ANNUAL FERPA NOTICE

The Family Educational Rights and Privacy Act (FERPA) afford 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.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day NYIT receives a request for access. A student 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 NYIT 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 NYIT 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 ask NYIT to amend a record should write the NYIT official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If NYIT decides not to amend the record as requested, NYIT will notify the student in writing of the decision and the student’s 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.

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

NYIT 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 is a person employed by NYIT 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 NYIT who performs an institutional service of function for which NYIT would otherwise use its own employees and who is under the direct control of NYIT 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 his or her 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 NYIT.
Upon request, NYIT also 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 NYIT to comply with the requirements of FERPA. 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

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 directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. NYIT may disclose PII from education records without obtaining prior written consent of the student—

- To other school officials, including professors, within NYIT whom NYIT has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom NYIT has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) 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 NYIT’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, NYIT, 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 parents 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. (§99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

- Information NYIT has designated as “directory information” under §99.37. (§99.31(a)(11))

- To a victim of an alleged perpetrator of a crime of violence or a non-forceable 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 NYIT determines the student is an alleged perpetrator of a crime of violence or non-forceable sex offense and the student has committed a violation of NYIT’s rules or policies with respect to the allegation made against him or 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 NYIT, governing the use or possession of alcohol or a controlled substance if NYIT determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

The Family Educational Rights and Privacy Act (FERPA) is designed to protect the privacy of student's educational records, to establish student's right to inspect and review these records, and to provide guidelines for correcting inaccurate data about students. NYIT fully complies with this federal act as follows:

- NYIT designates the following categories of student information as public or “directory” information pursuant to existing laws, and may disclose or release the information without written consent:
  - name
  - major field of study
  - minor field of study
  - address
  - telephone number
  - email address
- dates of attendance
- participation in officially recognized activities and sports
- photos
- height/weight (for athletic team members)
- date/place of birth
- degrees and awards received and dates awarded
- most recent previous institution attended
- school / college

- Students must inform the college if they do not want this information disclosed by filing a written request with the Office of the Registrar (or the NYITCOM Registrar if you are enrolled in the College of Medicine). This can be done using a Request to Prevent Disclosure of Directory Information (PDF).

- NYIT also complies with the federal Solomon Amendment, which requires colleges and universities to provide the following information from student records if requested by military recruiters:
  - name
  - address
  - telephone number
  - age or date of birth
  - present level of education such as freshman or sophomore
  - date of graduation
  - academic field of study

NYIT complies with the Personal Information Protection Policy (PIPA) (PDF) which applies to students attending NYIT in British Columbia, Canada.