



records before January 1, 1975 and used only for the purpose for which they were specifically intended. (In order to waive the right to review confidential letters and statements of recommendation in a student's education record, the student must submit a completed and signed Waiver of Right to Review Confidential Letters and Statements of Recommendation form to the Office of the Registrar.)

Any student who wishes to access and review his or her education records must submit a dated written request to the custodian of the record, e.g., the Office of the Registrar, a department chair, a program director, a faculty member. No later than 45 days after receiving the student's request, the custodian will make arrangements for the student to review his or her education records. A representative of the University may be present during the inspection, and the student may be required to present valid photo identification before accessing the records.

## Amendment of Education Records

Under FERPA, a student who believes information in his or her education records is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, has the right to request that the records be amended. The right to seek amendment of an education record does not include changes to a grade unless the grade assigned was inaccurately recorded, an opinion, or a substantive decision made by the University about the student.

To request an amendment, the student must submit a written request to the custodian of the record. The request should clearly identify the portion of the record the student seeks to have amended and specify the reasons for the requested amendment. If the custodian of the record determines the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, the custodian will amend the record and notify the student of the amendment in writing.

If the custodian determines an amendment of the student's education record is not warranted because it is not inaccurate, misleading or in violation of the student's privacy rights recognized by FERPA, the custodian will inform the student in writing of the decision not to amend and will also inform the student of his or her right to a hearing on the matter. The student's written request for a hearing must be received by the dean for students of the student's home campus within 30 calendar days of the date of the custodian's decision denying an amendment, and the hearing shall be held within a reasonable time thereafter. Within 5 business days after receiving the student's written request for a hearing, the dean for students or his or her designee will appoint a hearing officer to review the matter. The hearing officer must be a University representative with no direct interest in the outcome of the matter.

The hearing officer shall, in his or her sole discretion, determine whether, under the circumstances, the hearing should be conducted in-person or by telephone. The hearing officer shall provide the student and the custodian of the education record at issue with reasonable notice of the date, time, and place of the hearing if it is to be in-person and the date and time if it is to be conducted by telephone. The student and the custodian shall each have the opportunity to present evidence at the hearing in support of their respective positions. The student may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney, of the student's choice.

Within a reasonable time after the hearing, the hearing officer will notify the student and the custodian of the record in writing of the hearing officer's decision. The hearing officer's decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. If the hearing officer determines the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, the record will be amended. However, if the hearing officer determines the information is not inaccurate, misleading, or otherwise in violation of the student's privacy rights recognized by FERPA, the education record will not be amended and the student has the right to place a statement in his or her record commenting on the contested information and explaining why he or she disagrees with the hearing officer's decision.

## Disclosure of Education Records to Third Parties

Absent an exception under FERPA, the University must obtain a student's prior written consent before it discloses personally identifiable information from a student's education records to a third party. In order to authorize the disclosure of personally identifiable information from his or her education records to a third party, a student must complete, sign and date the Authorization to Disclose Information from Education Records form and submit it to the custodian of the record from which the disclosure is to be made.

FERPA provides a number of exceptions, however, that allow the University to disclose information from a student's education record without the student's consent. Circumstances under which the University may disclose personally identifiable information from a student's education records without obtaining the student's consent, include, but are not limited to, the following:

- To University officials with a legitimate educational interest in the personally identifiable information to be disclosed. A University official includes, without limitation, faculty; officers; administrators; administrative assistants and clerical staff; safety and security staff; trustees; attorneys; auditors; health care providers; members (including student members) of University-sponsored committees and disciplinary boards; student employees assisting other University officials in performing their duties and responsibilities for the University; and a contractor, volunteer or other party to whom the University has outsourced University services or functions. A University official has a legitimate educational interest in the personally identifiable information to be disclosed if the official needs to review the education record in order to fulfill his or her professional duties and responsibilities for the University.
- To officials of another school in which the student seeks or intends to enroll.
- To the parents of a tax-dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- In connection with the student's request for or receipt of financial aid if the information is necessary to determine the eligibility, amount or conditions of the aid, or to enforce the terms and conditions of the aid.

- In connection with a health or safety emergency if knowledge of the personally identifiable information is necessary to protect the health or safety of the student or other individuals.
- To the parents of a student under the age of 21 at the time of disclosure, and the disclosure concerns the student's violation of a federal, state or local law or University policy regarding the use or possession of alcohol or a controlled substance, provided the University has determined the student has committed a disciplinary violation with respect to the use or possession, and the disclosure does not conflict with any state law that prohibits such disclosure.
- Directory information (see discussion below of directory information).
- To comply with a judicial order or lawfully issued subpoena.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime.
- The final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense may be released to any third party if the student who is the alleged perpetrator is found to have violated the University's policies. Disclosure under this exception is limited to the name of the student perpetrator, the violation committed, and any sanction imposed. The disclosure shall not include the name of any other student, including the victim or a witness, without the prior written consent of the other student.
- To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.
- To organizations conducting studies for or on behalf of the University for the purposes of administering predictive tests or student aid programs, or improving instruction.
- To accrediting organizations to carry out their accrediting functions.

## Directory Information

FERPA permits the University to disclose directory information to the public without obtaining the student's prior written consent. Directory information is defined by FERPA as information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The University has defined directory information more specifically as:

- Student's name
- Campus telephone number
- Campus address
- University e-mail address
- Date of birth
- College or school in which the student is enrolled
- Program and/or field of study
- Enrollment status, e.g., undergraduate or graduate student, full-time, part-time, not enrolled, graduated
- School attended immediately prior to enrolling at the University
- Dates of attendance
- Degrees and honors
- Awards received
- The weight and height of members of athletic teams

Students may "opt out" of directory information and request that directory information, as defined above, be withheld, in whole or in part, and released only with the student's prior written authorization. Students who wish to opt-out of some or all of the directory information must complete and sign a Request to Opt-out of Directory Information form and submit it to the Office of the Registrar on or before September 30 of each year. (Students who transfer to the University in the spring semester or return to the University in the spring semester after a leave of absence must submit a completed and signed Request to Opt-out of Directory Information form to the Office of the Registrar on or before February 15.) Students who wish to revoke their previous request to opt-out of some or all of the directory information must submit a completed and signed Request for Revocation of Opt-out of Directory Information form to the Office of Student Registrar.

## Complaints of Alleged Failures to Comply with FERPA

A student who believes his or her FERPA rights have been violated or that the University has failed to comply with the requirements of FERPA has the right to file a complaint with the federal office that administers FERPA. Complaints should be addressed to:

Family Policy Compliance Office  
 US Department of Education  
 400 Maryland Ave, SW  
 Washington, DC 20202-5901  
 Phone: 202-260-3887

## **Additional Information About FERPA**

The following U.S. Department of Education publications provide additional information for students and parents about FERPA: Frequently Asked Questions About FERPA, Disclosure of Information from Education Records to Parents of Students Attending Postsecondary Institutions, and FERPA General Guidance for Students.

## **Forms**

The following forms can be found here (<https://www.pace.edu/registrar/forms/>).

- Authorization to Disclose Information from Education Records
- Request to Opt-out of Directory Information
- Request for Revocation of Opt-out of Directory Information
- Waiver of Right to Review Confidential Letters and Statements of Recommendation Revocation of Waiver of Right to Review Confidential Letters and Statements of Recommendation