

New York Law School
Annual Notification of Rights under FERPA
Revised October 2014

The complete text of the FERPA regulations can be found at:
<http://www2.ed.gov/policy/gen/reg/ferpa/index.html>

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day New York Law School receives a request for access.

A student should submit to the Registrar a written request that identifies the record(s) the student wishes to inspect. The Registrar 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 Registrar, the Registrar will advise the student of the correct official to whom the request has been directed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask New York Law School to amend a record should write the Registrar, clearly identify the part of the record the student wants changed, and specify why it should be changed. This request must be in writing and should be as specific as possible. If New York Law School decides not to amend the record as requested, New York Law School will notify the student in writing of the decision and of the student's right to an administrative hearing regarding the request for amendment. See Appendix A for a copy of the Student Request for an Administrative Hearing form. See Appendix B for information regarding the hearing process.

3. The right to provide written consent before New York Law School discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA regulations distinguish between "directory" or "non-directory" information. Directory information is information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed. NYLS considers the following to be directory information and may, at its discretion, disclose the information without a student's written consent:

- Name
- Local Address (released to the New York State Bar Association, our student health insurance providers, and the Office of Veteran Affairs)
- Degree(s) sought – JD, LLM, MA, Certificate, etc
- Degrees conferred
- Dates of attendance
- Awards and Honors (listed in graduation programs and other school publications)
- Participation in officially recognized school activities (e.g., student organizations, moot court, law review, etc.)

The Law School also considers the following to be directory information, but generally will not release the following unless (1) required to do so by law, (2) based on unusual circumstances warranting disclosure at New York Law School's discretion, or (3) with the student's consent:

- NYLS Email Address
- Full- or part-time enrollment status and class level (i.e., 1L, 2L, 3E, etc.)
- Most recent previous institution attended
- Expected date of completion of degree requirements and graduation
- ID Photograph – posted internally only

New York Law School discloses education records without a student's prior written consent under the FERPA exception for disclosure to New York Law School officials with legitimate educational interests. School officials are those members of an institution who act in the student's educational interest within the limitations of their "need to know." They may include a person employed by New York Law School in an administrative, academic, or research or support position; a person serving on the Board of Trustees; a person serving on an institutional governing body of New York Law School; a person used by, employed by or under contract to New York Law School to perform a special task (e.g., an attorney or auditor, outside consultant, external clinic or internship administrators); a person or organization acting as an official agent of the institution and performing a business function or service on behalf of the institution; a student conducting New York Law School business (e.g., serving on an official committee, working for New York Law School, or assisting another school official in fulfilling his or her professional responsibility); and any other person determined by the Office of the Registrar, the Associate Dean for Academic Affairs and Student Engagement, or the President and Dean of New York Law School to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of New York Law School. A school official is determined to have legitimate educational interest if the information requested is necessary for that official to (a) perform appropriate tasks that

are reasonably necessary based on his or her position or duties; (b) perform a task related to a student's education; (c) perform a task related to the discipline of a student; or (d) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

New York Law School does not disclose or confirm directory information about a student without consent if it uses non-directory information (including SSNs) to identify either the student or the records from which the directory information is determined.

A student may request to limit disclosure of his or her directory information. Non-disclosure by a student is in effect from the date the request is received in writing from the student until the request is rescinded in writing by the student. Notice can be given by completing a *Student Request for Non-Disclosure* form, see Appendix C. This form also is available on the NYLS portal on the Academics tab. Please note that the opt-out right cannot be used to prevent New York Law School from disclosing or requiring the student to disclose his or her own name, identifier, or institutional e-mail address in a class in which the student is enrolled.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by New York Law School to comply with the requirements of FERPA.

Students are encouraged to contact the Registrar with questions or concerns about FERPA. Students also have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., S.W. Washington, D.C. 20202-4605 with a complaint about New York Law School's compliance with the Act.

Please note: Security department/law enforcement records are not considered educational records.

Appendix A: FERPA Student Request for an Administrative Hearing

Submit to: OFFICE OF THE REGISTRAR

FERPA Student Request for Formal Hearing

Name:

Student ID number:

Address:

Email:

City:

Phone:

State and zip code:

I request a formal hearing concerning correction of what I believe to be inaccurate or misleading information contained in my education records, or information that can be considered an invasion of my privacy.

The following education record(s) is/are being contested:

I am contesting the information because:

I understand that I will be notified in writing of the date, time, place and procedures for the hearing.

Student's signature:

Date:

Appendix B: Administrative Procedures for FERPA hearing

A student must request a formal hearing within 30 business days from the date the student is informed by the Registrar or other record keeper of the right to a hearing. The request must be in writing (see Appendix A) and must be delivered to the Associate Dean for Academic Affairs and Student Engagement.

The Associate Dean for Academic Affairs and Student Engagement shall either hear the case personally or designate a hearing committee. The committee will include a member of the Office of the Registrar or Office of Academic Affairs (other than the person who denied the request), a faculty member, and a student.

The student may present evidence relevant to the request to amend the education records and may be assisted or represented at the hearing by one or more persons of his or her choice. The person or committee hearing the case shall decide it solely on the basis of the evidence presented at the hearing.

The decision shall be in writing. If the decision is in favor of the student, the education records will be amended accordingly. If the decision is unsatisfactory to the student, he or she may place with the education record a statement commenting on the information in the records or setting forth any reasons for disagreement with the decision. Such statement will be maintained as part of the student's education record and released with the records anytime it is disclosed to third parties.

Appendix C: FERPA Student Request for Non-Disclosure

New York Law School has designated the items listed below as *Directory Information* (public information, which would not generally be considered harmful or an invasion of privacy if disclosed). New York Law School may, as permitted under FERPA, release or use this information without the student's written consent or approval.

Students have the right to block the release of their *Directory Information* without their express written consent. This request can be made at any time by submitting this form, signed, to the Office of the Registrar. This request will be honored until removed, in writing, by the student.

Please note that the opt-out right cannot be used to prevent New York Law School from disclosing or requiring the student to disclose his or her own name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Please indicate which directory information item(s) should not be released:

- Name
- Local Address
- NYLS Email address
- Degree(s) sought – JD, LLM, MA, Certificate, etc.
- Expected date of completion of degree requirements and graduation
- Degrees conferred
- Awards and Honors
- Full- or part-time enrollment status and class level (i.e., 1L, 2L, 3E, etc.)
- Dates of attendance
- Most recent previous institution attended
- Participation in officially recognized school activities (e.g., student organizations, moot court, law review, etc.)
- ID Photograph – posted internally only.

I, _____, NYLS
ID# _____, direct New York Law School to block the release of the
directory information items checked above to non-institutional persons or organizations.
This block will remain in effect until changed by me in writing.

Date: _____