

# FERPA

## Student Rights Under The Family Educational Rights and Privacy Act

[Syracuse University fully complies with the Federal Family Educational Rights and Privacy Act \(FERPA\)](#)

[Annual Notification of Rights Under the Family Educational Rights and Privacy Act](#)

### Scope

All students

### Policy Statement

The Family Educational Rights and Privacy Act of 1974 and its implementing regulations, each as amended (collectively, "FERPA"), set forth requirements designed to protect the privacy of student education records. The law governs access to records maintained by educational institutions and the release of information from those records. Syracuse University fully complies with FERPA and with guidelines recommended by the American Association of Collegiate Registrars and Admissions Officers.

FERPA requires that the University provide an annual notice to students regarding their rights under FERPA. This notice is published annually in the *Syracuse University Course Catalog*.

### Definitions

- A. "Education records" include, with certain exceptions as listed below, all information recorded in any medium

that is directly related to an identifiable student, and maintained by any employee or agent on behalf of the University. The following categories of information are excepted and are not considered to be "education records:"

- a. Records that are made for use solely as a personal memory aid, kept in the sole possession of the maker, and not accessible or revealed to any other person except a substitute who performs on a temporary basis the duties of the maker.
- b. Records created and maintained by the Department of Public Safety for (in whole or in part) law enforcement purposes.
- c. Records that are (a) created or maintained by a chiropractor, physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity; (b) made, maintained or used solely in connection with the provision of treatment to a student; and (c) not disclosed to anyone other than individuals providing such treatment. "Treatment" in this context does not include remedial educational activities or activities which are part of the program of instruction at the University.
- d. Records only related to a former student (alumni records). Records of that individual's activities while a student continue to be considered education records.
- e. Records that relate to individuals who are employed by the University, are made and maintained in the normal course of business, relate exclusively to such individuals in their capacity as employees, and are not available for use for any other purpose. Notwithstanding the preceding sentence, records of individuals in

attendance at the University who are employed as a result of their status as students (e.g., work/study records) are education records.

- B. A "school official" is a person employed by the University in an administrative, supervisory, academic, research, or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks; or a person volunteering or otherwise performing services for the University. A contractor, consultant, volunteer, or other party to whom the University has outsourced institutional services or functions may be considered a school official under this exception only if he/she/it performs an institutional service or function for which the University would otherwise use employees, is under the direct control of the University with respect to the use and maintenance of education records, and agrees to use the education records only for the purposes for which they were disclosed.
- C. A school official has a "legitimate educational interest" when he, she, or it has a need to access student education records for the purpose of performing an appropriate educational, research, administrative or other function for the University. This includes performing tasks specific to job, contractual, or volunteer duties and provision of a service or benefit relating to the student or the student's family. The information sought and provided must be pertinent to and used within the context of official University business and not for a purpose extraneous to the official's area of responsibility.

# Policy Details

## **I. Right to Inspect and Review**

Students are granted the right to inspect and review all of their education records, except the following:

1. Financial records of parents.
2. Confidential letters and statements of recommendation placed in education records prior to January 1, 1975.
3. Confidential letters and statements of recommendations for admission, employment, or honorary recognition placed in education records after January 1, 1975, for which students have waived their right of access.

## **II. Waiver of Rights of Access**

Students may waive their right of access to confidential letters and statements of recommendation. Employees or agents of the University may not require a student to waive his or her right of access as a condition to the receipt of University benefits or services.

## **III. Procedures for Inspection and Review**

- A. Students should submit to the University Registrar (106 Steele Hall, Syracuse University, Syracuse, NY 13244-1120) a written request that identifies the education record(s) they wish to inspect. The University Registrar will make arrangements for access, excluding records and documents considered exceptions or to which a student has waived his or her right of access, and notify the student of the time and place where the records may be inspected. Access will be provided within a reasonable time, not to exceed 45 days after the Registrar's receipt of the student's request.
- B. Upon reasonable request, information contained in education records will be explained and

interpreted to students by University personnel designated by the appropriate office.

- C. Students have the right to review only their own records. When a record contains information about more than one student, the University will limit access to that part of the record which pertains only to the student requesting access unless information regarding the other student(s) cannot be segregated and redacted without destroying the meaning of the record insofar as it pertains to the requesting student.

#### **IV. Right to Challenge Information in Records**

- A. Students have a right to challenge the content of their education records if they consider the information contained therein to be inaccurate, misleading, or in violation of their rights of privacy. A student challenging information in his or her records should obtain a Request to Amend or Remove Education Records form from the Registrar's Office and clearly identify the part of the record he or she wants amended and specify why it is inaccurate, misleading or in violation of his or her rights of privacy. The Registrar may concur that an amendment is appropriate, and will take steps to make the amendment. If not, the student will be notified within a reasonable period of time that the records will not be amended and will be informed by the Registrar of the right to a formal hearing. If the hearing results in a final determination not to amend the record, the student will be permitted to place a statement with the record commenting on the contested information, stating his or her disagreement with the decision not to amend the record, or both.
- B. The right to challenge information in education

records does not include a right to contest grades or other substantive matters accurately reflected in the records. Thus, this procedure may not be used to change a grade in a record unless the grade assigned was inaccurately recorded, in which case the record will be corrected.

#### **V. Consent for Release Required**

Except as set forth below, consent must be obtained from students for the release of information from education records, specifying what is to be released, the reasons for release, and to whom, with a copy of the disclosed record sent to the student if he or she desires. A student's academic performance may be discussed with parents or other third parties only with the student's written authorization, unless an exception noted below applies. School/college undergraduate records offices provide consent forms and information about associated procedures.

#### **VI. Release Without Consent**

As noted above, a student has the right to consent to the disclosure of personally identifiable information contained in his or her education records, except to the extent that FERPA authorizes disclosure without consent. Set forth below is information about some of the circumstances in which FERPA authorizes such disclosures. The University may make such disclosures in these and other circumstances as and to the extent permitted by FERPA. The exceptions described below merely permit the disclosure of information; University personnel are expected to use reasonable judgment in determining whether legally permissible disclosures are warranted in particular circumstances. University personnel having questions as to whether disclosure is permitted in particular situations should consult the Registrar's office. FERPA authorizes the following

disclosures of education record information without a student's consent:

1. Disclosures to school officials who have a legitimate educational interest (as these terms are defined above).
2. Disclosures in compliance with a lawful subpoena or judicial order.
3. Disclosures in connection with a student's application for or receipt of financial aid, for such purposes as to determine eligibility, to determine the amount and/or terms of aid, or to enforce the terms of the aid.
4. Disclosures to state or federal authorities and agencies specifically exempted from the prior consent requirements by FERPA.
5. Disclosures to organizations conducting studies on behalf of the University to (a) develop, validate or administer predictive tests, (b) administer student aid programs, or (c) improve instruction, if such studies do not permit the personal identification of students to any persons other than to representatives of such organizations and meet certain other requirements set forth in FERPA.
6. Disclosures to accrediting organizations to carry out their accrediting functions.
7. Disclosures to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.
8. Disclosures in the case of emergencies to appropriate persons, if the knowledge of such information is necessary to protect against an articulable and significant threat to the health or safety of a student or other persons.
9. Disclosures of the results of a disciplinary proceeding conducted by the University against an alleged perpetrator of a crime of violence or a

non-forcible sex offense, subject to specific conditions and limitations provided by FERPA.

10. Disclosures to officials of another university, college or school where the student seeks or intends to enroll, or is already enrolled, provided that the disclosure is for purposes of the student's enrollment or transfer.
11. Disclosures to a parent of a student regarding the student's violation of any federal, state or local law, or of University policy, governing the use of alcohol or a controlled substance, provided that (a) the University determines that the student has committed a disciplinary violation with respect to that use, and (b) the student is under the age of 21 at the time of the disclosure to the parent.
12. Disclosures of information provided to the University under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.
13. Disclosures of "directory information" (see item VII).

In addition, the University reserves the right to disclose information to the extent necessary to verify the accuracy of any information contained in what purports to be an official University document (e.g. a transcript or diploma).

## **VII. Directory Information**

A. Syracuse University, in accordance with FERPA, has designated the following information about students as directory information:

- Name
- Current address and phone number
- Permanent address and phone number
- SU email address
- Academic awards and honors
- Athletic participation



- Class/level
- Dates of attendance
- Degree(s) earned and date(s)
- Full/part-time status
- Majors(s)/degree program(s)
- Photograph or other visual image
- Prior postsecondary institutions attended
- SU school/college(s)

B. Students have the right to have some or all of this directory information withheld from the public if they so desire. To prevent disclosure of Directory Information, students must file a *Request to Prevent Disclosure of Directory Information* form with the Registrar's Office, 106 Steele Hall. Requests may be filed at any time and remain in effect permanently (including after departure from the University) until removed, in writing, by the student.

C. The University receives many inquiries for "directory information" from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media. Each student is advised to carefully consider the consequences of a decision to withhold "directory information." Regardless of the effect upon students, the University assumes no liability as a result of honoring instructions that such information be withheld.

### **VIII. Records of Requests and Disclosures**

Except as set forth below, each custodian of education record information shall maintain records of requests for and disclosures of such information, including the

names and addresses of persons requesting the information, and their legitimate interests in requesting or receiving the information (if any). These records will be maintained for so long as the underlying records to which they pertain are maintained. The recordkeeping requirement described in the preceding paragraph does not apply to (a) requests from/disclosures to the student himself/herself, (b) requests from/disclosures to any party with the written consent of the student, (c) requests for/disclosures of "directory information," (d) requests from/disclosures to a "school official" with a "legitimate educational interest," and (e) disclosures pursuant to a law enforcement subpoena or ex parte court order when confidentiality is required by the subpoena or order.

#### **IX. Redisclosure**

Except as provided below, the custodian of records containing information disclosed pursuant to FERPA must inform the receiving party that the information may not be further released or disclosed without the consent of the student. The requirement described in the preceding paragraph does not apply to the following disclosures when made in accordance with the requirements of FERPA: (a) disclosures to the student himself/herself, (b) disclosures of "directory information," (c) disclosures to parents of dependent students, (d) disclosures pursuant to a lawfully issued subpoena or court order, (e) disclosures of permissible information regarding violations involving crimes of violence or non-forcible sex offenses, (f) permissible disclosures to parents regarding alcohol/drug violations, (g) disclosures of information provided to the University under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, (h) disclosures pursuant to the Clery Act to the accuser and accused regarding the outcome of a disciplinary proceeding alleging a sexual offense, and (i) instances in which redisclosure is

permitted by FERPA and the contemplated redisclosure is memorialized at the time of the original disclosure.

#### **X. Complaints, Concerns or Suggestions**

Any student who has reason to believe that the University is not complying with FERPA or this policy should inform the University Registrar in writing. The Registrar shall promptly review all such allegations and initiate appropriate actions. In addition, students have the right to file complaints with the United States Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. Complaints may be submitted in writing to: Family Policy Compliance Office

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

#### **Type, Location, and Custodian of Student Records**

Syracuse University does not maintain education records in one central office. Education records are maintained in the colleges, schools, undergraduate and graduate departments, University College (for its students), and various administrative offices, including the Registrar's Office. Questions regarding individual student records should be directed to the appropriate location or to the Registrar's Office.

## **Policy Administration**

- [Office of Registrar](#)