FERPA POLICY

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 Graduate Division 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.

Revisions may be published from time to time to conform to the law and college policies.

A. Definitions of Terms Used in the Act

1 "Students" are persons who are or were in attendance in the Graduate Programs of the Biomedical Sciences as registered students. FERPA does not apply to records of applicants who were accepted but did not enroll the program.

2 "Educational 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 Graduate Division. With limited exceptions, a student has 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:

a. Records maintained personally by instructional, supervisory or administrative personnel that are not available to others.

b. 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.

B. Type and Location of Records kept at Einstein

1 The principal education records of each student are maintained by the Graduate Division’s Office of the Registrar. The Registrar or the Registrar’s representative is responsible for these records. Inquiries concerning these records should be made in writing to the Graduate Division’s Office of the Registrar, with a copy to the Yeshiva University Registrar.

2 In addition to the principle record maintained by the appropriate Registrar, certain other offices or persons may maintain records for graduate students such as by Deans of the school, Program Directors, course leaders, committees and subcommittees of the Graduate Division, advisors, faculty and individual basic science departments. Inquiries concerning these records should be made in writing to the appropriate individual, department or administrative office.
Additional records pertaining to MD-PhD students will be kept in the Medical School and are in the charge of the Medical School. Inquiries from MD-PhD students concerning their records should be directed to the Registrar of the Einstein Medical School.

Administrative records pertaining to student finances are kept in the Student Finance Office and are in the charge of the Student Finance Officer. Inquiries from students concerning these records should be made in writing to the head of the Student Finance Office.

Administrative records pertaining to student housing are kept in the Housing Office and are in the charge of the Housing Officer. Inquiries from students concerning these records should be made in writing to the head of the Housing Office.

C. Inspection and Review of Records

1 A student has the right to inspect and review their education records within 45 days of the day the Graduate Division receives a written request for access. The student should submit their written request to the Registrar, identifying the record he/she wishes to inspect. The Registrar 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.

2 Students have the right to review and inspect all documents in the records except:

   a. Confidential evaluations and letters of recommendation filed before January 1, 1975

   b. Evaluations and recommendations filed after January 1, 1975 if the student has waived the right to see them

   c. Those documents classified by the Privacy Rights law as non-educational records including:

      i. Records maintained personally by instructional, supervisory or administrative personnel that are not available to others

      ii. Records created or maintained by a physician, psychiatrist or psychologist acting in a professional capacity

      iii. Records containing only information relating to a person after that person is no longer a student in the Graduate Division

      iv. Records such as those which may be maintained by the College’s Office of General Counsel, the confidentiality of which is protected by law

      v. Those portions of the Educational Record that contain information about other students

3 If, after inspecting and reviewing their records, students have any questions about them, they may request an oral or written explanation and interpretation.

4 Students may also secure a copy of every document in their academic record open as described above. A specific form must be submitted to the Registrar in order to obtain this copy.

D. Correction of Records

1 If after inspecting and reviewing their academic records the student believes that any information contained in them is inaccurate, misleading or violates their privacy or other rights, the student may request in writing that the office which contains those records amend them. The request should clearly identify the part of the records the student wants changed, and specify why it should be changed.

2 That office must reach a decision and inform the students making such requests of the decision in writing, within a reasonable period of time.
If the office refuses to amend the record in accordance with a student's request, the student has the right to a hearing.

This hearing will be conducted by a committee appointed by the Associate Dean, 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 and the student will be given notice of the date, place, and time, reasonably in advance of 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 their own choice at their own expense, including an attorney.

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

The decision of the committee will be based solely upon the evidence presented at the hearing and will include a written statement given to all parties concerned, summarizing the decision and reason 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 their record a statement commenting on the information in the record and/or stating their reasons for disagreeing with the decision. This explanation will be maintained by the Graduate Division as part of the education records of the student as long as those records are maintained, and whenever a copy of those records are sent to any party, the explanation will accompany them.

E. Disclosure of Information from Records

No office maintaining education records of a student will disclose any personally identifiable information from those records to anyone outside the institution without the written consent of the student, unless consent is not required by law.

The education records of a student may be disclosed without their written consent to faculty members and school officers within the College who have a legitimate educational interest in the information. This includes, but not limited to, faculty members, potential mentors identified by the student, Training Grant Directors, Qualifying Exam Committees, Student Advisory Committees, and Departmental Education Committees. 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 Graduate Division and the University.

The Graduate Division reserves the right to 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 the written consent of the student.

The records of a student may be disclosed without their written consent to those federal and state government agencies and officials to whom information is specifically required to be reported or disclosed by law.

The records of a student may be disclosed without their 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.
6 The records of a student may be disclosed without their written consent to certain educational agencies and institutions conducting studies, provided that the studies are conducted in a manner which will not permit the personal identification of students by individuals other than representatives of the organization and that the information will be destroyed when no longer needed for the purpose for which the study was conducted.

7 The records of a student will be disclosed without their written consent as required to comply with a judicial order or subpoena. The Graduate Division will provide the student with 10 days’ notice before supplying the records without the student’s written consent.

8 The records of a student may be disclosed without their written consent in a health or safety emergency, if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

F. Directory Information

The Graduate Division may disclose directory information without the student’s consent unless the student, within 10 days of registration each semester (fall, spring, summer), informs the Office of the Registrar in writing on the Request to Prevent Disclosure of Directory Information Form, 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.

The following information related to the student is considered "directory information": student name, Einstein email address, campus address, telephone number, date and place of birth, participation in officially recognized activities, dates of attendance, degrees and awards received and similar information.

G. Right of Complaint

A student who feels that the College is not complying with the requirements of the Family Educational Rights and Privacy Act of 1974, or the regulations issued by the Department of Health, Education and Welfare implementing that Act, may file a complaint in writing with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave, SW
Washington, D.C. 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 review at the Office of the Registrar.

Copies of this statement are available upon request to the Office of the Registrar. Revisions and clarifications of this statement may be published periodically to conform to the law and the University’s policies.

Additional Information is available at:
34 CFR 99: http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:1.1.1.33