Student Records and Privacy Rights of Students

In accordance with the Federal Family Educational Rights and Privacy Act (FERPA) of 1974 (Section 438 of the General Education Provisions Act, 20 USC 1232g), commonly referred to as the "Buckley Amendment," we take this opportunity to inform you of the Einstein policies with regards to the educational records of our students. These policies have recently been examined to assure compliance with the Privacy Act, and are made available to you in accordance with its provisions.

Students may obtain copies of this statement upon request from the Registrar.

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" includes individuals who are, or have been, in attendance in the Center for Public Health Programs. FERPA does not apply to records of applicants who were accepted but did not attend the institution or who were rejected. When a student has attained 18 years of age, the rights accorded to and the consent required of the parent shall be accorded to and required of the student.

2. "Parent" includes a parent, a guardian, or an individual acting as a parent or guardian.

3. "Financial Aid" means a payment of funds provided to an individual which is conditioned on the individual's attendance at an educational agency or institution.

4. "Educational Record" refers to educational information on the student recorded in any medium.

B. Type and Location of Records kept at Einstein

1. The primary ("official") record of graduate students is the record kept in the Center for Public Health Sciences office under supervision of its Registrar.

2. In addition to the primary record maintained by the appropriate Registrar, informal or "unofficial" educational records may be kept for Center for Public Health Sciences graduate students by Program Directors, course leaders, committees and subcommittees of the Center for Public Health, advisors, and faculty. Inquiries concerning these records should be made in writing to the appropriate person, individual, department or administrative office.

3. 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.

C. Inspection and Review of Records

1. Students may inspect and review their education records upon written request to the person in charge of the records, as listed above. That person will comply as soon as possible; under the current law, this must be done within forty-five days of the written request. Students may also review their unofficial transcript and history of courses taken by accessing their record through MyYU (Banner-web). Individual student password is required for access.

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 at the University.
   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 folder open to them, for a fee determined by the College.

D. Correction of Records
1. If, after inspecting and reviewing his or her records, the student believes information contained in them is inaccurate, misleading or violates their privacy or other rights, he or she may request in writing that the office which contains those records amend them.
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.
3. If the office refuses to amend the record in accordance with a student’s request, the student has the right to a hearing.
4. This hearing will be conducted by a committee appointed by the Director of the Center for Public Health Sciences, consisting of persons who do not have a direct interest in the outcome of the hearing.
5. 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.
6. Students 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.
7. The committee will make its decision in writing within a reasonable period of time after the conclusion of the hearing.
8. The decision of the committee will be based solely upon the evidence presented at the hearing and will include a summary of the decision and reason for the decision.
9. If, as a result of the hearing, the committee supports the complaint of the student, the education records of the students will be amended accordingly and the student will be so informed.
10. If the committee decides against the student, they have 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 University as part of the education record 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
1. No office maintaining an education record of students will disclose any personally identifiable information from that record to anyone other than the individual students themselves without the written consent of the student, unless consent is not required by law.

2. With the prior approval of the Associate Dean for Clinical Research Education or Director of the Public Health Educational Programs the primary record of graduate students may be disclosed without their written consent to faculty members, school officers and student advisors within the CPHS who have a legitimate educational interest in the information. This includes advisors, mentors, potential mentors identified by the student, Student Advisory Committees, and Departmental Education Committees.

3. Other educational records may be disclosed without written consent to faculty members, school officers and student advisors at the discretion of the individual responsible for them.

4. The CPHS reserves the right to forward a student’s educational 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.

5. The records of students 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.

6. The records of students may be disclosed without their written consent to an agency to which students have applied for, or from which they have received financial aid.

7. The records of students 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.

8. The records of students will be disclosed without their written consent as required to comply with a judicial order or subpoena.

9. The records of students 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 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. The school may disclose directory information without the student’s consent unless the student informs the Registrar in writing that any or all such information about the student is not to be made public without his or her written permission.

G. Right of Complaint

If a student feels that the CPHS 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, he, or she may file a complaint in writing with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave, SW
Washington, D.C. 20202-5920