

Information Related to the Subpoena Seeking Student Information

What is The Family Educational Rights and Privacy Act?

The Family Educational Rights and Privacy Act (FERPA) is a federal law that grants students in postsecondary institutions access to their education records, the right to seek to have the records amended, and the right to limit disclosure of personally identifiable information from the education records. The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.

See the [FERPA Definition](#).

May schools comply with a subpoena or court order for education records without the consent of the student?

Yes. FERPA permits disclosure of education records without consent in compliance with a lawfully issued subpoena or judicial order. See 34 CFR§ 99.31(a)(9)(i) and (ii). The school, however, must make a reasonable effort to notify the student of the subpoena or judicial order before complying with it in order to allow the student the opportunity to challenge disclosure of records, unless certain exceptions apply.

See [FERPA FAQ for Parents and Eligible Students](#).

Why has CGSU subpoenaed information about me?

Cornell University and Cornell Graduate Students United (“CGSU”) with its affiliates American Federation of Teachers and New York State United Teachers have come to terms on an agreement that sets out rules and procedures on whether and how a union election is held in the event current federal labor law changes and graduate assistants at private universities are considered to be employees. Under this agreement, pursuant to Cornell’s obligations under FERPA, CGSU has subpoenaed information about graduate students who are on assistantships.

We believe the terms of this agreement will support our graduate assistants as they make their own decisions about whether or not to vote in favor of a union should federal law change and an election be held. Our goal is to provide our graduate assistants with an open environment to make that decision and to ensure dignity and respect for all involved in the process.

How can I object if I do not want my personal information to be given to CGSU?

If you prefer that the Graduate School not provide this information to the CGSU/AFT/NYSUT, you must inform the Graduate School (dean_gradschool@cornell.edu) by August 9, 2016 that you do not want any or all of such information provided to the CGSU/AFT/NYSUT in response to the subpoena.

The subpoena specifically seeks the following information:

- Your name
- Identification of you as a Cornell graduate student who held an assistantship title during Spring 2016 or Summer 2016
- Your academic department
- Your degree program, and your field of study
- The date of your first enrollment as a student at Cornell University