

DEPARTMENT OF MEDICAL EDUCATION

# Policy



<b>Policy Title:</b> Family Educational Rights and Privacy Act (FERPA) and Directory Information	<b>Category:</b> Institutional Policies and Guidelines
<b>Accountable Dean or Director:</b> Dean of Medical Education	
<b>Reviewed By:</b> Executive Oversight Committee (EOC)	<b>Approved By:</b>
<b>Effective Dates:</b> AY2022/23	<b>Review Dates:</b> TBD

## RELEVANT LCME STANDARDS:

12.5 Non-Involvement of Providers of Student Health Services in Student Assessment/Location of Student Health Records

## POLICY:

The Family Educational Rights and Privacy Act (FERPA) of 1974 and its subsequent amendments afford students certain rights with respect to their educational records. As detailed below, students have the right to:

- Inspect and review their education records
- Seek amendment of their education records if they believe them to be inaccurate, misleading, or otherwise in violation of their privacy rights
- Consent to certain disclosures of personally identifiable information contained in their education records
- File complaints with the Department of Education concerning any alleged failure to comply with FERPA's requirements

## Student Access Rights

All currently registered and former students of the Icahn School of Medicine at Mount Sinai have the right to review and inspect their official education records at the School (including, for example, admissions and academic records prepared and maintained by the Office of the Registrar) in accordance with these rules. Students who wish to review their records should make an appointment with the Office of the Registrar. Access will be granted within 45 days from the receipt of the written request to inspect records.

Students have a right to a response to a reasonable request for explanations and interpretations of the student's educational records. Students seeking explanations or interpretations of their

educational record may make an appointment with the Associate Dean of the Graduate School or Senior Associate Dean for Student Affairs in Medical Education, as appropriate based on the student's program. If the Associate Dean is unable to provide a satisfactory explanation, the student will be referred to the Dean for Graduate Education or Dean for Medical Education, as appropriate.

Students may not copy records unless the failure to produce copies would prevent the student from exercising his/her right to inspect and review records. A copying fee will be charged.

### **Limitation on Access**

- The Act limits a student's right to access information contained in his/her education records. Accordingly, the School need not permit students to view:
  - a. Financial records, including information regarding the student's parent(s), such as parental tax forms and other parental records submitted in support of a student's financial aid application or claim of New York residence.
  - b. Confidential statements and letters of recommendation placed in a student's file prior to January 1, 1975, provided that they are used for the purpose for which they were specifically intended.
  - c. Confidential letters of recommendation placed in the student's file after January 1, 1975, if:
    - i. The student has waived in a signed writing his/her right to inspect and review those letters (see below); and
    - ii. The letters are related to the student's (i) admission to an educational institution; (ii) application for employment; or (iii) receipt of an honor or honorary recognition.
- A. Records of instructional, administrative and supervisory staff which are in the sole possession of such personnel.
- B. Records of professional and paraprofessional personnel which are created, maintained and used solely for the purpose of treatment and are disclosed only to individuals providing the treatment. The student has the right, however, to have such records reviewed by an appropriate professional of his/her choice.
- C. The Icahn School of Medicine at Mount Sinai does not require students to waive their right of access to educational records as a condition for admission to the School, for receipt of financial aid or other services or benefits from the School, or for any other purpose. Under certain circumstances, however, a student may wish to waive his/her right of access to confidential letters of recommendation. A student may do so by signing a waiver form. In this event, the student will be notified upon request of the names of persons making such recommendations and the recommendations will be used solely for the purpose for which they are intended. A waiver may be revoked in writing with respect to actions occurring after the revocation. Waiver forms are available in the Registrar's Office.

### **Amendments and Hearing Rights**

If a student believes that his/her education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the School to amend the record. Requests for amendments shall be directed to the Office of the Registrar, which will respond to the request within a reasonable time. If the request is denied, the student will be notified of his/her right to appeal that decision as specified below.

When the request for an amendment is denied, the student may request a hearing to challenge the content of the record on the grounds that the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights. Requests for a hearing must be submitted in writing to the Associate Dean for Graduate Education or the Senior Associate Dean for Student Affairs in Medical Education (as appropriate) within 10 days of receiving the Registrar's response denying a request for amendment as discussed above.

- The hearing will be held before the Dean for Graduate Education or the Dean for Medical Education, as appropriate.
- A hearing will be held within a reasonable time after receipt of the request for hearing. The student will be given notice of the date, time, and place of the hearing.
- The student shall have a full and fair opportunity to present evidence relevant to show that the information at issue is inaccurate, misleading, or violates the student's privacy rights. The student may be assisted or represented by an individual of his/her choice, including an attorney. The role of attorneys, however, may be limited at the discretion of the Dean hearing the case.
- The decision, which shall include a summary of the evidence presented at the hearing and reasons for the decision, shall be rendered in writing within 15 business days after the conclusion of the hearing. This hearing will relate only to whether the student's record is inaccurate, misleading, or otherwise in violation of the privacy of the student, with the decision based solely on evidence presented at this hearing. The hearing cannot determine whether a higher grade should have been assigned.

If it is determined after a hearing that the record in question should be amended, the Registrar will take appropriate steps to amend the record and will so notify the student in writing. If it is determined that the record is not inaccurate, misleading, or otherwise in violation of the student's privacy rights, the student shall be informed of his/her right to place a statement in the record commenting on the contested information in the record or stating why the student disagrees with the School's decision not to amend the record. This statement will be maintained as part of the record and will be disclosed whenever the part of the record to which the statement relates is disclosed.

All students have the right to file complaints to the Associate Dean for Enrollment Services concerning alleged failures by the School to comply with the requirements of the Act.

## Release of Personally Identifiable Information

### Disclosures with consent

- The student shall provide a signed and dated written consent form before the School will disclose personally identifiable information from the student's educational record. The consent must (i) specify the records that may be disclosed; (ii) state the purpose of the disclosure; and (iii) identify the party or class of parties to whom disclosure may be made.
- When a disclosure with consent is made, the School will, upon the student's request, give him/her a copy of the records disclosed.

### Disclosures without consent

- The Act permits the School to disclose personally identifiable information from the student's education records without the student's consent under any one of the following circumstances:
  - a. To an official or duly constituted committee of Icahn School of Medicine at Mount Sinai that requires access in connection with legitimate educational interests, including, but not limited to matters of financial aid, promotion, or consideration for election to the Lambda Chapter, Alpha Omega Alpha or other honors.
  - b. To officials of another school where the student seeks or intends to enroll. Copies of records will be made available upon request.
  - c. Disclosures in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as (i) to determine eligibility or conditions for the aid; (ii) to determine the amount of the aid; or (iii) to enforce terms and conditions of federal, state, or private regulations governing such aid.
  - d. Pursuant to a judicial order or valid subpoena. In certain cases specified by law, the School will make a reasonable effort to notify the student of the order or subpoena in advance of the compliance therewith.
  - e. In connection with certain types of litigation between the School and the student.
  - f. To parents of a dependent child as defined by the Internal Revenue Code.
  - g. In a health or safety emergency, where disclosure is necessary to protect the health or safety of the student or other individuals or as otherwise provided by FERPA.
  - h. In a directory, as set forth below.
  - i. To an alleged victim of a crime of violence, where the information disclosed is the final results of School disciplinary proceedings with respect to the crime or offense.
  - j. Disclosure in connection with certain disciplinary proceedings.
  - k. Certain disclosures to parents of a student regarding the student's violation of any federal, state or local law, or any rule or School policy governing use or possession of alcohol or controlled substances.

1. To authorized federal, state, or local officials and to accrediting bodies of the School.
- The School will maintain a record of each request for access and each disclosure of personally identifiable information from educational records as required by FERPA regulations.
  - The School will make a reasonable attempt to notify the student of disclosures made pursuant to Section 1(a) and 1(c-1) above. Upon request, the School will give the student a copy of the record disclosed. A student has a right to a hearing to challenge certain disclosures consistent with the procedures outlined above.

### **Directory Information**

The Icahn School of Medicine at Mount Sinai has designated the following information from a student's education record as "directory information," which may be disclosed under FERPA without the student's permission:

- Name
- Student Address
- Student Phone Number
- Degree Program(s) & Major Field of Study
- Degree(s) Earned and Date(s)
- Dates of Attendance
- Full-/Part-Time Enrollment Status
- Parent's Names
- Parent's Address
- Parent's Phone Number
- Academic Awards and Honors
- Icahn School of Medicine email address
- Prior Postsecondary Institution(s) Attended
- Photograph/Digitized Image
- Participation in officially recognized Icahn School of Medicine activities

Students' contact information is included in the student directory and published through Blackboard.

### **Preventing Disclosure of Directory Information**

The Icahn School of Medicine at Mount Sinai and the Office of the Registrar will exercise discretion in the release of all directory information. In addition, the Icahn School of Medicine at Mount Sinai does not release or sell directory information to any outside entity for commercial, marketing, or solicitation purposes.

### **Records Kept by the Institution**

Content of student files are as follows:

1. Admissions Files

- Application form
- Supplemental form
- Undergraduate & Graduate Transcripts from previous institutions
- Acceptance Letters
- Medical College Admission Test Scores

## 2. Academic Files (Registrar)

- Admissions File, including application, previous institution transcripts, accept letter, and test scores(once student has matriculated)
- Transcript of grades at the Icahn School of Medicine
- Final Course, clerkship, narratives, elective grades, and other evaluations
- Qualifying Exam Outcome
- Thesis or Dissertation Documentation and Outcome
- National Board Scores
- Shelf Scores
- MSPE/Dean's Letter
- Correspondence and internal communications pertaining to academic matters and actions, official changes in student status, eg. LOA, and MARC advising notes

## 3. Financial Aid Records

- Institutional Application
- FAFSA Forms
- CSS Profile & Need Access Forms
- Student and Parent(s) Income Tax asset Information
- Proof of Citizenship - only if flagged by Department of Education
- Selective Service Status - only if flagged by Department of Education
- Student Award Letters per academic year
- Loan Master Promissory Notes
- Miscellaneous verification documents (Non-custodial parental appeals, legal documentation of student emancipation, ward of court, etc.)
- Financial Aid Appeals forms

## 4. Bursar Records

- Record of Receipt of all Loans and Scholarships
- Record of cash paid and date paid

**Academic Records are only those that pertain to official files kept in perpetuity in the Office of the Registrar.**

Academic records that are maintained by the Office of the Registrar may include but are not limited to:

- Paper documents

- Electronic documents\*
- Microfiche/Microfilm
- Film, Photographs

\*The Empower Student Information System, is the current repository for the student record. It is the centralized, official school system that ensures the integrity of the student and School data. It serves as a repository for basic student information, i.e. name, family address, mailing address, school address, school email, personal email, DOB, previous schools, national test scores, program of study, credentials, courses, grades, student status and degree(s) earned.