THE NEW YORK SEMINARY

FAMILY EDUCATIONAL RECORDS PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age. These rights include:

1. The right to inspect and review the student's education records within 45 days after the day The New York Seminary receives a request for access.

   A student who wishes to inspect their education record should submit to the registrar, Dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

   A student who wishes to request that the school amend their education record should write the school official responsible for the record, clearly identify the part of the record they want changed, and specify why it should be changed.

If after reviewing the request, the school decides not to amend the record as requested, the school will notify the student in writing of the decision and of the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student at that time.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

   The New York Seminary discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official may include a person employed by the school in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing her or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill her or her professional responsibilities for the school.

   Upon request or when initiated by the student, The New York Seminary discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by The New York Seminary to comply with the requirements of FERPA.

   Students may file a complaint with the Student Privacy Policy Office (SPPO) at https://studentprivacy.ed.gov/file-a-complaint. Complaint forms may also be accessed at Family Educational Rights and Privacy Act Complaint Form and emailed to FERPA.Complaints@ed.gov, or mailed to the following address:

   U.S. Department of Education

   Student Privacy Policy Office

   400 Maryland Ave, SW

   Washington, DC 20202-8520

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of The New York Seminary's information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to maintain a record of any disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To other school officials, including teachers, within The New York Seminary whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))

- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an 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. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To either parent of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena, to proceed with or defend against the legal action. (§ 99.31(a)(9))
- To approFpriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- The information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11)): name, student status, marital status, spouse's name, telephone number, address, date of birth, place of birth, dates of attendance, enrollment status, degrees granted, dates degrees granted, names of prior

institutions attended, roommates, photos, videos, dormitory building/room numbers, seat information, parents' and parents in-law's names, addresses, occupations, congregations, and similar background information.

Note: Students have the right to restrict the sharing of directory information. Students who wish to make such a request must contact the registrar's office, and submit the request in writing within 90 days from the beginning of the semester. Once a student requests that the school not disclose directory information, this hold on sharing directory information will remain in place until revoked by the student in writing. Requests cannot be put into effect retroactively.

- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against her. (§ 99.31(a)(14))
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))