

The City University of New York

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BRIEFING MEMORANDUM #3

April 7, 1992

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: Student Records Access Policy
U.S. Department of Education Complaint No. 0391
Family Educational Rights and Privacy Act (FERPA)

The United States Department of Education recently completed its investigation of a complaint under the Family Educational Rights and Privacy Act (FERPA) at one of our colleges. The complainant alleged that her student transcript (the student attended The City University of New York) was reviewed by the central administration in connection with a personnel appointment within CUNY. The complainant further alleged that, although she had applied for a position with the University which required that the applicant have a degree, she never consented to the release of her college transcript.

The United States Department of Education concluded that there was a violation of FERPA because the college disclosed the student's transcript to the central administration without obtaining the student's prior written consent. This decision was reached despite the fact that the employee was aware of the degree requirement and was orally informed of the request to see her transcript. The Department of Education has indicated that it would conclude its investigation of the complaint if the University distributes a briefing memorandum on the requirements of FERPA for the disclosure of student records, including student transcripts.

In conformance with FERPA, the City University's Student Records Access Policy, at Section 11, requires the student's written consent for the disclosure of personally identifiable educational records, except as otherwise provided by the policy in accordance with FERPA. Subdivision 11 of the policy provides that the written consent must be signed and dated by the student and include:

- a. A specification of the records to be disclosed;
- b. The purpose of the disclosure; and
- c. The party or class of parties to whom the disclosure may be made.

Therefore, a student's City University transcript may not be disclosed to University or college administrators acting as an employer unless the employee or prospective employee signs a written consent to that affect. It is recommended that the employee or prospective employee be required to complete the same transcript request form which is required when a student requests that his or her transcript be provided to a prospective employer or another college.

- c: Vice Chancellor Ira Bloom
Acting Vice Chancellor Marcia Keizs
Chief Student Affairs Administrators
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