
Cornell University Policy 4.5

Access to Student Information

FREQUENTLY ASKED QUESTIONS

University Registrar
B07 Day Hall
Cornell University
Ithaca, NY 14853
(607) 255-4232
univreg@cornell.edu

TABLE OF CONTENTS

I. What Does Ferpa Cover? 3

II. What Rights Does Ferpa Grant To Students? 3

III. May I Disclose Personal Knowledge And Impressions About A Student, Based On My Personal Interactions With The Student? 3

IV. When May Information From Education Records Be Disclosed? 4

V. What Is “Directory Information”? 4

VI. Can A Student Block The Release Of Directory Information? 5

VII. May I Share Information From Student Information Records With Others On Campus? 5

VIII. May Information From A Student’s Education Records Be Disclosed To Protect Health Or Safety?.. 5

IX. What Should I Do If I Am Concerned That A Student Poses A Threat To Self Or Others?..... 6

X. When May Information From A Student’s Education Records Be Disclosed To The Student’s Parent Or Legal Guardian? 6

XI. May Information From The Student Disciplinary Process Be Disclosed Either To Others On Campus Or To Other Institutions?..... 7

XII. When May I Disclose Information From Student Education Records To Another Institution Without The Student’s Consent? 8

XIII. Is The Disclosure Of Campus Law Enforcement Records Restricted By Ferpa?..... 8

XIV. What If Cornell Receives A Court Order Or Subpoena Requesting Student Records?..... 8

XV. What Steps Must I Take When Making Disclosure Of Information From Education Records?..... 8

XVI. What Information Does Cornell Not Release To Students? 9

I. What does FERPA cover?

The Family Educational Rights and Privacy Act (FERPA) limits the disclosure of information from student "education records" – a term that the law defines broadly. Education records include virtually all records maintained by an educational institution, in any format, that identify a student on its face or from which a student's identity could be deduced from descriptive or other information contained in the record, either alone or in combination with other publicly available information. Thus, "education records" are not limited to registrar's office records, transcripts, papers, exams and the like, but also non-academic student information database systems, class schedules, financial aid records, financial account records, disability accommodation records, disciplinary records, and even "unofficial" files, such as photographs, e-mail, voicemail messages, resumes, correspondence, and hand-written Post-it notes.

Education records do not include observations that you personally make or oral statements that you hear, provided that you do not look at any written records to refresh your memory.

Application materials are not education records unless they are retained after a student matriculates, in which case they become education records subject to the dictates of FERPA.

Education records are still protected after a student graduates and are protected until a student's death.

II. What rights does FERPA grant to students?

FERPA grants students the right to do the following:

- examine their own educational records (Cornell must respond to a request within 45 days)
- request amendments to education records pertaining to them
- challenge the content of their education records at a hearing
- file with the U.S. Department of Education a complaint concerning alleged failures by Cornell to comply with the requirements of FERPA

III. May I disclose personal knowledge and impressions about a student, based on my personal interactions with the student?

Yes. FERPA applies only to information derived from student education records, and not to personal knowledge derived from direct, personal experience with a student. For example, a faculty or staff member who personally observes a student engaging in erratic and threatening behavior is not prohibited by FERPA from disclosing that observation. (If at some point the employee describes the student's behavior in a record, that record would be subject to FERPA protections. The employee would still be permitted to disclose the personal observation but would not be permitted to disclose the record of the observation unless one of the exceptions to FERPA applied or the student consented to the disclosure.)

IV. When may information from education records be disclosed?

In general, information from a student's education records may be disclosed only if (1) the student has consented in writing to the disclosure, or (2) the law provides an exception that permits disclosure without the student's consent.

Exceptions include disclosures:

- of "directory information" (see below)
- to other school officials (see below)
- in a health or safety emergency (see below)
- to parents in certain situations (see below)
- in response to subpoenas (see below)
- to officials at another school to which a Cornell student has applied (see below)
- to certain federal, state and local government representatives
- in connection with financial aid
- to organizations conducting studies for educational agencies or institutions
- to accrediting organizations
- of certain student disciplinary records (see below)

If you have a question about the permissibility of disclosing information in one of the above situations, contact the Office of University Counsel at 255-5124.

V. What is "directory information"?

"Directory information" may be released to anyone without a student's consent. In its annual notification to students, Cornell defines "directory information" as the following:

- the student's name
- local telephone listing
- e-mail address
- major field of study and college attended
- dates of attendance
- enrollment status
- participation in officially recognized activities and sports
- photographs
- weight and height of members of athletic teams, and
- any degrees earned and awards received

VI. Can a student block the release of directory information?

Yes. While enrolled, students have an opportunity to "opt out" and block the release of their own directory information, by informing the Office of the University Registrar in writing or through the [Student Center](#). Even if a student has chosen to block the release of directory information, the institution may nevertheless continue to disclose that student's directory information under any other exception that may be applicable or with the student's case-by-case consent.

VII. May I share information from student information records with others on campus?

Yes, you are permitted to share information from student education records with other "school officials" who have "legitimate educational interests" in the information.

Cornell defines a "school official" as "a person employed by the university in an administrative, supervisory, academic (including emeritus faculty), research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the board of trustees, or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or his tasks."

A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibilities for the university.

A faculty or staff member concerned that a student's statements or behavior evidence a potential threat may – and should – share relevant information with the campus police, the Dean of Students Office, the judicial administrator's office, Gannett Health Services, or other appropriate "school officials" whose job it is to deal with such issues.

VIII. May information from a student's education records be disclosed to protect health or safety?

Yes. FERPA permits the disclosure of information from student education records to appropriate parties either inside or outside of Cornell in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. For example, if a student sends an e-mail to his resident advisor saying that he has just been diagnosed with a highly contagious disease such as measles, Cornell could alert the student's roommate, and perhaps others with whom the student has come in close contact, to urge them to seek appropriate testing and medical care. Safety concerns warranting disclosure could include a student's suicidal statements or ideations, unusually erratic and angry behaviors, or similar conduct that others would reasonably see as posing a risk of serious harm.

This exception permits limited disclosure to a limited number of people, made on the basis of a good-faith determination in light of the facts available at the time. It is highly unlikely that such disclosures would be deemed a violation of FERPA, even if the perceived emergency later turns out, in hindsight, not to have been one. In general, and when reasonably possible, the initial disclosure should be made to professionals trained to evaluate and handle such emergencies, such as campus mental health or law enforcement personnel, or college dean who can then determine whether further and broader disclosures are appropriate.

IX. What should I do if I am concerned that a student poses a threat to self or others?

If you are concerned that a student may engage in violent behavior, toward self or others, and the threat appears to be imminent, you should contact the campus police immediately at 255-1111.

When circumstances permit, you should consult with professionals on campus or associated with the institution who may be able to assess the potential threat, identify resources for the student, and provide information that could assist in deciding on an appropriate course of action. In consultation with appropriate campus resources such as Gannett Health Services (255-5155), the Dean of Students Office (255-6839), and the dean of the student's college, a collective decision may then be made to contact a family member, an appropriate off-campus resource, or others. FERPA would not present an obstacle to any of these disclosures.

X. When may information from a student's education records be disclosed to the student's parent or legal guardian?

Once a student is in attendance at a postsecondary institution, all rights provided by FERPA rest with the student, even if the student is younger than 18 years old. Therefore, education record information may be disclosed to the parent of a college or university student only under the following circumstances:

- with the student's written consent
- in instances in which one of the exceptions to FERPA permits disclosure, e.g., a health and safety emergency

An additional exception specifically addresses communications to parents or legal guardians:

Where a student is their dependent for federal tax purposes and the university believes that it is in a dependent student's best interest, information from the student's education records may, at the university's discretion, be released to the parents or legal guardians of such a dependent student. Such disclosure generally will be limited to information about a student's official status at the university, but parents or legal guardians of a dependent student may also be notified, upon the authorization of the dean of the student's college, or the vice president for Student and Academic Services, or the dean of students, or their designees, in the following cases:

- when a student has voluntarily withdrawn from the university or has been required by the university to withdraw
- when a student has been placed on academic warning
- when a student's academic good standing or promotion is at issue
- when a student engages in alcohol or drug-related behavior that violates Cornell's policies
- when a student has been placed on disciplinary probation or restriction
- in exceptional cases when a student otherwise engages in behavior calling into question the appropriateness of the student's continued enrollment in the university

The university assumes that a full-time undergraduate student is a dependent as that term is defined in the Internal Revenue Code unless otherwise indicated in writing by the student at the time of registration, or thereafter. Undergraduate students who are not financially dependent and

do not wish to permit their parents or legal guardian access to their education records under these circumstances should advise the Office of the University Registrar in writing and provide evidence of financial independence (usually by providing a copy of the first page of their parents' most recent tax return indicating that they are not claimed as a dependent). Graduate and professional students are treated as financially dependent upon their parents or legal guardian only when financial dependence has been established.

XI. May information from the student disciplinary process be disclosed either to others on campus or to other institutions?

The general FERPA exceptions for disclosures to "school officials" with a "legitimate educational interest" and in "health and safety" emergencies are applicable to disciplinary records generated in the administration of the Campus Code of Conduct and the Code of Academic Integrity.

An additional FERPA exception, permits disclosure of the final results of a disciplinary proceeding conducted against a student who is an alleged perpetrator of a crime of violence or any sex offense, if the institution determines as a result of that disciplinary proceeding that the student has committed a violation of the university's codes or policies with respect to such crime or offense.

Another exception permits disclosure of the final results of a disciplinary proceeding to the victim regardless of whether the alleged perpetrator was found to be in violation of the institution's rules or policies. This disclosure is handled by the judicial administrator.

The following are types of crimes and offenses under this exception:

- arson
- assault offenses
- intimidation, including stalking
- burglary
- criminal homicide... manslaughter by negligence
- criminal homicide... murder and non-negligent manslaughter
- destruction/damage/vandalism of property
- kidnapping/abduction
- robbery
- forcible sex offenses
- statutory rape
- incest

For purposes of these exceptions, "final results" is limited to the following:

- the name of the student who is an alleged perpetrator of a crime of violence
- the violation found to have been committed
- any sanction imposed on the student by Cornell

The decision to release the final results of disciplinary matters (either in response to an inquiry or in a proactive manner) rests with the vice president of Student and Academic Services.

Recommendations to do so may be advanced by the judicial administrator, university counsel, University Communications, or other members of the senior staff.

XII. When may I disclose information from student education records to another institution without the student's consent?

In addition to the exceptions discussed above, you are permitted under FERPA to disclose information from a student's education records to officials of other institutions at which the student seeks or intends to enroll. Unless a student has waived his or her right of access, the student may request, and Cornell must then provide, a copy of the disclosed records.

XIII. Is the disclosure of campus law enforcement records restricted by FERPA?

No. Records that are created by the Cornell Police at least in part for a law enforcement purpose are not "education records" and, under FERPA, may be shared freely with anyone that Cornell, in its discretion, deems appropriate. For example, FERPA would not prevent the Cornell Police from disclosing to local law enforcement agencies an incident report concerning its response to a student's threatening statements or behavior. If the Cornell Police shares copies of one of its reports with other campus offices, those shared reports in the possession of such other offices become subject to FERPA, but the original in the possession of the Cornell Police would continue not to be. Moreover, any student education records that other campus offices share with the Cornell Police remain subject to FERPA even in the hands of the Cornell Police.

XIV. What if Cornell receives a court order or subpoena requesting student records?

Cornell must disclose records in response to a judicial order or lawfully issued subpoena, but generally must notify the student of the order or subpoena before complying. Subpoenas served upon Cornell should be referred to the Office of University Counsel in accordance with University Policy 4.13, Acceptance of Legal Papers.

XV. What steps must I take when making disclosure of information from education records?

When none of the above exceptions apply, education records may be released to an inquirer who either appears in person, or sends a written request, and then only with the signed consent of the student. FERPA requires that the individual releasing FERPA-protected information must notify the recipient that the recipient may use the information only for the purposes for which the disclosure is being made, and that the recipient may not re-disclose the information to any other party without the prior consent of the student. If the Department of Education finds that a third

party has violated this rule, it can require that Cornell not provide any of its education records to that party for at least five years.

As general rule, FERPA also requires that Cornell maintain a record of the request for and/or releases of information. The record will indicate the name of the party making the request and the purpose for which the disclosure was made. Records do not need to be kept of disclosures:

- of directory information
- to the student
- to other individuals within Cornell having a legitimate educational interest in the information (see question VII)
- in response to a subpoena

XVI. What information does Cornell not release to students?

Cornell reserves the right to refuse to permit a student to inspect records excluded from the FERPA definition of education records, including medical and police records.

Cornell does not permit a student to inspect the following information:

- financial records of the student's parents
- letters and statements of recommendation to which the student has waived his or her right of access
- applications to attend Cornell, or one of its units, if the application was denied, or the student never attended that unit
- portions of education records that contain information about other students

Cornell also reserves the right to deny official transcripts in the following situations:

- the student has an unpaid financial obligation to the university
- there is an unresolved disciplinary action against the student
- there is an unresolved academic integrity action against the student