

## **Policy 7.11 Records Access Policy**

The City University of New York and its constituent colleges and other units shall be in full compliance with the Federal Education Rights and Privacy Act (FERPA), and its implementing regulations. (BTM,1998,01-26,007,\_A)

That appeals concerning alleged failures by any college or other educational unit to comply with the requirements of FERPA may be made to the General Counsel and Vice Chancellor for Legal Affairs within 30 days of the alleged failure to comply, and appeal decisions shall be submitted to the Board Committee on Student Affairs and Special Programs for its approval, with the student having the opportunity to submit a response. (BTM,1998,01-26,007,\_A)

This policy supersedes the Student Records Access Policy adopted by the Board on 23 April 1976, Calendar No. 6.E. (BTM,1998,01-26,007,\_A)

FERPA was enacted in 1974, and for years was popularly known as the "Buckley" amendment, and most recently amended by the Improving America's Schools Act of 1994. FERPA imposed obligations on the colleges to establish policies in order to permit college students the right to inspect and review their educational records, the right to request the amendment of a record believed to be inaccurate or misleading, and the right to consent to disclosure of personally identifiable information in educational records, with some exceptions to the extent FERPA authorized disclosure without prior consent. Revised regulations, issued this past year by the United States Department of Education to implement the 1994 statutory amendments, have eliminated the requirement that educational institutions have a written policy regarding access, disclosure, and challenges of educational records. Instead, the colleges will be required to include additional information in their annual notification of rights to students. (BTM,1998,01-26,007,\_A)

The repeal of the Board's Student Records Access Policy will eliminate a policy which, in essence, reiterates the federal regulations, and will eliminate the technical need for the Board to amend its policy each time the federal regulations are amended. (BTM,1998,01-26,007,\_A)

In order to assure compliance with FERPA, the Office of the General Counsel and Vice Chancellor for Legal Affairs will issue annual advisory memoranda on the requirements of FERPA, rights of appeal, the annual notification of students' rights concerning educational records, and the components of directory information which may be released without prior consent. The provision for appeals to that Office will further promote uniform compliance with FERPA within the University prior to parties exercising their statutory right of appeal to the Family Policy Compliance Office of the U.S. Department of Education. (BTM,1998,01-26,007,\_A)