to the University or one of its schools or divisions who has not registered and begun attending classes is not a “Student.”
- B. “*Education Records*” are records, files, documents, and other materials (both electronic and/or physical records) that contain information directly related to a Student and are maintained by the University or a person acting for the University. With limited exceptions, Students have the right to inspect and review their Education Records.

Under FERPA and its related regulations, the following types of records are not Education Records and Students are not entitled to review them:

1. Records maintained personally by instructional, supervisory or administrative personnel that are not available to others.
2. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional which are made, maintained, or used only in connection with the treatment of the Student and which are not available to anyone other than the persons providing such treatment. Such records, however, can be personally reviewed by a physician or other appropriate professionals of the Student’s choice. The confidentiality of these records is governed by New York State law.

3. Records containing only information relating to a person obtained after that person is no longer a Student at the University.

III. Type and Location of Education Records; Offices Responsible

- A. The principal Education Records of each Student are maintained by the Office of the Registrar for the school at which the Student is enrolled. The Registrar or the Registrar's representative is responsible for these records. Inquiries concerning these records should be made in writing to the appropriate Office of the Registrar, with a copy to the University Registrar. (For contact information for individual school's Office of the Registrar, see Appendix A).
- B. Certain other offices maintain records as listed below. Inquiries concerning these records should be made in writing to the applicable School Official listed below, with a copy to the Office of the Registrar for the school at which the Student is enrolled and a copy to the University Registrar:
 1. Deans of Schools
 2. Heads of Departments
 3. Advisors for interdepartmental programs (such as the undergraduate pre-medical and pre-engineering majors)
 4. Program Directors
 5. Office of Disability Services
- C. The following offices maintain administrative (rather than academic) records relevant to their work. Inquiries concerning these records should be made in writing to the applicable School Official listed below, with a copy to the Office of the Registrar for the school at which the Student is enrolled and a copy to the University Registrar:
 1. Residence Hall – Supervisor
 2. Student Finance – Director
- D. The following offices maintain primarily guidance records relevant to their work. Inquiries concerning their records should be made to the applicable School Official listed below, with a copy to the Office of the Registrar for the school at which the Student is enrolled and a copy to the University Registrar:
 1. Student Affairs -
 - University Dean of Students
 - Azrieli Graduate School of Jewish Education and Administration – Dean
 - Benjamin N. Cardozo School of Law – Dean of Students

- Bernard Revel Graduate School of Jewish Studies – Dean
 - Ferkauf Graduate School of Psychology – Dean
 - Graduate Program in Advanced Talmudic Studies – Program Director
 - The Katz School of Science and Health – Dean
 - Sy Syms School of Business – Dean
 - Wurzweiler School of Social Work – Dean
2. School Guidance Offices and Committee on Academic Standards or Scholastic Standing – the Dean of the School or Program Director

IV. Inspection and Review of Records

- A. Students have the right to inspect and review their Education Records within 45 days of the day the University receives a written request for access. Students should submit a written request to the Registrar or other School Official (with a copy to the Office of the Registrar for the school at which the Student is enrolled and a copy to the University Registrar) with custody of the records, identifying the records he/she wishes to inspect. The Registrar or other School Official will make arrangements for access and notify the Student of the time and place the records may be inspected. The Student should bring valid photo identification to the appointment.
- B. Students may also obtain a copy of every document in their Education Records available to the Student. Copies will be made by the University under the same terms, conditions, and charges as for a student copy of a transcript, i.e., currently \$7 for each document under regular service (normally within 3 business days). Copies, however, will not be supplied if the Student has an overdue debt to the University or has failed to return all library books. If an original or source document exists elsewhere (e.g., records from other schools), copies will not be sent to a third party.
- C. Students do not have the right to review the following Educational Records:
1. Records containing their parents' financial information.
 2. Confidential letters and statements of recommendation placed in the Student's Education Records if the Student has waived his or her right to see them, and the letters and recommendations relate to the Student's admission to an educational institution, application for employment or receipt of an honor or honorary recognition.
 3. Records, such as those maintained by the University's Office of General Counsel, the confidentiality of which is protected by law.
 4. Those portions of Education Records that contain information about other students.

V. Correction of Records and Hearings

If, after inspecting and reviewing his or her Education Records, the Student believes that any information contained in them is inaccurate or misleading, or violates the Student's privacy or other rights, the Student may request in writing that the office which maintains those records amend them (with a copy to the University Registrar). The request should clearly identify the part of the records the Student wants changed, and specify why it should be changed.

The office which maintains the records shall consider the request, and shall reach a decision and so inform the Student in writing within a reasonable period of time after receiving the request.

If the office refuses to amend the records in accordance with the Student's request, the Student has a right to a hearing.

The hearing will be conducted by a committee appointed by the University's President, consisting of persons who do not have a direct interest in the outcome of the hearing.

The hearing will be held within a reasonable period of time after the Student has made the request for a hearing, and the Student will be given notice of the date, place, and time of the hearing, reasonably in advance of the hearing.

At the hearing, the Student will be afforded a full and fair opportunity to present evidence relevant to the issue raised, and may be assisted or represented by individuals of the Student's own choice at the Student's own expense, including an attorney.

The committee will make its decision in writing within a reasonable time period after the conclusion of the hearing.

The decision of the committee will be based solely on the evidence presented at the hearing and will consist of a written statement given to all parties concerned, summarizing the evidence and stating the reasons for the decision.

If, as a result of the hearing, the committee supports the complaint of the Student, the Education Records of the Student will be amended accordingly and the Student will be so informed.

If the committee decides against the Student, the Student has the right to place in his or her records a statement commenting on the information in the records and/or stating his or her reasons for disagreeing with the decision. This explanation will be maintained by the University as part of the Education Records of the Student as long as those records are maintained, and whenever a copy of those records is sent to any party, the explanation will accompany them.

VI. Disclosure of Information From Education Records

- A. No office maintaining Education Records of a Student will disclose any personally identifiable information from those records to anyone other than the Student without the written consent of the Student, unless consent is not required by law.
- B. Education Records will be disclosed without the Student's written consent to School Officials who have a legitimate educational interest in the information. A School

Official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees of the University; or a student serving on an official committee, such as a disciplinary or grievance committee. A School Official also may include a volunteer or contractor outside of the University who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of personally identifiable information from Education Records, such as an attorney, auditor, or collection agent or a student volunteering to assist another School Official in performing his or her tasks. A School Official has a legitimate educational interest if the official needs to review an Education Record in order to fulfill his or her professional responsibilities for the University.

- C. The University also may forward a Student's Education Records to another school in which it understands that the Student is currently enrolled, or seeks or intends to enroll, without written consent.
- D. Records will be disclosed without the Student's written consent to those federal and state government agencies and officials as provided by law.
- E. Records will be disclosed without the Student's written consent to an agency to which the Student has applied for or from which the Student has received financial aid, or which has made decisions concerning eligibility, amount, conditions, or enforcement of terms of such aid.
- F. Records will be disclosed without the Student's written consent to certain educational agencies and institutions, as permitted by law.
- G. The University reserves the right to furnish to parents or guardians of financially dependent Students any information relating to such Student's academic status. The University will assume that an undergraduate Student is financially dependent unless the Student informs the Office of the Registrar in writing on the Notification of Emancipated Status Form (or on such other form as the Office of the Registrar shall designate), available in the Office of the Registrar, within 10 days of registration each term that he or she is financially independent.
- H. In the event of the receipt of a judicial order or subpoena for Education Records, the University will provide the Student with 10 days' notice before supplying the records without the Student's written consent.
- I. Records will be disclosed without the Student's written consent in a health or safety emergency, as provided by law.

- J. The University also may disclose Education Records without the Student's written consent as permitted by the FERPA regulations (34 CFR Part 99).

VII. Directory Information

- A. The University may disclose directory information to anyone without the Student's consent unless the Student, within 10 days of registration each semester, informs the Office of the Registrar in writing on the Request to Prevent Disclosure of Directory Information Form (or on such other form as the Office of the Registrar shall designate), available in the Office of the Registrar, that any or all such information about the Student is not to be made public without his or her written permission. A new form for non-disclosure must be completed each year.
- B. The following information related to a Student's Education Record is considered "directory information": Student's name; YU email address; photograph; city and state of home residence, academic major(s) and minor(s); dates of attendance at the University and the school, department, division, or institute attended; the most recent educational institution attended; degrees, honors and awards received and their dates (including Dean's list); titles of masters and doctoral dissertations; participation in officially recognized activities (including positions held); high school and class year (for those participating in any officially recognized intercollegiate athletic team only); high school, class year, and height (for those on intercollegiate basketball or volleyball teams only); and high school, class year, and weight classification (for those on intercollegiate basketball or volleyball teams only).

VIII. Right of Complaint

Students who believe that the University is not complying with the requirements of the Family Educational Rights and Privacy Act of 1974, as amended, or the regulations issued by the U.S. Department of Education implementing that Act, may file complaints in writing with:

Family Policy Compliance Office
U.S Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605

The full text of the Family Educational Rights and Privacy Act of 1974, as amended, and the full text of the final regulations of the U.S. Department of Education for the implementation of the Act, are available for inspection at the Office of the Registrar (see Appendix A).

Copies of this statement are available upon request (accompanied by a self-addressed stamped envelope) to the Office of the Registrar for the school at which the Student is enrolled (see Appendix A). Revisions and clarifications of this statement may be published from time to time to conform with the law and the University's policies.

Appendix A

Benjamin N. Cardozo School of Law (Brookdale Center)

55 Fifth Avenue (@12th Street)
C1040
New York, NY 10003
Phone: 212.790.0295
Fax: 212.790.0341
brookdaleregistrar@yu.edu

Beren Campus

215 Lexington Avenue (@33rd Street)
6th Floor
New York, NY 10016
Phone: 212.340.7777
Fax: 212.340.7837
berenregistrar@yu.edu

Ferkauf Graduate School of Psychology

Rousso Building
1165 Morris Park Avenue
Bronx, NY 10461
Phone: 646.592.4515
Fax: 718.430.3960
resnickregistrar@yu.edu

Wilf Campus

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UNIVERSITY REGISTRAR

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