

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA), commonly known as the "Buckley Amendment," of 1974 affords students certain rights with respect to their education records. They are:

(A) The right to inspect and review the student's education records within 45 days of the day the AMNH receives a request for access.

"Education records" is a defined term in the federal regulations that implement FERPA, and among the documents it does not include are:

1. Personal files of members of the faculty and administration;
2. Medical records;
3. Security files not available for review by individuals other than security officers and other local law enforcement officials;
4. Employment records that relate exclusively to the individual's capacity as an employee;
5. Records containing only information concerning a person's activities after graduation or withdrawal from the AMNH Graduate School;
6. Materials relating to the financial status of parents, which is contained in any record, maintained by AMNH;
7. Confidential letters of recommendation placed in a student's education record prior to January 1975; and
8. Confidential letters of recommendation, to which a student has waived his or her right of access.

Student education records are located primarily in the office of the Richard Gilder Graduate School and the offices of the various academic advisors. A student may request from the Administrative Director of the Richard Gilder Graduate School access to his or her education records by filing a written request with the person who is responsible for maintaining the record that the student wants to review. The request must identify the particular record(s) that the student wishes to inspect. The Administrative Director of the Richard Gilder Graduate School will make arrangements for access and notify the student of the time and place where the records may be inspected. If the Administrative Director does not maintain the records, that person will advise the student of the correct official to whom the request should be addressed.

(B) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask AMNH to amend a record that they believe is inaccurate or misleading. They should write the AMNH official responsible for the record, clearly identifying the part of the record they want changed and specify why it is inaccurate or misleading.

If AMNH decides not to amend the record as requested by the student, AMNH will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(C) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosures without consent.

FERPA contains various exceptions to the general rule that AMNH shall not have a practice of disclosing personally identifiable information contained in a student's education records without seeking the prior written consent of the student. The following circumstances are representative of those in which such information may be disclosed without the student's prior written consent:

1. Directory Information may include, but is not limited to, information such as the student's name, addresses (including e-mail addresses), telephone number, date of birth, major, year of school, dates of attendance at the Richard Gilder Graduate School, full or part-time status, participation in officially recognized activities, photographs (including identification pictures), videos depicting and/or concerning Richard Gilder Graduate School life, degrees and awards received, and previous educational institution(s) attended may be disclosed without restriction unless the student objects by email to the administrative director within 30 days after the start of their program at the AMNH.
2. Faculty members and other officials of AMNH who have a legitimate educational interest in a student's education record may be permitted to review it. An AMNH official is a person employed by AMNH in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the AMNH 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 AMNH official in performing his or her tasks. An AMNH official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

3. AMNH will disclose information to government agencies entitled to it by law.
4. AMNH may disclose information to the parent(s) or guardian(s) of a student unless the student has filed a statement certifying that he or she is not financially dependent as defined by the federal income tax laws.
5. After trying to notify the student involved, AMNH will disclose information in response to a lawfully issued subpoena.
6. AMNH may disclose information when necessary to determine the student's eligibility for financial aid or to enforce the terms or conditions of financial aid that a student has received.
7. AMNH may disclose information to an organization conducting a study if the organization certifies that the study will not be conducted in a way that will permit the personal identification of the students and that the information will be destroyed when the study is completed.
8. Upon request, AMNH has the right to disclose education records without a student's prior consent to officials of another institution in which a student seeks or intends to enroll. However, AMNH encourages its departments and offices, at the minimum, to make a reasonable attempt to advise the student of the disclosure either before or after it occurs.
9. AMNH will disclose information to a third party that has been granted permission by the student to request such information. When the student has given written permission for disclosure of information to a third party and subsequent events materially affect the accuracy of the AMNH's original reporting, permission for the reporting of such additional information is understood in order to make the original reporting accurate.

(D) The right to file a complaint with the U.S. Department of Education concerning alleged failures of AMNH to comply with the requirements of FERPA.

The name and address of the office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>