



THE STATE UNIVERSITY *of* NEW YORK

April 15, 2008

Nicholas Rostow
University Counsel

State University Plaza
Albany, New York
12246

518-443-5400
fax – 518 443 5409

Nicholas.Rostow@suny.edu

MEMORANDUM FOR PRESIDENTS, STATE-OPERATED CAMPUSES

FROM NICHOLAS ROSTOW

SUBJECT: Information Sharing Legal Guidance Document

On the anniversary of the Virginia Tech tragedy, the issue of campus safety remains a concern for all members of the University community, as well as higher education professionals nationally. One of the findings of the May 2007 Chancellor's Task Force on Critical Incident Management was that campus personnel, including faculty, health professionals, student affairs staff and law enforcement, may be unclear as to the circumstances under which records and/or information relating to a student can be shared with other campus officials or parents. The Task Force recommended that SUNY System Administration assist campuses by providing guidance to clarify the circumstances permitting, and the legal requirements relating to, sharing information in student records.

The Office of University Counsel has prepared the attached guidance document on the laws governing the confidentiality of student records. The document addresses the perspectives of different campus officials who are faced with requests for information about students or are concerned about student behavior that may pose risks to student or campus safety. This guidance should be distributed widely to all areas of campus operations. It is intended as a first step in familiarizing campus staff with the complex questions raised by the need to ensure safety while respecting privacy. SUNY will follow this guidance with training opportunities for employees in the coming year. Meanwhile, campuses should review their FERPA and health records policies to ensure that they meet current standards and incorporate the latest understanding of the situations when student records may be shared for the good of the campus community.

Any questions about specific factual settings or about the guidance in general should be addressed to your campus counsel. We also stand ready to assist campuses in drafting and revising campus policies.

Attachment

cc: Dr. John B. Clark, Interim Chancellor
Senior Staff
Task Force Members
Chief Academic Officers
Chief Student Affairs Officers
Chief Business Officers
Police Chiefs
Campus Counsel