

# THE NEW YORK CONSERVATORY FOR DRAMATIC ARTS

FILM + TELEVISION + THEATER

## Family Educational Rights and Privacy Act (FERPA)

### What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (otherwise known as FERPA), as amended, applies to educational agencies and institutions that receive funding under a program administered by the U.S. Department of Education. FERPA affords students certain rights with respect to their education records. Students are notified annually of their FERPA rights on the New York Conservatory for Dramatic Arts' website, the Student Portal, and in the Student Handbook.

### Who does FERPA protect?

Any student, regardless of age, who attends or has attended The New York Conservatory for Dramatic Arts, falls under FERPA's protection. Attendance starts the first day of class (although the NYCDA reserves the right to deny enrollment for misconduct at any Conservatory events prior to the first day of class).

### What rights do students have under FERPA?

1. The right to inspect and review education records. A student has the right to inspect and review his or her education records within 45 days of the day the Registrar's Office receives a request for access. A student should submit to the Registrar's Office a written request that identifies the record(s) the student wishes to inspect. The student is notified of the time and place where the records may be inspected. The NYCDA is not required to provide a student access to inspect or review of financial information submitted by parents, confidential letters and statements of recommendation to which a student waived his or her right to inspect and review, education records containing information about more than one student (the NYCDA permits access to that part of the record that pertains only to the inquiring student), and those records excluded from the FERPA definition of education records.
2. The right to request an amendment of education records. If a student believes his or her education records contain information that is inaccurate, misleading, or otherwise in violation of his/her privacy rights under FERPA, the student can request the NYCDA amend a record by clearly identifying the part of the record the student wants changed and specifying why it should be changed. All requests to amend a record should be submitted to the Registrar's Office, who forwards the request to the responsible Conservatory official. If the NYCDA decides not to amend the record as requested, the NYCDA notifies the student in writing of the decision and the student's right to a hearing with the Academic Leadership Team regarding the amendment request. Additional information regarding the hearing procedures is provided to the student

when notified of the right to a hearing. If the Academic Leadership Team decides not to amend the record, the student may have a statement placed in his or her record that comments on the accuracy of the information and/or setting forth any basis for inaccuracy.

3. The right to have some control over the disclosure of information from education records. With certain exceptions as listed below, the NYCDA cannot share a student's education records without the written consent of the student, specifying the records to be released, the purpose of the disclosure, and the party or class of parties to whom disclosure may be made. To permit the release of information other than an academic transcript, a student must fill out the form titled, Student Consent for Release of Records. A student can also share his/her SelfService account (grades, GPA, etc.) with a parent/guardian/friend by filling out a Request for Shared Access form. Both forms are available on the Student Portal and from the Registrar's Office. The student should submit the completed form to the Registrar's Office.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the NYCDA to comply with FERPA requirements. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.

#### **What is an Education Record?**

Any record that contains information that is directly related to a student and is maintained by the NYCDA or by a party acting on behalf of the NYCDA.

#### **What is not an Education Record?**

- "Sole possession note" (a note about a student which is not shared with anyone else; "memory jogger")
- Alumni record
- Employment record that is not contingent on the fact that he or she is a student
- Record relating to a student which is made or maintained by medical professionals and is used in the treatment of a student and is disclosed only to individuals providing that treatment

#### **To whom may the NYCDA release education records without the student's written consent?**

- To Conservatory officials with legitimate educational interest
- Upon their request, to officials of other schools in which a student seeks or intends to enroll or is enrolled
- To certain federal, state, and local authorities
- To specified officials for audit or evaluation purposes
- To appropriate parties in connection with financial aid to a student
- To organizations conducting certain studies for or on behalf of the NYCDA
- To accrediting organizations
- To comply with a judicial order or lawfully issued subpoena

- To appropriate officials in cases of health and safety emergencies
- To parents/guardians who submit proof that the student has been declared a dependent on their most recent Federal Income Tax form
- To the alleged victim of an alleged perpetrator, the final results of a crime of violence or a non-forcible sex offense in connection with a disciplinary proceeding
- To the general public, the final results of a disciplinary proceeding, if the Conservatory determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and in violation of the Conservatory's rules or policies with respect to the allegation made against him or her.
- To parents regarding alcohol and drug violations of a student under 21 years of age
- To third party requests for Directory Information

### **What is Directory Information?**

Directory Information is generally not considered harmful or an invasion of privacy if disclosed. Under the terms of FERPA, The New York Conservatory for Dramatic Arts has established the following as directory information:

- Student's name, address(es) and telephone numbers
- Email address(es)
- Participation in officially recognized activities
- Dates of attendance
- Major field of study
- Certificates, honors, and awards received
- Most recent previous school attended
- Enrollment status (e.g., full-time, withdrawn)
- Photographs/Electronic Images

The aforementioned information may be released for any purpose, but our institution uses extreme discretion in doing so. Students can request that Directory Information not be released by filling out the form titled, Request for Non-Disclosure of Directory Information, available on the Student Portal or in the Registrar's Office.

### **Who is a Conservatory official?**

A Conservatory official is a person employed by the NYCDA in an administrative, supervisory, academic, research, or support staff position; a person or company the NYCDA has contracted as its agent to provide a service instead of using the NYCDA employees or officials (such as a contractor, volunteer, attorney, auditor, or collection agent); a person serving on the Board of Directors; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another Conservatory official in performing his or her tasks. A Conservatory official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities to the NYCDA.

### **In what circumstances does the NYCDA not provide copies of a student's education records?**

The NYCDA reserves the right to deny transcripts or copies of records required to be made available under FERPA in any of the following situations:

- The student has an unpaid financial obligation to the NYCDA.
- The student has an unresolved disciplinary action.

#### **Does FERPA apply to deceased students?**

FERPA rights of an individual expire upon that individual's death; however, it is the NYCDA's policy not to release educational records of deceased students unless required to do so by law or authorized to do so by (1) the executor of the deceased's estate; or (2) the deceased student's spouse, parents or children. The NYCDA may request proof of death.

#### **What constitutes as possible federal and state data collection and use?**

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records—including your Social Security Number, grades, or other private information—may be accessed without your consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

#### **Who can answer more questions about FERPA?**

Contact the Registrar's Office ([registrar@nycda.edu](mailto:registrar@nycda.edu)) for any additional questions about FERPA